

**GATEWAY DEVELOPMENT
COMMISSION**

THE GATEWAY DEVELOPMENT COMMISSION

August 2, 2023

ADDENDUM NO. 2

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

This constitutes Addendum No. 2 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.	9.2.3	<p>At least three \$200 Million- and approximately 20-foot diameter TBM tunnel projects are criteria listed within several Key Personnel descriptions and evaluation criteria. In addition, the TBM Lead criteria increases the experience to four and also includes “precast concrete segmental tunnel lining of similar size, type and complexity.” Considering the history of hard rock tunneling in the United States and the relatively recent transition from cast-in-place tunnel lining to utilization of concrete segments in hard rock tunnels, the criteria as currently specified will make it very challenging for current employees of United States firms to qualify. In fact, if one considers the life span of a typical \$200 Million project is three to four years, the Key Personnel would most likely have 20+ years of experience (considering their previous experience required to fill these types of positions) and have transitioned to executive or leadership roles within their companies. Additionally, 20-foot diameter or larger hard rock TBM tunnels in the United States has not been prevalent further challenging United States firms to meet the criteria. Lastly, is the \$200 Million</p>	<p>The following edits have been made to the Anticipated Project Roles and Minimum Qualifications for the following Key Personnel:</p> <p>Project Manager: -Such experience in construction and management-of-construction shall include at least three tunneling construction projects (similar or greater size, type, and complexity to this Project) each having a construction value in excess of \$200-Million.</p> <p>Construction Manager: -The Construction Manager's experience in construction and management-of-construction must include at least three rock tunnel projects (similar or greater size, type, and complexity to this Project) with hard rock TBMs in the last 25 years, each having a construction value in excess of \$200 Million.</p> <p>TBM Lead: -The TBM Lead’s experience in TBM tunnels must include at least four tunnel projects associated with supervising or providing Lead advice for the excavation and support of hard rock TBM tunnels in strong and abrasive rock and precast concrete</p>

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		threshold current value? Is there a uniform escalation computation?	<p>segmental tunnel lining of similar or greater size, type, and complexity to this Project.*</p> <p><i>Footnote: * Experience with precast concrete segmental tunnel lining is preferred.</i></p>
2.	Appendix 2	Since several questions remain unanswered, the GDR has not been available, and further questions will likely arise as we engage with potential subcontractors and vendors, we request that the deadline for RFIs be extended at least two weeks.	GDC will continue to accept additional questions that are either related to previous Addenda or are strictly administrative clarifications beyond July 17. Addenda for only these types of clarifications may be released by GDC up until August 28.
3.	3.1(a) and 9.1(d)	The RFQ uses the term ‘competitive range’ in 3.1(a) and 9.1(d), but we don’t find that term defined anywhere. Will GDC be informing the proposing teams of what the “predetermined competitive range” is?	No. As information, the Competitive Range are those respondents whose submissions will have a reasonable chance of being selected for award, taking into account the evaluation criteria of the RFQ.
4.	iDeals	<p>The Palisades GDR file is too large to be downloads. We received the following message from the iDeals file transfer company indicating that we should make a request that GDC split the Palisades GDR into two files:</p> <p>“However, in order to avoid same issues with the file in the future, we kindly ask you to contact the administrator of the data room directly asking to split the file and upload it in two parts since the same issue can also affect multiple other users in the data room. Please find the full administrator's contact information in the invitation email you received to initially access the data room.”</p> <p>Please advise whether this file can be split as requested.</p>	The GDR has been divided into several separate files and uploaded to the VDR.
5.	Section 5.5	For this design-bid-build contract, section 5.5 allows for reorganization until a date to be specified prior to submittal of the Proposals. We understand the importance of keeping the team intact but, it will result in a	As indicated in Section 5.5 of the RFQ, Respondents may not undertake specific changes in organization without the Commission’s prior written approval (which will be subject to

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		rigid bidding process if subcontractor is providing key personnel. Will there be a special process to substitute out subcontractors with key personnel or substitute in subcontractors with key personnel; except in the event it results in a less qualified team?	the Commission’s discretion), including deletion, substitution, or other change in composition of an entity identified as a member of the Respondent in the Respondent’s SOQ following submission of the SOQ. For clarification, this requires Proposers to seek the Commission’s written approval before deletion or substitution of any subcontractor that was identified in the SOQ.
6.	RFQ Section 8.3.b.	The RFQ allows 11x17 for organization charts. Can 11x17 pages be used for other graphics or drawings and count as one page?	11” x 17” sized-equivalent can be used for other graphics or drawings and will count as one page, similar to organizational charts.
7.	Form T-5	Form T-5 requires safety information be submitted for all Key Personnel. We ask that you limit this requirement to only those positions for which safety records are relevant.	The Key Personnel information requirements for Form T-5 is revised to be limited to Project Manager, Construction Manager, and Safety Manager.
8.	Form A-3	First paragraph states "...pursuant to a design-build agreement..." This language should be amended.	Form A-3 is edited to say: "...pursuant to a <u>Project Contract design-build agreement</u> with the Commission..”
9.	Appendix 9.2	Please confirm if T-1 reference projects need to have reached completion to be submitted.	Projects provided in Form T-1 do not need to be completed, but the Respondent should write “Not Completed” in the space reserved for “Actual completion date,” along with the percentage of the project completed to-date.
10.	Form T-3	Form T-3 states, “Provide up to five references of project owners (i.e., public agencies procuring the work) – one for each of the projects listed above. References must be owners or clients for whom the individual has performed project work in the past 12 years and shall not be current or past employers of the individual.” Since some of the positions (i.e. Construction Manager, Rock Mass Grouting Lead, Slurry Wall Lead, and Construction Quality Manager) are required to have 20(+) years of	The sentence referenced in Form T-3 is revised to say "References must be owners or clients for whom the individual has performed project work <u>in the past 12 years consistent with the specific Key Personnel requirements outlined in Appendix 9 (SOQ Volume 2 – Technical Submittals)</u> and shall not be current or past employers of the individual.”

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		experience, please revise the language to allow for references to be submitted spanning the 20(+) years of experience required.	
11.	8.3	What are acceptable file formats for SOQs?	Unless indicated otherwise, Registration Submittals and SOQ files must be submitted as searchable, unlocked PDFs.
12.	Info Session	A company sent an expression of interest to the procurement domain before June 14 but has yet to receive the procurement portal access. What should we do in this case, and what is your recommendation?	Access to a procurement portal is currently not necessary for potential Respondents at this time. Addenda and other updates will be emailed from procurement@gatewayprogram.org to entities that have submitted Expressions of Interest and will also be posted on the public website (https://www.gatewayprogram.org/workwithus2.html). An Addendum with additional information about SOQ submission procedures, including any instructions for procurement portal access, will be released in advance of the SOQ Due Date.
13.	Info Session	The CPs are being waterproofed but not the tunnel lining?	The cross passages will have a waterproofing system installed followed by a cast-in-place concrete lining. More information will be provided in the RFP.
14.	Info Session	I know the Hoboken shaft site was previously acquired under the ARC project, along with many underground easements under the Palisades Mountain. When is the remainder of the required properties, including the many underground easements, going to be acquired so the boring operation is not delayed?	Subsurface easement acquisition is on-going. More information will be provided in the RFP.
15.	Info Session	Regarding the geotechnical conditions. Is the entirety of the work being performed in rock formation? Can you please elaborate a bit more on the soil conditions?	The GBR will be provided with the RFP Documents.

Additional Changes to the RFQ

1. The following changes are made to Section 9.1 – Evaluation Process Overview

The SOQ evaluation process will include the following:

- (a) Responsiveness Review – The Commission will evaluate each SOQ for responsiveness based on pass/fail criteria, as described in Section 9.2.1;
- (b) Financial Submittals Evaluation – The Commission will evaluate the Financial Submittals in each SOQ based on pass/fail criteria, as described in Section 9.2.4;
- (c) Technical Submittals Evaluation – The Commission will evaluate ~~the Technical Submittals in each SOQ based (i) on pass/fail criteria, as described in Section 9.2.3(a) and (ii) on scored criteria and will be comparatively evaluated~~ SOQs that obtained a pass in the precedent steps (a) and (b) in respect of each scored criterion, as described in Section 9.2.3; and
- (d) SOQ Scoring and Shortlisting – The Commission will determine the total score for each SOQ by summing the points scored for each of the technical evaluation criteria. The Commission will select up to five Respondents in the predetermined competitive range that have achieved the highest total SOQ scores to be the Shortlisted Respondents, provided that, they have (i) passed all pass/fail evaluation criteria in **Section 9.2.1 and Section 9.2.4**, and been determined to be responsive to the requirements in this RFQ in accordance with; ~~Section 9.2.1, (ii) passed all technical pass/fail evaluation criteria in Section 9.2.3(a), and (iii) passed all financial pass/fail evaluation criteria in Section 9.2.4.~~

2. **The following changes are made to Section 9.2.3 –Technical Submittals – Evaluation Criteria**

~~(a) Technical Submittals – Pass/Fail Criteria~~

~~The Commission will evaluate the technical qualifications of each Respondent to successfully deliver the Project, as evidenced by its Technical Submittals, based on the pass/fail evaluation criteria listed below:~~

- ~~(i) Legal Standing~~
- ~~(ii) Financial Strength~~
- ~~(iii) Backlog and Capacity~~
- ~~(iv) Vendor Responsibility~~

~~(b) Technical Submittals – Scored Criteria~~

3. The text in Section 7 – Protests is deleted and replaced by the following revised language

The Commission adopted protest procedures on May 31, 2023 (the “**Protest Procedures**”). A copy of the Protest Procedures is available on the Commission’s website at: <https://www.gatewayprogram.org/wp-content/uploads/2023/07/Gateway-Development-Commission-Protest-Procedure.pdf>. The Protest Procedures establish the exclusive protest remedies available to Respondents and other interested parties with respect to this RFQ, and no protest with respect to this RFQ may be filed except pursuant to the Protest Procedures and this Section 7. Any Respondent or other Interested Party (as defined in the Protest Procedures) may protest (x) this RFQ or a requirement hereof, on the basis that it is wholly ambiguous, contrary to applicable legal requirements, or is outside the Commission’s authority, (y) a determination as to whether an SOQ is responsive to the requirements of this RFQ, or (z) the selection of the Shortlisted Respondents under this RFQ. In the context of this RFQ, an Interested Party under the Protest Procedures is an actual or prospective Respondent whose direct economic interest would be affected by shortlisting (on non-shortlisting) under this RFQ or subsequent award (or non-award) of the Project Contract.

The Protest Procedures’ 10-day period for submission of protest will be applied in the context of this RFQ as follows:

- (a) Protests regarding this RFQ or a requirement hereof shall be submitted in writing to the Commission Representatives no later than 10 days prior to the due date for SOQs.
- (b) Protests regarding a responsiveness decision or shortlisting decision shall be submitted to the Commission Representatives in writing no later than 10 days after the earlier of (i) as applicable, receipt of the notice of non-responsiveness, or the date notice of the Shortlisted Respondents has been posted on the Procurement Portal, or (ii) the date of actual knowledge by the protester that its SOQ has been determined non-responsive or it has otherwise not been selected as a Shortlisted Respondent.

Each Respondent, by submitting its SOQ, expressly recognizes and agrees to the limitation on its rights to protest provided in this Section 7, (including as provided in the Protest Procedures referenced herein), expressly waives all other rights and remedies that may be available to the Respondent under law, and agrees that the decision on the protest is final and conclusive. These protest provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Respondents.

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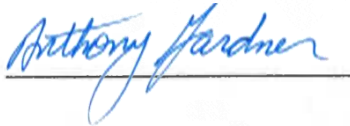
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All other RFQ requirements remain the same and the SOQ Due Date is September 13, 2023, at 2:00PM.

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

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