

#### Addendum No. 1

New Jersey Schools Development Authority Office of Procurement 1 West State Street Trenton, NJ 08625

Phone: 609-341-5980 Fax: 609-656-4608

Date: May 17, 2013

PROJECT #: WT-0022-A01

**Trenton Central High School Facility Conditions Project** 

**Design Consultant Services** 

**DESCRIPTION:** Addendum No. 1

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

#### A. CHANGES TO THE PROCUREMENT PROCESS:

#### 1. Extension of Due Date for Proposals:

a. **Proposal Due Date** – The Proposal Due Date has been extended. Firms must deliver Technical and Fee Proposals in response to the RFP no later than **5:00 PM Eastern Time on May 29, 2013**. It is anticipated that interviews of shortlisted firms will be held the week of June 17, 2013.

#### 2. Modifications to Request for Proposals:

a. Changes to "Introduction" Section: The fourth paragraph of Page 2 of the RFP shall be modified as follows (additions in **bold**; deletions in strikethrough text):

Responses to this RFP, consisting of a Technical Proposal (one unbound original, three bound copies and two electronic copies in PDF format on CDs) and a Fee Proposal (one unbound original in a separate sealed envelope), must be received

Addendum No. 1

PROJECT #: WT-0022-A01

Trenton Central High School Facility Conditions Project

Design Consultant Services Page 1 of 15 May 17, 2013 by the NJSDA Trenton Office by 5:00 PM Eastern Time on May 22, 2013 May 29, 2013.

- 3. Modifications to Appendix A to the RFP (Project Description and Special Conditions):
  - a. **REVISE:** Revise Section 2.0, General, Item 1.c as follows (additions in **bold and underlined** text; deletions in *strikethrough and Italies*):
    - 1. <u>Building Envelope</u> Improvements to building envelope systems and components including:

\* \* \*

- c. Roofing (*less recent repairs to A, B, E and F wings*), gutters and downspouts, internal roof leaders, and other storm water conveyance system components **except as follows**;
  - i. Recently replaced roof surfaces in Wings A and B (see attached Sketches SK-1 through SK-3) are excluded from the Project Scope except to the extent that they tie into other roofs or roofing components which are a part of the Project Scope
  - ii. All roof system components in Wings E and F are excluded from the Project Scope
- b. **REVISE:** Revise Section 2.0, General, Item 2.a as follows: (additions in **bold and underlined** text; deletions in *strikethrough and Italies*):
  - 2. <u>Building Interior</u> Improvements to building interior systems and components including:
    - a. Interior *flooring* finishes, including floors, ceilings, and wall surfaces
- **c. ADD:** Add the following paragraph to the end of Section 2.0, General (additions in **bold and underlined** text; deletions in *strikethrough and Italics*):

Addendum No. 1

PROJECT #: WT-0022-A01

Trenton Central High School Facility Conditions Project

Design Consultant Services Page 2 of 15 May 17, 2013 No additions may be made to previously proposed project teams, as the Project Scope is consistent with conditions described in Attachment B of the original Agreement for Contract No. GP-0188-R01. All required Services for this Task Order are to be provided by employees of the Design Consultant or the subconsultants identified in the Firm's proposal for Contract No. GP-0188-R01.

#### **B. CHANGES TO THE AGREEMENT:**

### 1. Modifications to the Design Consultant Agreement:

- a. **REPLACE:** Table of Contents Page numbering in originally issued Table of Contents has been corrected. Replace Table of Contents dated November 20, 2012 with revised Table of Contents dated May 17, 2013 included herewith as Attachment 1.1.
- b. **REVISE:** Section 4.3, Additional Services Subsection 4.3.4.4 through 4.3.4.14 shall be renumbered as follows:
  - 4.3.4.4 4.3.5 Providing services in connection with an arbitration proceeding or lawsuit except where the Design Consultant is a party or a fact witness thereto or to the extent that the adequacy of the Design Consultant Services is at issue;
  - **4.3.4.5 4.3.6** Providing financial feasibility or other financial studies over and above any feasibility studies or analysis already required or specified in the Basic Services;
  - **4.3.4.6 4.3.7** Providing services relative to future facilities, systems and equipment;
  - **4.3.4.7 4.3.8** Providing detailed quantity surveys or inventories of material, equipment and labor;
  - 4.3.4.8 Providing services after Final Completion of a Project, except for the Services required in the Project Close-Out and Post Occupancy Phases of the Project and to the extent that such services are required as a result of a defect or deficiency in any of the Design Consultant's Services previously rendered;

Addendum No. 1

PROJECT #: WT-0022-A01

Trenton Central High School Facility Conditions Project

Design Consultant Services Page 3 of 15 May 17, 2013



- **4.3.4.9 4.3.10** Undertaking investigations and studies in addition to those specified in the Basic Services;
- **4.3.4.10 4.3.11** Performing services during out-of-town travel required of the Design Consultant other than for visits to the Site or the Authority's office;
- **4.3.4.11 4.3.12** Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to, construction management, cost estimating, project peer review, value engineering and constructability reviews requested by the Authority;
- **4.3.4.12 4.3.13** Assisting the Authority in connection with proposal protests, rebidding work or renegotiating contracts for design, construction, equipment or services, except for rebidding work required pursuant to Section 2.15 of this Agreement;
- **4.3.4.13 4.3.14** Performing services resulting from significant delays, changes or price increases occurring as a direct or indirect result of material, equipment, or energy shortages; and
- **4.3.4.14 4.3.15** Any other or further Services requested by the Authority relating to a Task Order Project assigned under this Agreement.
- REVISE: Section 2.27 Testing and Inspection Services (as previously modified by Appendix A to the RFP dated May 8, 2013) as follows (additions in <u>bold and underlined</u> text; deletions in *strikethrough and Italics*):
  - 2.27 Testing and Inspection Services The Design Consultant shall be responsible for providing technical inspection and testing for the Project. All Testing Services necessary or appropriate to perform the investigation obligations of the Predesign Phase shall be performed as Allowance Services in accordance with Section 2.25 2.26 of this Agreement.

Predesign and Design Phase Testing Services may include testing related to completion of the Hazardous Materials and Universal Waste Survey, including sample collection, laboratory analysis, rental of special equipment necessary for observation or sample collection, as well as services and other costs associated with invasive or destructive investigations. **Predesign and** 

Addendum No. 1

PROJECT #: WT-0022-A01

Trenton Central High School Facility Conditions Project

Design Consultant Services Page 4 of 15 May 17, 2013 Design Phase Testing Services may also include a reasonable amount of time for management, oversight, and coordination of these services, which shall not exceed ten percent (10%) of the total Testing Services effort.

Services required <u>for</u> determining the need for or extent of Predesign and Design Phase Testing Services, including development of the proposed Sampling Plan identified in Appendix B to the RFP, Section 4.0, shall be included in the Design Consultant's Basic Services and will not be considered to be Allowance Services.

Other technical inspection and testing services may be necessary during the construction phase for code-related or special inspection requirements, and such services may be considered Allowance Services.

## C. BIDDER'S QUESTIONS AND AUTHORITY RESPONSES:

**1. Question:** Has an energy audit/level 1 been done on the school?

Answer: No.

**2. Question:** Are we allowed to enhance our qualified team with additional members? An example: The current team has in-house qualifications for "cost control" could a firm specializing in cost control be added to the team to facilitate the overall project?

**Answer:** No additions may be made to previously proposed project teams, as the Project Scope is consistent with conditions described in Attachment B of the Agreement for Contract No. GP-0188-R01, (See related Addendum Item A.3.c.)

**3. Question:** What is the reschedule date for Part 2 of the walk through?

**Answer:** As all eligible proposers were advised, an additional walk through of the facility was conducted on May 15, 2013 at 3:30 PM.

**4. Question:** SDA stated that there are no substitutions for the pre-qualified teams under Package No. GP-0188-R01. However, may we supplement our team with additional consultants?

**Answer:** Refer to response to Question 2 above, and related Addendum Item A.3.c.

Addendum No. 1

PROJECT #: WT-0022-A01

Trenton Central High School Facility Conditions Project

Design Consultant Services Page 5 of 15 May 17, 2013



**5. Question:** Since the second part of the Mandatory Site Visit was canceled, please advise as to whether or not it will be re-scheduled. If so, will this also mean a change in the date the proposal is due?

**Answer:** Refer to response to Question 3 regarding additional site visit. Refer to Addendum Item A.1.a regarding change to proposal due date.

**6. Question:** The RFP (on page 2 of 10) Identifies Consultant Services which are required in six different disciplines. We assume that these are sub-consultant services in addition to "Architectural" which we will provide as the Lead Firm for the Team. However, we note that Cost Estimating is not included here. We have a Cost Estimator on our Team, by virtue of the original (Term Contract) submission, please confirm that we are able to use them here on this Task Order Proposal.

**Answer:** The disciplines identified on page 2 of the RFP are based on statutory requirements. Firms may include any subconsultants identified in their original proposal for Contract GP-0188-R01 and are encouraged to do so to the extent that those subconsultants provide expertise which is appropriate to the specific project requirements.

**7. Question:** In Appendix A, Paragraph 2.1.c, Roofing is indicated with the words... "(less recent repairs to A,B,E,& F wings)". The parenthetical statement can be read two ways. Please clarify if these Roof Areas are the areas of focus because any repairs there are older/less recent or are these areas less likely to need repair/replacement because of recent repairs.

**Answer:** See Addendum Item A.2.a.

**8. Question:** In Appendix A, Paragraph 2.2 Building Interior; Scheduled Improvements are enumerated in items a. through o. We note however, from our walk through, that Plaster Walls, Ceilings and Decorative Trim along with Acoustical Ceiling Tile are water-damaged extensively, but not indicated on this list. Please clarify if this significant aspect of work is included in the Scope.

**Answer:** See Addendum Item A.2.b

**10. Question**: I noticed within the proposal that the Key Team Members shall be consistent with the individuals identified in Contract GP-0188-R01. My question is as long as we

Addendum No. 1 PROJECT #: WT-0022-A01 Trenton Central High School Facility Conditions Project Design Consultant Services Page 6 of 15 May 17, 2013 keep all the same internal key team members and don't take anyone out, can we add an additional person in for this proposal? Or is that entirely out of the question.

**Answer:** Refer to response to Question 2 and related Addendum Item A.3.c.

**11. Question:** Please confirm that this request for proposal is only for pre-design services and that a separate request for proposal will be issued for the design and construction administration services.

**Answer:** This Request for Proposal is only for Predesign Services. In accordance with Appendix B to the RFP, the selected firm may be requested to submit a proposal for remaining design and construction phase services at the conclusion of the Predesign Phase.

**12. Question:** Please confirm that LEED is not a requirement of the project.

**Answer:** LEED certification is not a requirement for this Project.

**13. Question:** Can it be confirmed that the MEP scope of the work follow the recommendations in the facility condition report?

**Answer:** The SDA Existing Facilities Condition Report has been provided only to assist proposing Firms in understanding existing conditions and deficiencies. Any recommendations for addressing conditions deficiencies which may be suggested by or included in that report are advisory in nature. The Predesign Scope of Services requires the Design Consultant to develop and evaluate multiple alternative solutions for addressing each identified condition deficiency.

**14. Question:** What is the extent of work to be completed on the hardwood flooring throughout the school? Are all the hardwood floors being removed with the asbestos containing nailcrete beneath, or are the hardwood floors to be repaired and refinished?

**Answer:** The Predesign Scope of Services requires the Design Consultant to develop and evaluate multiple alternative solutions for addressing each identified condition deficiency.

**15. Question:** For work on the heating and domestic water systems, is the intent to remove all asbestos insulation associated with the existing systems or can materials be abandoned

Addendum No. 1 PROJECT #: WT-0022-A01 Trenton Central High School Facility Conditions Project Design Consultant Services Page 7 of 15 May 17, 2013 in place (i.e., chases, cavities, etc.) for the installation of new?

**Answer:** The Predesign Scope of Services requires the Design Consultant to develop and evaluate multiple alternative solutions for addressing each identified condition deficiency.

**16. Question:** Is the intent of the project to remove all asbestos containing materials, universal wastes, etc., from the school or just those locations impacted by proposed renovations?

**Answer:** As indicated in Appendix A to the RFP, Section 2.0, Item 3, the Project Scope is anticipated to include hazardous material abatement and/or remediation only to the extent necessary for implementation of the Scope of Work identified in Items 1 and 2 of that Section.

**17. Question:** Are there any other past environmental survey reports, other than the AHERA documentation, from previously proposed SDA (formerly SCC) projects at Trenton Central High School? If so, will these be made available by the State or the School District?

**Answer:** No such additional reports have been identified at this time.

**18. Question:** What is the procedure/process if the required Testing Services, as determined by the team, exceed the Allowance that is included in the contract? Will the Contract be amended to increase the Allowance?

**Answer:** The Testing Services Allowance included in the RFP is intended only for Predesign and Design Phase Services. In the event that amount is determined to be insufficient for required Testing Services, it may be increased, either through amendment of the Task Order or through issuance of an additional Task Order for this assignment.

**19. Question:** It is assumed that there is a full set of existing drawings of the original bldg. and additions. Please confirm.

**Answer:** Construction Documents for a proposed addition and renovation of the existing Trenton Central High School facility, which were prepared in 2004, will be made available to the assigned Design Consultant. Although these documents are not original construction documents or "as-builts", they do include demolition and renovation plans which include existing construction at the time of their preparation. These documents

Addendum No. 1 PROJECT #: WT-0022-A01 Trenton Central High School Facility Conditions Project Design Consultant Services Page 8 of 15 May 17, 2013 will be provided in Autocad format.

**20. Question:** Are any CAD files available?

**Answer:** Refer to response to Question 19.

**21. Question:** Is site / landscape / civil work to be considered?

**Answer**: The Project Scope as defined by Appendix A to the RFP, Section 2.0 does not include any site/landscape/civil work. However, it is possible that solutions to some of the included conditions, systems, or components may require such work.

**22. Question:** Is an A/V component required?

**Answer:** The Project Scope as defined by Appendix A to the RFP, Section 2.0. includes theatre lighting controls and technology infrastructure.

**23. Question:** Is it a requirement to sprinkler the entire building?

**Answer:** As indicated in Appendix A to the RFP, Section 2.0 Item 4, the Project Scope includes any necessary code improvements which may be made necessary by implementation of the scope of work described in Items 1 and 2. Consistent with the Scope of Services described in Appendix B to the RFP, it will be the responsibility of the Design Consultant to undertake a code evaluation and determine what the extent of such work may be.

**24. Question:** Is it NJSDA's desire to have all, or some, spaces mechanically vented?

**Answer:** The Project Scope as defined by Appendix A to the RFP, Section 2.0 Item 2.i includes ventilation and heating systems including control systems. The Predesign Scope of Services requires the Design Consultant to identify and evaluate multiple alternative solutions for addressing condition deficiencies. It is anticipated that in doing so, the Design Consultant will consider the need for and extent of required ventilation.

**25. Question:** Is it NJSDA's desire to have all, some, or no spaces air conditioned?

**Answer:** The Project Scope as defined by Appendix A to the RFP, Section 2.0 Item 2.i only includes ventilation and heating systems including control systems. The Predesign Scope of Services requires the Design Consultant to identify and evaluate multiple

Addendum No. 1 PROJECT #: WT-0022-A01 Trenton Central High School Facility Conditions Project Design Consultant Services Page 9 of 15 May 17, 2013 alternative solutions for addressing condition deficiencies. It is possible that such alternative solutions may identify the option or need to mechanically cool some areas due to current code or other requirements.

**26. Question:** Does anyone know why the plywood panels were installed outside of the auditorium balcony?

**Answer:** No additional information regarding this condition is available at this time.

**27. Question:** Is it the intent of NJSDA to complete the entire project at once, or will it be phased?

**Answer:** Specific phasing requirements for this Project as described in Appendix A to the RFP, Section 8.0 Item 2 call for the Building Envelope and Building Interior work to be separately bid and constructed. Beyond this requirement, the Work will need to be scheduled around ongoing use and occupancy of the building which will likely require additional phasing of at least some portion of the work.

**28. Question:** Will work be completed while the school is occupied?

**Answer:** In accordance with Appendix B to the RFP, Section 5.4, the Design Consultant's responsibilities include development of an implementation plan based on a number of factors, including ongoing school use and occupancy. It is anticipated that the school will remain occupied throughout the design and construction phases of the Project and that the work will need to be planned and scheduled accordingly.

**29. Question:** Will a Construction Manager be involved?

**Answer:** A determination in this regard has not been made at this time.

**30. Question:** Will this be a General Contractor contract award, or will there be multiple Contractor primes?

**Answer:** A determination in this regard has not been made at this time. However, in accordance with Appendix A to the RFP, Section 8.0, Item 2, at least two separate prime construction contracts are anticipated.

**31. Question:** Does the NJSDA have any sustainable goals which they would like met?

Addendum No. 1 PROJECT #: WT-0022-A01 Trenton Central High School Facility Conditions Project Design Consultant Services Page 10 of 15 May 17, 2013 **Answer:** No specific goals have been determined at this time, however, sustainability may be one of the criteria considered when evaluating alternative solutions to conditions deficiencies.

**32: Question:** How does this project tie into any previous plans for a school addition? Would an addition be currently considered?

**Answer:** No additions to the existing Trenton Central High School facility are anticipated as part of this Project Scope.

**33: Question:** It is our understanding that we must use the subconsultants selected for Contract GP-0188-RXX. Please confirm. Also, are we permitted to add specialized subconsultants to our team if deemed necessary?

**Answer:** Refer to response to Question 2 and related Addendum Item A.3.c.

**34. Question:** We are receiving solicitations from other firms to join our Team but it was our understanding at the time of the original submission, that the original Team we proposed must be retained for any proposals/task orders solicited under this contract.

Answer B.3 of Addendum No. 1, dated December 7, 2012 [an Addendum to the original Pool Contract Procurement] stated:

"The responding firm is being evaluated on the qualifications of the team offered. If the team were evaluated based on a potential subconsultant's presence on the team, but that subconsultant alternate is ultimately never selected for participation, the underlying evaluation of the team based on the participation of the unused subconsultant would be flawed."

Based on this answer, it was our understanding that Teams were being qualified and selected based upon the qualifications of the sub-consultants presented, and that future substitutions would therefore not be permitted because the "new" sub-consultants would not have been considered/evaluated in the original Team's evaluation and ultimate selection. Can you please confirm that the original Team of sub-consultants submitted for Request for Proposals No. GP-0188-R01 in December 2012 must be retained for this submission?

**Answer:** Refer to response to Question 2 and related Addendum Item A.3.c.

Addendum No. 1 PROJECT #: WT-0022-A01 Trenton Central High School Facility Conditions Project Design Consultant Services Page 11 of 15 May 17, 2013



**35. Question:** Regarding SBE participation, Section 5.1 of the original RFP (dated November 20, 2012) stated:

"In staffing its team for a specific task order under this engagement, the selected Consultant shall be required to make good faith efforts to ensure that small business enterprises ("SBEs") have the maximum practicable opportunity to participate in the performance of this engagement. A 25% target has been established pursuant to N.J.A.C. 12A:10-1.1 et seq., and Executive Order No. 71 (2003). There are presently six categories of SBE entities, classified by comparative sizes based upon average annual revenue for purposes of professional service contracts. Three of these categories are relevant to this engagement: firms shall be required to meet set-aside targets of 5% for Category 1, 5% for Category 2, 5% for Category 3 and the remaining 10% to be allocated among Categories 1, 2, and 3.

Upon assignment or award of a specific Task Order under this engagement, the successful firm shall submit a completed NJSDA SBE Form B (Design Consultant), identifying all SBE firms proposed for use on the task order to meet (or exceed) the set-aside targets."

Based on this, we assembled our Team of sub-consultants, ensuring that the make-up of our Team met the category 1, 2 and 3 set-aside targets, with an understanding that we must keep the same Team for any task orders assigned under this contract. It would be impossible to meet the targets on specific task orders if our original Team did not meet the targets.

It seems however that some of the 19 Firms selected for this engagement have no category 1, 2 or 3 SBE firms on their Teams at all. Unless these Teams are modified, it would seem that they cannot meet the SBE targets. Is the awarded Firm still required to meet the 25% SBE target, distributed across categories 1, 2 and 3 as indicated above? Any information or explanation you could provide to help clear this up would be greatly appreciated.

**Answer:** SDA goals for SBE participation are reported on a program wide basis as required by regulations. As a matter of policy however, SBE goals are addressed at the engagement level and tracked accordingly. Although failure to achieve a level of SBE participation in keeping with SDA goals may not be grounds for breach of contract, a firm will be expected to identify additional opportunities for SBE participation throughout the engagement.

Addendum No. 1 PROJECT #: WT-0022-A01 Trenton Central High School Facility Conditions Project Design Consultant Services Page 12 of 15 May 17, 2013 While some of the teams in question may not readily achieve participation in each of the three SBE categories on any given engagement, the Authority is confident that program wide goals for SBE participation can and will be met if not exceeded, and that participating firms will continue in their efforts to attain stated goals.

**36. Question:** Can you please confirm that if the Lead Firm is an SBE, that its fees should be "counted" in the "SBE Total" column of the fee worksheets?

**Answer:** In the event that the primary Design Consultant is an SBE Firm, this should be indicated and accounted for in the Detailed Predesign Fee Proposal Form.

**37. Question:** Regarding the Case Studies, can you please confirm if it is a maximum of five (5) case studies TOTAL for the entire collective Project Team, or five (5) case studies PER FIRM on the Project Team.

**Answer:** Case studies are intended to demonstrate the proposed team's past provision of similar services for projects similar to the project scope described in Appendix A to the RFP. Case studies may represent the experience of the proposing Firm, its proposed subconsultants, or, preferably, a combination of these. In any case, at least two, but no more than a total of five case studies (collectively) may be included in the Firm's proposal.

**38. Question:** To what extent are there concerns about the water coolers and fountains? (i.e., Non-working, plumbing leaks, lead contamination)

**Answer:** As indicated in the SDA Facilities Conditions Report, the primary concern in regard to drinking fountains and electric water coolers is functionality although current code compliance may also be a consideration.

**39. Question:** Has the district performed lead-based paint and/or other hazmat testing in addition to AHERA at the School?

**Answer:** No additional hazardous materials testing information is available beyond what was provided in the AHERA Report attached to Appendix A to the RFP.

### D. <u>ATTACHMENTS</u>

1. Attachment 1.1 Revised Table of Contents dated 5-17-13

Addendum No. 1 PROJECT #: WT-0022-A01 Trenton Central High School Facility Conditions Project Design Consultant Services Page 13 of 15 May 17, 2013 Attachment 1.2
Attachment 1.3
Attachment 1.3
Attachment 1.4
Sketch SK-1, dated 5-17-13
Sketch SK-2, dated 5-17-13
Sketch SK-3, dated 5-17-13

End of Addendum No. 1

5.17.13 Date

Addendum No. 1 PROJECT #: WT-0022-A01 Trenton Central High School Facility Conditions Project Design Consultant Services Page 14 of 15 May 17, 2013



## Addendum No. 1

New Jersey Schools Development Authority
Office of Procurement
1 West State Street
Trenton, NJ 08625

Phone: 609-341-5980 Fax: 609-656-4608

Date: May 17, 2013

**PROJECT #:** WT-0022-A01

**Trenton Central High School Facility Conditions Project** 

**Design Consultant Services** 

**DESCRIPTION:** Addendum No. 1

Addendum No. 1

# **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 in an attachment via E-mail to <a href="mailto:jmcelhenny@njsda.gov">jmcelhenny@njsda.gov</a>. Signed acknowledgement must be received prior to the Bid Due Date. Acknowledgement of the Addendum must also be made in the Technical Proposal Submission.

Signature	Print Name
Company Name	Date

Addendum No. 1

PROJECT #: WT-0022-A01

Trenton Central High School Facility Conditions Project

Design Consultant Services Page 15 of 15 May 17, 2013

# TABLE OF CONTENTS

1.0	DEFI	NITIONS	1
2.0	RESP	PONSIBILITIES OF THE DESIGN CONSULTANT	14
	2.1	Project Review	
	2.2	Services Quality	
	2.3	Standard of Care	14
	2.4	Errors, Omissions and Deficiencies	15
	2.5	Liability for Errors, Omissions and Deficiencies	
	2.6	Acceptance of Deliverables or Services	
	2.7	Design Consultant Project Manager	16
	2.8	Construction Manager	16
	2.9	Performance of Services	16
	2.10	Subconsultants	17
	2.11	Cooperation	19
	2.12	Construction Cost Estimate	19
	2.13	Schedule	20
	2.14	Redesign for Budget Constraints	20
	2.15	Redesign for Excessive Bids	21
	2.16	Records	21
	2.17	Hazardous and Contaminated Materials	21
	2.18	Electronic Format and Number of Copies for Deliverables	21
	2.19	Revisions to the Deliverables	
	2.20	Compliance with Materials and Systems Manual	22
	2.21	Government Approvals	22
	2.22	Radon Mitigation	22
	2.23	Commissioning Requirements	
	2.24	LEED <sup>TM</sup>	22
	2.25	Meetings	22
	2.26	Allowances	23
	2.27	Testing and Inspection Services	25
	2.28	Legal Costs	28
	2.29	Assistance in Claims and Legal Proceedings	28
	2.30	Political Contributions Disclosure Form	29
	2.31	Political Contributions ELEC Filing	29
	2.32	All Services to be Performed in United States	29
	2.33	Separate Accounting for Multiple Facilities	29
	2.34	Design to Facilitate "Made American" Compliance	
3.0	SCOPE OF THE DESIGN CONSULTANT'S BASIC SERVICES		
	3.1	Predesign Services	
	3.2	Program/Concept Phase	30
	3.3	Schematic Design Phase	
	3.4	Design Development Phase	
	3.5	Construction Documents Phase	
	3.6	Bidding and Contract Award Phase	36

	3.7	Construction Administration Phase	36
	3.8	Project Close-Out Phase	44
	3.9	Post-Occupancy Review Phase	47
4.0	DESIG	GN CONSULTANT'S ADDITIONAL SERVICES	47
	4.1	Advance Authorization Required	47
	4.2	Payment for Additional Services	
	4.3	Additional Services	
5.0	AME	NDMENTS TO THIS AGREEMENT AND THE SCOPE OF SERVICES	50
	5.1	Amendments	50
	5.2	Services performed without an Amendment	
	5.3	Changes Pursuant to Design Change Directive	
	5.4	Changes Pursuant to Proposed Amendment	
	5.5	Disputes Regarding Compensation	
6.0	THE A	AUTHORITY'S RESPONSIBILITIES	
7.0	COMI	PENSATION	54
	7.1	Basic Services	54
	7.2	Additional Services Performed by Design Consultant	54
	7.3	Additional Services Performed by Subconsultant	
	7.4	Reimbursable Expenses	
	7.5	Hourly Rates	55
	7.6	Progress Payments	55
	7.7	Adjustments	56
	7.8	Invoices	56
	7.9	Withholding of Payment	
8.0	GENE	ERAL TERMS AND CONDITIONS	59
	8.1	Responsibility for Contractor's Actions	59
	8.2	Professional Certification of Materials	60
	8.3	Services by the Design Consultant	60
9.0	FINA	L PAYMENT AND FINAL RELEASE	60
	9.1	Final Payment	60
	9.2	Final Release	61
10.0	TERM	I AND SCHEDULE	62
	10.1	Term	62
	10.2	Schedule	62
11.0	EXTE	NSIONS OF TIME AND COMPENSATION FOR DELAY	62
12.0	GENE	ERAL COVENANTS	63
	12.1	Insurance	63
	12.2	Ownership of Documents	70
	12.3	Copyrights and Patents	71
	12.4	Confidentiality	72
	12.5	Contractual Relationship	73
	12.6	Assignment	74
	12.7	Mergers, Acquisitions and Dissolutions	75
	12.8	Mandatory Compliance with Law	
	12.9	Affirmative Action and Non-discrimination	
	12.10	Anti-Collusion	80

	12.11	Anti-Trust	80
	12.12	Conflicts of Interest	81
	12.13	Indemnification	82
13.0	SUSPI	ENSION OF SERVICES	84
	13.1	The Authority's Right to Suspend Services	84
	13.2	Compensation	84
14.0	DEFA	ULT AND TERMINATION	85
	14.1	Events of Default	85
	14.2	Termination for Cause	87
	14.3	The Authority's Right to Complete the Services	88
	14.4	Termination for Convenience of the Authority	88
15.0	CLAIN	MS	89
	15.1	Tort Claims Act and Contractual Liability Act	89
	15.2	Notice of Claim	89
	15.3	Review of Design Claims	89
	15.4	Compliance with Design Claim Review Process	90
	15.5	Step One: The Authority's Review	90
	15.6	Step Two: Non-Binding Mediation	91
16.0	REPR	ESENTATIONS	91
17.0	THE A	AUTHORITY'S RIGHTS	93
18.0	MISC	ELLANEOUS	94
	18.1	Notices	94
	18.2	Incorporation by Reference	94
	18.3	Conflict in Terms	95
	18.4	No Waiver of Warranties or Legal/Equitable Remedies	95
	18.5	Procedural Requirements	95
	18.6	Governing Law	95
	18.7	Forum and Venue	96
	18.8	Time is of the Essence	96
	18.9	Entire Agreement	96
	18.10	Severability	96
	18.11	Waiver of Breach	96
	18.12	Construction of Agreement	96
	18.13	Peer Review	97
	18.14	Execution in Counterparts	97
	18.15	•	
	18.16	Security Clearance	97

## **APPENDICES**

Appendix A – Project Description and Special Conditions

Appendix B – Predesign Scope of Services

Appendix C – Materials and Systems Standards and Construction Details Manual

Appendix D – Hourly Rates

Appendix E – Certificates of Insurance and Business Registration Certificate

Appendix F – Design Consultant's Employees and Subconsultants

Appendix G – Additional Forms and Addenda





