Addendum No. 2
May 29, 2009

The City University of New York
Request for Proposals (RFP)
New York City College of Technology New Academic Building
Project Number: NY-CUCF-01-08

This Addendum is issued for the following purposes:

Part 1. This Addendum is issued for the purpose of amending the subject Request for Proposals and is hereby made a part of said Request for Proposals to the same extent as though it were originally included therein. The amendments are listed below.

Part 2. This Addendum is also issued for the purpose of conveying the below listed Questions and Answers which include responses to the questions raised in the questions & answers section of the May 13, 2009 Site Visit as well as responses to the questions that were emailed to the CUNY Contracts Department. In addition, appended are the May 13, 2009 Site Visit presentation materials. Consistent with Section VI. E. Reserved Rights of the RFP, all information provided herein is made in good faith for information purposes only and does not in and of itself change the RFP. Changes to the RFP may only be made by formal amendment if and when required.

Contact: Michael Feeney, DDCM.ContractsDept@mail.cuny.edu

By signing in the space provided below, the Proposer acknowledges receipt of this Addendum. This Addendum must be signed by an authorized representative of the Proposer and submitted with the Proposal.

Name of Proposer

Name of Authorized Proposer Representative Title Signature Date
Addendum No. 2  
May 29, 2009

The City University of New York  
Request for Proposals (RFP)  
New York City College of Technology New Academic Building  
Project Number: NY-CUCF-01-08

Part I. Amendments to the RFP

1. Section II. B Joint Ventures and Other Consultant Relationships – The provision is deleted and replaced as follows: FPCM is allowing Joint Venture relationships for this project. Further, in those instances where the proposal is submitted not as a Joint Venture but as a Prime/Sub relationship, both the Prime and Sub(s) will be evaluated.

2. Section II.E Payment Provisions is amended to include a new Sub-Section:

   4. Construction: A construction allowance will be provided in the contract for payment by the selected Construction Manager for construction work performed by subcontractors.

3. Section III. B Contract Provisions is revised as follows: The provision, “In addition, CUNY will require the successful proposer to provide payment and performance bonds in the prescribed form in the full amount of the contract.” is deleted and replaced by “It is the intent of CUNY to structure the contract so that Payment and Performance Bonds are required of all the subcontractors performing construction work for the full value of their work. Further, it is the intent of CUNY to require the selected Construction Manager to provide a Payment Bond for a value that approximates roughly two months of construction work. This payment Bond is intended to provide for claims of non-payment from sub-contractors to the Construction Manager.”

4. Section III. H Hazardous Materials is amended to include the following provision: CUNY reserves the right to directly provide such independent inspection and/or air monitoring services through a third party.

5. Section III. K Completion Contracts is added as follows: Where a sub-contractor fails to perform, is defaulted or terminated for cause, and there is no surety, or after a demand has been made, the surety fails to perform its obligations in a timely manner, completion of the required work may be done through a contract with another vendor in as expeditious and competitive a manner as practicable, subject to the approval of CUNY. The defaulted subcontractor and/or surety, as applicable, will be liable for any additional costs and expenses arising out of or related to the completion of the work, including without limitation, any administrative costs and the cost of any required corrective work.
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Part 2. Questions and Answers

This Addendum is issued for the purpose of conveying the below listed Questions and Answers which include responses to the questions raised in the questions & answers section of the May 13, 2009 Site Visit as well as responses to the questions that were emailed to the CUNY Contracts Department. In addition, appended are the May 13, 2009 Site Visit Overview presentation materials. Consistent with Section VI. E. Reserved Rights of the RFP, all information provided herein is made in good faith for information purposes only and does not in and of itself change the RFP. Changes to the RFP may only be made by formal amendment if and when required.

Overview

The Site Visit Conference opened with an explanation of the governing procedures. (Attached) A copy of the attendance sign-in sheets is also attached.

CUNY and the project's designer, Perkins Eastman, provided an overview of the project scope consistent with the RFP, The scope of work to be performed is contained in the RFP and its Exhibits, but the following areas were emphasized: The site is bounded by Tilliary Street, Jay Street and Tech Place. The site includes the Klitgord Building and the adjacent TV Studio building located immediately next door towards the South of the Klitgord Building both of which will be demolished as a part of this contract. We are building below grade. There is water at the site, but we are attempting to avoid going below the water table. The project program itself contains class and bathroom space, a full court basketball gymnasium, and a 1000 seat auditorium. Schematic Design was just completed and we are now in the Design and Development Stage.

We are discussing the design of the curtain walls but the design may change. In the presentation, the following site drawings were displayed: Demolition drawings for the buildings; some schematic drawings of the existing layout, with the entrance at Jay Street and Tilliary Street; and some drawings showing the future floor layouts of the new building. These site drawings are posted separately on the website at www.cuny.edu/constructionsolicitations.

The design will probably be completed by August with the complete design and all prepared documents expected by the end of this year. The lobby of the present building connects to the TV studio which belongs to Westinghouse High school. The TV studio will be severed from the high
school as a part of this project. The Klitgord building is a two story building which presently houses the auditorium and the Gymnasium. The adjacent structure houses the TV Studio space. These two buildings which form an L-Shape will be the site where the new building will be constructed. Part of the design package is to address the access and entrance area to the High school, after the TV studio is excised from the High School.

**Questions and Answers**

**Q1.** Where will the programs that presently use the building go?

A1. Programs currently in the Klitgord Building will be temporarily relocated during construction and will be housed in the New Academic Building. Spaces in the Television Studio Building are not part of the College and will be relocated.

**Q2.** Does the courtyard (behind the Klitgord Building) belong to NYU Polytechnic College?

A2. The courtyard/ tennis court behind the Klitgord Building belongs to NYU Polytechnic.

**Q3.** Does the Demolition include this area?

A3. The demolition does not include the NYU Polytechnic Dormitory and courtyard/ tennis court. The demolition includes the entire Klitgord and Television Studio Buildings, and includes the first floor walkway/ connection from the Television Studio to the facade of the Westinghouse High School.

**Q4.** Does the new design encompass the entire footprint?

A4. Please refer to the property description in the RFP.

**Q5.** What about staging areas. I mean are there any areas aside from the site for staging?

A5. You will have to obtain permission to use the streets for staging. This is an important issue that you will have to look at very carefully because you are bordered by two very busy streets, Jay and Tilliary.

**Q6.** How close is the subway tunnel?

A6. The dimensions from the new building to the tunnel vary, but essentially the subway tunnel follows the property line along Jay Street.

**Q7.** What about the water table in this area?

A7. The architects are currently designing foundations that will be above the water table.

**Q8.** Can you take us down to the lower level as well?

A8. We will take you down to the basement level of the Klitgord Building. In this area we have the gym support spaces, which consist of the men’s and women’s locker rooms.
and bathrooms, some offices, and classrooms. One of the corridors exits to the first floor alleyway behind the building.

Q9. **What about this sidewalk and parking lot, will this be repaired?**

A9. The sidewalk and parking lot will be removed as part of the demolition package. The sidewalk will be repaired as required.

Q10. **Is this a legal egress?**

A10. The alleyway along the east façade of the Klitgord Building is not a legal egress.

Q11. **There is some shiny artwork at the front of the building, are they going to be reincorporated in the new design?**

A11. The two mosaic medallions adjacent to the main entrance are being salvaged and will be relocated to another part of the campus. This will be addressed in the demolition package and will also include the relocation of the sculpture at the corner of Jay Street and Tech Place.

Q12. **Is this the normal repository for the dumpster? Does it normally stay here (In the Courtyard) and will continue to be here?**

A12. This is the normal repository for the Klitgord dumpster. It will not remain here during construction and is not to remain as part of the new building design.

Q13. **What do they call this area?**

A13. This area behind the Klitgord Building is called the alleyway.

Q14. **Where is the new television station going to be?**

A14. We do not know at this time. The relocation is not part of this project.

Q15. **The Tower will be on Jay Street?**

A15. The taller part of the new building will run along Jay Street.

Q16. **Does this parking lot belong to CUNY?**

A16. The parking lot adjacent to the Television Studio does not belong to CUNY.

Q17. **Is it CUNY or the Board of Ed that actually runs the program in the TV Studio?**

A17. The Board of Education.

Q18. **So the space belongs to the Department of Education?**
A18. The Television Studio Building is owned by the Department of Education (DOE). DOE is in the process of transferring ownership to CUNY.

Q19. Are we going to be maintaining access in this area for the high school during construction?

A19. This has not been resolved yet, we are working with the School Construction Authority and the Department of Education. Access may be provided from other high school entrances.

Q20. Would we be getting sample forms of the contract?

A20. We anticipate issuing a draft form of the contract to the Stage One Short-Listed Proposers.

Q21. Is there an MWBE requirement goal and what is the percentage?

A21. Yes, The MWBE goals are 7.25% for MBE's and 4.75% for WBE's.

Q22. The LEED part of the project is going to be Silver, but can you tell us which Reference Guide we will be using. Is it the 2.2 or the new 3.0?

A22. We are using LEED NC 2.2.

Q23. Can you describe a little bit the anticipated structure of the contract with specific reference to who provides performance bonds and what those bonds will cover given that there is no GNP or lump sum from the CM mentioned in the RFP?

A23. See the Part 1. Amendments to the RFP section of this Addendum, Item number 3.

Q24. You see the form and structure of the contract will have an impact on whether someone decides to submit at all, so it will be nice if we could get as much detail as possible prior to that?

A24. We will share whatever we can before a submission is due. See A20 & A23.

Q25. One of the reasons that you are getting so many questions about the contract is that it is a little unusual to ask us, the contractor, to hold the contracts, but the sub contracts are awarded publicly and there is no guarantee of price, but there is a guarantee of schedule, and as far as my experience goes, I think that it is without precedent. CUNY is a new agency, but it is a different kind of a format than we have seen before, and it has implications that I suspect your lawyers are aware of but, it looks a little strange to us.

A25. We appreciate your comment but the structure of the RFP is consistent with how City agencies are soliciting construction management/build services.

Q26. Is handling of asbestos and other materials a part of the demolition package?
A26. Yes.

Q27. Is there an inventory of those services?

A27. An asbestos consultant is part of the design team and is preparing remedial documents. The results of the survey will be made available to the selected firm.

Q28. So the survey part of the work is already being completed?

A28. The asbestos survey is being completed.

Q29. Are the schematic drawings available on an FTP site?

A29. The site drawings that were shared in the overview session of the site visit are posted separately on the website at www.cuny.edu/constructionsolicitations. We anticipate that any other available detailed drawings will be shared with the Stage One Short-Listed Proposers.

Q30. In the document that you have sent out you said that there is 1275 consecutive calendar days to do this project. If you issue this project on September 1, 2009 the 1275 days works out to be February 28, 2013. This contradicts the other part of the RFP which said that you want this to be done by 9 of 2012. Can you clarify that?

A30. It remains CUNY & NYCCT’S wish to complete the construction and to occupy the new building by September, 2012.

Q31. When we were outside looking at the façade some of the elements on the façade like the glazed sections, the medallion and signage you said that those has to be removed and reclaimed as part of the general scope. Is that the intent?

A31. Only the two mosaic medallions adjacent to the main entrance are being salvaged and will be relocated to another part of the campus. This will be addressed in the demolition package and will also include the relocation of the sculpture at the corner of Jay Street and Tech Place.

Q32. In the facility next door there is a tennis court, is there any expectations that that facility has on how there is going to be separations between this complex and their building. Has there been any conversations surrounding that?

A32. You are referring to the NYU Polytechnic College Residential building. That has its own zoning and it is a separate entity in terms of what you can do with that property and the lot. So you have to think about that as building anywhere in New York City against another lot.

Q33. In the RFP you said that CUNY will not recognize a Joint Venture but that you will look at two firms working together as a prime and a sub, In that case do
you consider the qualifications and experiences of both or just of the firm that you deem to be the prime?

A33. See the Part 1. Amendments to the RFP section of this Addendum, Item number 1.

Q34. I am just trying to make it clear. Would you be evaluating the subs or not?

A34. See A33.

Q35. The RFP describes that we will not have occupied space for construction under the water table except for the foundation. It also showed that there is a gymnasium below grade, are we looking forward to that as an occupied space, therefore not below the water table.

A35. That is correct. Although we believe that the water is below that level.

Q36. In the referenced RFP, on page 8, section III, Scope of Work and Contract Conditions, Paragraph B, the last sentence states “In addition, CUNY will require the successful proposer to provide payment and performance bonds in the prescribed form in the full amount of the contract.” Is the referenced “Full amount of the contract” the amount of the CM’s work, staffing, fee, etc. or, is it for all the work, including the subcontractors’ amounts?

A36. See A23.

Q37. The RFP describes the contract as CM/Build. Generally under a CM/Build contract the CM holds all subcontracts which are bid to a select group of bidders on an open book basis with the owner and with no performance bond provided by the CM. In a CM-at-Risk contract, the CM generally provides the owner with a Guaranteed Maximum Price (GMP) and backs that guarantee with a bond. CM’s at Risk also select their sub-contractors. The RFP describes a contract structure in which the CM holds all subcontracts but in which the subcontracts are selected using an open competitive bid process. Under the RFP, the CM also provides a performance bond but does not provide a GMP. This contract structure raises several questions:

Q37A. Is it CUCF’s intent for the successful proposer to provide a performance bond for the full value of the construction work, currently estimated at $292 million?

A37A. See A23.

Q37B. Would the subcontractors also be required to bond the value of their contracts?

A37B. See A23.

Q37C. Since the CM is not required to provide a GMP, what is the performance bond guaranteeing - schedule, cost, and if so which costs? If the CM is required to bond the entire value of the construction, this is more akin
to a CM-at Risk contract than CM/Build but the risks are significantly magnified by the inability of the CM to select subcontractors.

A37C. See A23.

Q38. If the selected CM is a union signatory and the lowest responsible bidder for one of the subcontracts is a non-union contractor, will the CM have the right to reject the bid since their union agreement would not allow them to enter into contract with the non-union sub? If not, on what bases can union CM’s participate in this selection process?

A38. CUNY is required to enter into contracts where the vendors agree to pay NYS prevailing wages. If the lowest responsive and responsible bidder for a construction trade contract is a prevailing wage contractor, but not a union contractor, the Construction Manager would have no basis for rejecting their bid.

Q39. Please also note that Section II.E. of the RFP identifies 3 categories of payments to the CM but does not include a category for payment of construction costs, i.e. subcontractors. If the CM is to hold all contracts, as indicated in Section III. E. of the RFP, then this payment category needs to be added.

A39. See the Part 1. Amendments to the RFP section of this Addendum, Item number 2.

Q40. Please confirm that all P&P Bond requirements will be only from Trade Contractors / Subcontractors and not required of the Contractor.

A40. See A23.

Q41. Please confirm that all Subcontracts will be held directly by the Contractor and not by CUNY.

A41. All Subcontracts will be held directly by the Contractor.

Q42. Please confirm that there will be no guarantee of cost for the project (i.e. Lump Sum or GMP).

A42. The payment provisions are as stated in the RFP, as amended by this Addendum. This is not a Lump Sum or Guaranteed Maximum Price contract. In the event the final construction bids exceed the amount established in the Construction Allowance referred to in the answer to question Q39, the Construction Allowance will be increased, upon review and approval by CUNY. Likewise, if unforeseen conditions occur requiring additional funding, such funding will be provided, upon review and approval by CUNY.

Q43. Does the cost of the insurance have to be included in the Over head multiplier? IF yes what is the limit of coverage required and on what contract value?

A43. We anticipate addressing insurance requirements with the Stage One Short-Listed Proposers.
Q44. Is the owner buying the builders risk policy?

A44. No, the selected firm will be responsible for securing the builder’s risk policy.

Q45. The RFP requests a portfolio of up to five projects, each presented on one sheet of 8 1/2 by 11 paper. If CM firms submit additional material beyond the five sheets consisting of, for example, additional projects, background on the firm, related experience, available personnel, or other items, will the additional material be considered in the evaluation or will it be ignored? If firms submit additional material will their evaluations be negatively impacted for failure to comply with the requirements of the RFP?

A45. Proposals should be prepared pursuant to the provisions set forth in Section IV. Format and Content of the Proposal.

Q46. Please clarify the CM/Build form of contract; will the form of contract be issued for review?

A46. See A20.

Q47. Will the selected CM be holding the individual subcontracts for each trade?

A47. Yes.

Q48. There is no mention of the CM generating a guaranteed maximum price, so is this similar to a “cost of the work plus a fee” form of contract. The CM is not “at-risk” for a final contract value?

A48. See A42.

Q49. Can we prequalify subs using our forms?

A49. The open competitive bid procedure is as stated in Section III.E.

Q50. What are the insurance requirements and what are we insuring? Our work or the entire project?

A50. See A43.

Q51. There is a conflict in your RFP pertaining to the schedule. On page 5 you state “Project and complete and occupy by September 2012. On page 6 item C, your write “the estimated contract term is 1275 consecutive calendar days. Which is correct? Does this include design time?

A51. See A30.

Q52. Form of contract: For the purposes of Stage 1 can we use the Draft Brooklyn College document?

A52. See A20.
Q53. When will Schematic Design and or Design Development documents be available?

A53. See A29.

Q54. What LEED standard will be used?

A54. See A22.

Q55. Has hazardous survey been completed? Will it be distributed?

A55. The hazardous survey is being completed. The hazardous materials survey will be distributed to the selected firm.

Q56. Will any portion of this project be occupied during Construction/Demo?

A56. There will be no occupancy during demolition/construction. It is not our intent to occupy the building during construction. However, to meet the College’s schedule, it may be necessary to occupy some areas of the building before the project is completed.

Q57. Page 8, Section B of the subject RFP states: “FPCM does not allow Joint Venture relationships for this project and will not recognize the corporate configuration wherein one company is “in association with” another.” We understand the preclusion of the “in association with” since such is not a legally binding relationship. However, considering that a Joint Venture is a legally recognized corporate configuration, we do not understand the prohibition of same.

Joint Ventures allow for the combination of the best technical and management teams to be created to serve complex projects such as this project. We believe it is in the best interest of FPCM to increase competition and attract the best firms by allowing Joint Ventures.

We are respectfully requesting that FPCM reconsider the prohibition of Joint Ventures.

A57. See A33.

Q58. Is the Construction Manager required to hold bonds.

A58. See A23.

Q59. Section III. Scope of Work and Contract Conditions, B. Contract Provisions states in part “…CUNY will require the successful proposer to provide payment and performance bonds in the prescribed form in the full amount of the contract.”

Please clarify if the Construction Manager will be required to provide the aforementioned payment and performance bonds. And, if so, how is the
Construction Manager to determine the “full amount of the contract” prior to bidding out the various trade contracts?

A59. See A23.

Q60. Is this an RFP for a CM at Risk?

A60. See A23.

End of Questions.
Good afternoon, I am Jeffrey Weinstein, Director of Procurement Services for CUNY’s Office of Facilities Planning, Construction and Management.

The purpose of this afternoon’s site visit is to provide you with the opportunity to see and walk through the facilities on the New York City College of Technology campus that will be involved in this project, and at the end of the site visit, the opportunity to ask questions about the project. It is, therefore, important that you understand the following.

Consistent with RFP Section VI. E. “General Information to Proposers/Reserved Rights”, all information provided or available in connection with this site visit is made in good faith for information purposes only and does not in and of itself change the RFP. Therefore, anything seen or said during the course of this site visit is not binding and does not change the RFP. Changes to the RFP may only be made by formal Amendment if, and when required.

All Addenda to the RFP, including Amendments and any other information related to the RFP issued by CUNY, will be available for downloading at www.cuny.edu/constructionsolicitations or also available for in-person pick-up during regular business hours at CUNY’s Office of Facilities Planning, Construction and Management, Procurement Services, 555 West 57th Street, 11th floor, Room 1140 in Manhattan.

We will make our best effort to address your questions during the Question and Answer session, which will follow the site visit today. In those cases where additional follow-up may be needed to provide an answer, we will so advise you.

Questions addressing the same or similar subject may be treated as a single question and responded to once. Responses of general applicability will be issued in the form of an Addendum to the RFP for information purposes only.
Questions and/or other issues that may materially affect the RFP will be addressed as an Amendment and issued as an Addendum to the RFP. In either case, they will be available as previously described.

- Please refrain from asking any questions during this Overview and the Site Visit to ensure that everyone gets the same opportunity to raise questions and hear the responses and because some of your questions are likely to be addressed by what you see on the walk-thru.

- You are reminded that questions may also be submitted via email to: DDCM.ContractsDept@ mail.cuny.edu. Please place “New York City College of Technology New Academic Building RFP” in the subject heading of the email. Emails are due by the end of today.

- Buildings are occupied and in use today. Please be respectful of that fact. Note that while photography is permitted, it is limited to photographs of the site and building exteriors and interiors only. Do not photograph students or staff. Photographs shall not be used for any purpose other than the submission of a response to the RFP without the express prior written approval of CUNY.

- You are also reminded that the ONLY Authorized Agency Contact Person for all matters concerning this RFP is Michael Feeney, CUNY’s Chief of Consultant Contracts, whose contact information is in the RFP. Attempts to contact other individuals are prohibited and are required to be recorded in accordance with the New York State Procurement Lobbying Act of 2006. For more information, please refer to the New York State website at: http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html

- This overview will also be formally issued as an Addendum to the RFP.

- If you have not already done so, please sign in, and complete the Site Visit Release Form.

- We will now continue with an overview by the project’s design consultant, Perkins Eastman. Afterwards, we will begin the site visit and when it is over, we will return to this room for the Question and Answer session. Thank you for your participation and cooperation.
# Site Visit / Conference Sign in Sheets

## Meeting Sign-In Sheet

**Project:** New York City College of Technology New Academic Building Construction Management/Build RFP  
(Project No. NY-CUHF-01-08)  
**Meeting Date:** Wednesday, May 13, 2009 at 2:00 P.M.

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### Meeting Sign-In Sheet

**Project:** New York City College of Technology New Academic Building Construction Management/Build RFP (Project No. NY-CUCF-01-08)

**Meeting Date:** Wednesday, May 13, 2009 at 2:00 P.M.

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**Organization:**
- New York University
- CUNY

**Meeting Date:**
Wednesday, May 13, 2009 at 2:00 P.M.
# Meeting Sign-In Sheet

## Subject: Site Visit

<table>
<thead>
<tr>
<th>Project: New York City College of Technology New Academic Building Construction Management/Build RFP (Project No. NY-CUCF-01-08)</th>
<th>Meeting Date: Wednesday, May 13, 2009 at 2:00 P.M.</th>
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