

**GATEWAY DEVELOPMENT
COMMISSION**

THE GATEWAY DEVELOPMENT COMMISSION

July 24, 2023

ADDENDUM NO. 1

TO PROSPECTIVE RESPONDENTS **GDC23-004** –Palisades Tunnel Request for Qualification (“RFQ”)

This constitutes Addendum No. 1 to The Gateway Development Commission, Palisades Tunnel project - RFQ# GDC23-004.

The following changes are hereby made in the Request for Qualifications for the subject Contract.

Question No.	RFQ Section Reference	Questions	Response
1.	Appendix 7 SOQ Checklist	SOQ Volume 2 - Technical Submittals RFQ references need to be corrected for appendix 9, sections 2,4,5, and 6	Please see a full set of revisions to Appendix 7, SOQ Checklist, pasted included this table.
2.	Form F-1	In general, and specifically for Form F-1, is this to be used as a guideline for us to build the form? Can you provide editable forms or are we allowed to make our own? Are there any forms that should not be changed?	For all forms, the Respondent should create forms that align with all of the information and formatting contained in the forms provided as part of the RFQ. None of the required contents for any of the forms should be changed.
3.	5.1	Section 5.1 requires the Respondent to identify its Specialty Subcontractor(s). At this time, without full knowledge of the detailed scope, it is challenging to identify a specific Specialty Subcontractor. In addition, each Specialty Subcontractor identified would then need to provide the detailed information the RFQ requests which would be replicated in multiple Respondent submissions who similarly list the same Specialty Subcontractor. We believe it would be more appropriate at this point in time for a Respondent to identify the work it intends to self-perform and the work is intending to subcontract. The belief is that the Respondents are choosing to subcontract work they feel is better performed by a	Please see the set of clarifications related to Specialty Subcontractors, included below this table.

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		Specialty Subcontractor. Specialty Subcontractors could be identified in the RFP stage.	
4.	6	Identifying three (3) projects that compromise all eleven subcategories is very challenging, if not impossible. Is the intent to list three (3) projects for each of the subcategories?	Section 6(a)(ii)(ii) of the RFQ is edited to say: <u>At least</u> three heavy civil construction projects in an urban area including, <u>but not limited to</u> the management, coordination, and supervision of multiple subcontractors and/or performing work in the following subcategories:
5.	9.2.3	The Key Personnel table in Section 9.2.3 Technical Submittals – Evaluation Criteria requires the Construction Manager to have Marine Operations and ground improvement experience. Is this a carry-over from a previous RFQ and should be revised?	Yes, the RFQ is edited to say: -Length and depth of experience in managing construction of complex marine operations and logistics projects and ground improvement projects <u>large, complex hard rock tunnel projects, in dense, urban environments</u> of similar scope and complexity.
6.	5.3	Section 5.3 of the RFQ states, “To promote a fair and competitive procurement process for the Project, none of the Principal Participants, their respective Affiliates or any Key Personnel on a Respondent team may participate in any capacity on another Respondent team during this procurement.” Please define the terms ‘Principal Participants’ and ‘Affiliates’ for the purposes of this RFQ. Will a Subcontractor providing key personnel for one Respondent be permitted to propose a separate individual as key personnel on another Respondent’s Team?	The definitions for "Principal Participant" and "Affiliate" are provided in Appendix 1 of the RFQ. Unless GDC explicitly indicates otherwise for specific Key Personnel, a subcontractor providing Key Personnel for one Respondent will not be permitted to propose a separate individual as Key Personnel on another Respondent's team. The only exceptions to this requirement are provided in the response to Question #7.
7.	5.3	Section 5.2 of the RFQ states, “The Commission recognizes that the market for companies able to perform the certain specialty services that may be required for the delivery of the Project may be relatively small (each, a “Specialty Service”). As such, Specialty Services, if any, will be disclosed in the RFP.” Please recognize that the field of	Both the Slurry Wall Lead and Rock Mass Grouting Lead will remain as Key Personnel. However, individuals serving in these two Key Personnel roles (unlike other Key Personnel) will not be restricted from participating on other Respondent teams. Additionally, their roles as Key Personnel will not automatically cause

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		<p>available slurry wall subcontractors is very small. The RFQ requires the Slurry Wall Lead to be submitted as Key Personnel, and as we interpret Sections 5.2 and 5.3 of the SOQ, a Slurry wall subcontractor who provides key personnel on one Respondent’s team must be exclusive to only that one Respondent team. We suggest that the Slurry Wall Lead either be considered a Specialty Subcontractor and not exclusive to any one team, or this position be submitted for approval after the Best-Value Contractor is determined. (Similar question for Rock Mass Grouting Lead?)</p>	<p>their firms to be considered Principal Participants. These exceptions apply only to the Slurry Wall Lead and the Rock Mass Grouting Lead and their respective firms.</p> <p>Please also see the response to Question #3.</p>
8.	Appendix 9 SOQ Volume 2 – Technical Submittals	<p>6. Experience (a) Respondent Experience Executive Summary – The Respondent must provide an executive summary of the background and relevant experience of each of the entities comprising the Respondent, presenting its expertise, capacity in, and record of producing quality work on projects similar in scope and scale to the Project. Each of the entities may submit separate summaries, and each summary is limited to a maximum of three pages. The summaries shall include the following minimum information, as applicable: (ii) Experience in successfully completing: i) Three hard rock tunnel projects each with an actual construction cost in excess of \$ 200 Million which included: → In respect to the above, kindly confirm whether the Respondent (jointly by the entities, not by each entity) shall meet the minimum requirement of completion of Three hard rock tunnel projects.</p>	<p>Yes, the Respondent (jointly by the entities, not by each entity) shall meet the minimum requirements of three hard rock tunnel projects.</p>

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9.	Appendix 9 SOQ Volume 2 – Technical Submittals	<p>Past Description</p> <p>(a) Project Description (Form T-1) – The Respondent shall submit a completed Project Description (Form T-1) for each project providing descriptions of three projects from the Respondent and three from each Principal Participant, if different from the Respondent. The project description must collectively, including the following:</p> <p>(i) At least four but no more than eight. Project descriptions relevant to the scope under the Project; if more than one entity comprises either the Respondent or Contractor performing the tunnel work, provide at least two but no more than 5, project descriptions for each entity; and</p> <p>→ In respect to the above, kindly confirm 1) how many projects shall be prepared by each Principal Participant and 2) whether the projects, which are submitted by the Respondent, are able to be repeated by each Principal Participant</p>	<p>The following language is edited in the RFQ:</p> <p>The Respondent shall submit a completed Project Description (Form T-1) for each project providing descriptions of three projects from the Respondent and three from each Principal Participant <u>three from each of the entities comprising the Contractor,</u> if different from the Respondent.</p> <p>The following language is deleted from the RFQ:</p> <p>(i) At least four but no more than eight, project descriptions relevant to the scope under the Project; if more than one entity comprises either the Respondent or Contractor performing the tunnel work, provide at least two but no more than 5, project descriptions for each entity; and</p> <p>Additionally, Form T-1 is edited to say: Complete a copy of this Form T-1 for each prior project to be described. <u>Provide descriptions of three projects from the Respondent and three from each of the entities comprising the Contractor, if different from the Respondent. Limit of three pages per project. Maximum of 5 projects per entity comprising Contractor.</u></p> <p>For projects submitted by the Respondent that might also involve other Contractor entity participation, please do not submit duplicate Forms T-1 for the same project. Please note on the Form T-1 if the project had also involved other Contractor entity participation.</p>
10.	5.2,5.3, Appendix 1 – Definition of Principal Participant (c) and specialty	Section 5.2 and 5.3 seem to contradict each other. 5.3 and Principal Participant Definition (c) seems to preclude the specialty contractor that provides Key Personnel from participating on more than one respondent team:	Please see the responses to Questions #3 and #7.

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	subcontractor, 9.2.3(b, 1&2)	<p>•Section 5.2 clearly reflects the Commission’s desire to have the Specialty Services (Specialty Subcontractors) participate on one or more Respondent team.</p> <p>•Section 5.3, however, prohibits any Key personnel, principal participant and affiliates to participate in any capacity on another Respondent team.</p> <p>•Appendix 1, with the Definition of Principal Participant (c) connects the Principal Participant to a Key Person “...each entity, if any whose personnel is proposed to be Key Personnel”.</p> <p>Slurry Wall construction and rock mass grouting are typically performed by a specialty subcontractor (9.2.3(b, 1 & 2)). If an entity submits a Key Personnel, per the definition of Key Personnel, the entity is considered a Principal Participant and thus locked into one team.</p> <p>As it is written now, for a specialty subcontractor to participate on more than one team, they cannot provide a Key Person. We feel this is an inappropriate restriction for the specialty subcontractor who should be filling a role of greater responsibility on the project.</p> <p>We understand and appreciate the Commission’s desire to keep the specialty subcontractors from sharing propriety ideas and approaches between contractors, however, the Commission should be aware that this is an issue which is customarily addressed between the prime contractors and the specialty subcontractors on any design-build bid via non-disclosure agreements.</p> <p>We request that the entity from which the Key Personnel positions for the Slurry Wall Lead Key Personnel and the Rock Mass</p>	

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		<p>Grouting Lead can be considered a Specialty Subcontractor/Principal Participant and that the entity can elect to participate on more than one Respondent team.</p> <p>We ask the Commission to please confirm that the Key Personnel positions for the Slurry Wall Lead Key Personnel and the Rock Mass Grouting Lead can be considered a Specialty Service and can therefore (as a specialty subcontractor) elect to participate and submit the same Key Personnel on more than one Respondent team.</p>	
11	9.2.3.	<p>RFQ section 9.2.3, Key Personnel table has an entry for Construction Manager Experience. This appears to be a carryover typo from the Hudson River Ground Stabilization RFQ as it mentions “complex marine operations.” Please confirm whether this is in fact a typo, and if so, provide the correct language.</p>	Please see the response to Question #5.
12	Appendix 1 and Sections 5.2 & 5.3	<p>In our study of the Palisades SOQ, we have encountered what appears to be an internal conflict regarding Specialty Subs.</p> <p>Appendix 1 Definitions states, “Principal Participant means (a) each entity comprising the Contractor and (b) each other entity, if any, whose personnel is proposed to be Key Personnel.”</p> <p>Section 5.2 Non-exclusivity of Certain Respondent Team Member states, “to ensure a fair procurement process, Respondents (including Contractor entities) may not require any exclusive teaming arrangements from any entity whose role on the Respondent team will be to provide a Specialty Service (a “Specialty Subcontractor”). However, it is within a Specialty Subcontractor’s discretion to elect to participate on one or more Respondent teams.”</p> <p>Section 5.3 Participation on More</p>	Please see the responses to Questions #3 and #7.

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		<p>than One Respondent Team states, “none of the Principal Participants, their respective Affiliates or any Key Personnel on a Respondent team may participate in any capacity on another Respondent team during this procurement.”</p> <p>Because of the demanding Minimum Qualification for both Slurry Wall Lead and Rock Mass Grouting Lead, we find that only Specialty Subcontractor personnel can meet these requirements. As a result, the Specialty subs become Principal Participants, and therefore cannot participate in more than one Respondent team. This is contrary to the stated goal of promoting a fair procurement process. We request that you revise the RFQ to [remove these two roles from Key Personnel] [remove part (b) from the definition of Principal Participant] [other].</p>	
13	Appendix 9, para 3	<p>The minimum qualifications for the Construction Manager include “at least three rock tunnel projects with hard rock TBM’s in the last 20-years”. We believe it would increase the pool of qualified candidates if GDC increased the time window for reference projects for this Key position. Please consider modifying this minimum qualification to “at least three rock tunnel projects with hard rock TBM’s in the last 23-years”.</p>	<p>The RFQ is edited to say: at least three rock tunnel projects (similar or greater size, type, and complexity to this Project) with hard rock TBMs in the last 20-25 years.</p>
14	Section 5.5	<p>Section 5.5 does not seem to address substitution of specialty subcontractors. If we name a specialty / Sub at the SOQ stage, would we be permitted to switch them out for a more qualified subcontractor prior to submission of the proposal for best value?</p>	<p>Please see the response to Question #3.</p>
15	Key Personnel	<p>Is it the intent that the key person for Slurry Wall and Rock Mass Grouting be engaged by the specialty contractor performing that work or</p>	<p>Please see the responses to Questions #3 and #7.</p>

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		are these key persons engaged by the respondent to advise on issues related to the specialty subs.	
16	Appendix 7 SOQ Checklist	Is the management approach page limit 10 pages as indicated on the checklist or five pages maximum in section 9.5(b)?	The page limit for Management Approach is 10 pages. Section 9.5 (b) is edited to match the page limit indicated in the checklist.
17	Executive Summary	<p>(a) Respondent Experience Executive Summary - The Respondent must provide an executive summary of the background and relevant experience of each of the entities comprising the Respondent (include the Contract performing the tunnel work if separate entity(ies)), presenting its expertise, capacity in, and record of producing quality work on projects similar in scope and scale to the Project. Each of the entities may submit separate summaries, and each summary is limited to a maximum of three pages."</p> <p>Would it be acceptable for a JV comprised of two companies to submit a combined 6 page executive summary or do they need to be separate?</p>	Yes, separate entities may combine their individual page limits for a combined Executive Summary. If an executive summary represents multiple entities, please clearly indicate this at the beginning of the Executive Summary.
18	Form T-1	<p>Project Descriptions (Form T-1) – The Respondent shall submit a completed Project Description (Form T-1) for each project providing descriptions of three projects from the Respondent and three from each Principal Participant, if different from the Respondent.</p> <p>The project descriptions must, collectively, include the following:</p> <p>(i) At least four, but no more than eight, project descriptions relevant to the scope under the Project; if more than one entity comprises either the Respondent or Contractor performing the tunnel work, provide at least two, but no more than five, project descriptions for each entity; and...</p> <p>Is the following correct? 3 - T1 forms for each principal participant. On the T1 forms include 2-5 elements that</p>	Please see the response to Question #10.

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		are relevant to the Palisades project. Only single company respondents would submit 3-T1 forms with 4-8 relevant descriptions.	
19	Section 5.2	Appendix 1 definition reads, "Specialty Subcontractor has the meaning set forth in Section 5.2." Section 5.2 does not clearly define what a Specialty subcontractor is. Can you provide additional guidance or definition or a "Specialty Subcontractor"?	Please see the response to Question #3.
20	Info Session	Is the presentation going to be shared?	Yes, the presentation has been shared on the website at https://www.gatewayprogram.org/workwithus-2.html .
21	Info Session	Are QA field and fabrication inspections for Structural Steel & Pre-cast Concrete included as part of the construction contract, or to be performed by another entity?	QA and QC requirements will be provided in the RFP.
22	Info Session	We have asked several questions in regards to the RFQ but have not received any responses. When does the commission intend to respond to questions?	In addition to this first Addendum, GDC plans to release additional Addenda with responses to questions, comments, and requests for clarification about the RFQ prior to August 11, 2023.
23	Info Session	We cannot find the Expression of Interest on the website to submit.	The instructions for submitting an Expression of Interest are included in the RFQ, which is located here: https://www.gatewayprogram.org/workwithus-2.html . The separate process for requesting access to the Virtual Data Rom is also located on the same webpage.
24	Info Session	What is the DBE goal for the project?	DBE participation goals for the Project will be included in the RFP.
25	Info Session	Will there be a Project Labor Agreement negotiated with the unions?	As indicated in the RFQ, the Commission is assessing whether requiring a project labor agreement ("PLA") for the project effectuates the Commission's purpose and best meets its public interests. The Commission will be utilizing a consultant to assist with evaluating the scope of the project and whether requiring a PLA would promote labor harmony, in addition to advancing the

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			skilled labor force, generating cost savings, and enhancing efficiency, quality, safety, and timeliness. The Commission anticipates completing this work in advance of the issuance of the RFP.
26	Info Session	Will the short-listed winners be published?	Yes, the shortlist resulting from this RFQ process will be published on the GDC website.

Question 1: Appendix 7, SOQ Clarifications

Required SOQ Submittal	RFQ Reference	Page Limit (if any)	SOQ Reference
SOQ Volume 2 – Technical Submittals			
SOQ Checklist (<u>Appendix 7</u>)	<u>Appendix 9, Section 1</u>	-	
Respondent Experience Executive Summary	<u>Appendix 9, Section 2(a) 6</u>	3 pages	
Project Descriptions (<u>Form T-1</u>)	<u>Appendix 9, Section 2(b) 2(a)</u>	2 per form 3 pages per project	
Subcontractor Information (<u>Form T-2</u>)	<u>Appendix 9, Section 2(e) 2(b)</u>	<u>Maximum of 3 projects and no more than 1 page for each subcontractor</u>	
Past Performance (<u>Form T-4</u>)	<u>Appendix 9, Section 2(d) 2(c)</u>		
Safety Questionnaire (<u>Form T-5</u>)	<u>Appendix 9, Section 2(e) 2(d)</u>		
DBE Performance Record (<u>Form T-6</u>)	<u>Appendix 9, Section 2(f) 2(e)</u>		

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Required SOQ Submittal	RFQ Reference	Page Limit (if any)	SOQ Reference
Key Personnel Experience (Form T-3)	<u>Appendix 9, Section 3</u>	2 per form and 4 additional pages, if needed (6 max) <u>1 form per Key Personnel with no more than 4 pages per individual</u>	
Respondent Organization and Management Approach	<u>Appendix 6, Section 1(d); Appendix 8, Section 3; Appendix 9, Section 4-5</u>	10 for Respondent Organization; 10 for Management Approach	
Construction Approach			
Project Understanding	<u>Appendix 9, Section 5-4(a)</u>	10 for Project Understanding	
Conceptual Work Plan	<u>Appendix 9, Section 6 4(b)</u>	10 total for Work Plan	
SOQ Volume 3 – Confidential Technical Submittals (if used)			
Technical Submittals deemed to be Confidential Respondent Information (if any)	<u>RFQ Section 6.2(e) 4.5</u>		
Index of all Technical Submittals contained in <u>SOQ Volume 3</u>	<u>RFQ Section 6.2(e) 4.5</u>		
Statement signed by the Respondent or relevant team member explaining its rationale for designating the Technical Submittals in <u>SOQ Volume 3</u> as Confidential Respondent Information	<u>RFQ Section 6.2(e) 4.5</u>		
SOQ Volume 4 – Financial Submittals			
SOQ Checklist (<u>Appendix 7</u>)	<u>Appendix 8, Section 1; Appendix 10, Section 1</u>		

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Required SOQ Submittal	RFQ Reference	Page Limit (if any)	SOQ Reference
Copy of Respondent Organizational Chart	<u>Appendix 6, Section 1(d);</u> <u>Appendix 8, Section 3;</u> <u>Appendix 10, Section 2</u>		
Financial Officer’s Certificates (Form F-1)	<u>Appendix 10, Section 3</u>		
Updated or new financial statements (if any)	<u>Appendix 10, Section 4</u>		
Surety Letter(s)	<u>Appendix 10, Section 5</u>		
Alternative Security Package Submittal (if applicable)	<u>Appendix 10, Section 6</u>		
SOQ Volume 5 – Confidential Financial Submittals (if used)			
Financial Submittals deemed to be Confidential Respondent Information (if any)	RFQ Section <u>6.2(e) 4.5</u>		
Index of all Financial Submittals contained in <u>SOQ Volume 5</u>	RFQ Section <u>6.2(e) 4.5</u>		
Statement signed by the Respondent or relevant team member explaining its rationale for designating the Financial Submittals in <u>SOQ Volume 5</u> as Confidential Respondent Information	RFQ Section <u>6.2(e) 4.5</u>		

Question 3: Specialty Subcontractor Clarifications

RFQ Section	Change
5.1 Respondent Team Organization	The third bullet is edited to delete “or Specialty Subcontractor”: “Each Principal Participant or Specialty Subcontractor ”
5.2 Non-exclusivity of Certain Respondent Team Members	All language in this section 5.2 is deleted and the section header is replaced with “Not Used.”
9.2.3 (b) Technical Submittals – Evaluation Criteria	The sub-criteria category is edited to delete “Specialty”: “Specialty Subcontractors Experience”
Definitions	The definitions for “Specialty Service” and “Specialty Subcontractor” are deleted.
Appendix 9, Section 4(b)	The section is edited to delete “including any Specialty Subcontractors”: “The Respondent shall submit a completed Form T2 to provide information regarding the Principal Participant subcontractors that the Respondent plans to use to perform work on the Project and have been identified as of the date of the SOQ, including any Specialty Subcontractors. ”
Form A-1	The fourth table header is edited to delete “Specialty Subcontractors and other”:

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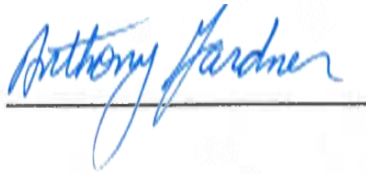
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	Identified Specialty Subcontractors and other Subcontractors
Form T-2	The second bullet is edited to replace “Specialty Subcontractors” with “identified subcontractors.” <ul style="list-style-type: none">• At a minimum, list all Principal Participants and Specialty Subcontractors identified subcontractors.

All other RFQ requirements remain the same and the SOQ Due Date is September 13, 2023 at 2:00PM.

Each Respondent shall acknowledge in its SOQ Submittal Letter (Form A-3) receipt of all Addenda. In case any Respondent fails to conform to these instructions, the Respondent’s SOQ will nevertheless be construed as though this communication had been so acknowledged.

THE GATEWAY DEVELOPMENT COMMISSION



Anthony Gardner
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The Gateway Development Commission