

**Addendum # 1**  
**August 2, 2004**  
**Lower Manhattan Development Corporation**  
**Request for Proposals**  
**Construction Management Services**

**Acknowledgement of Addendum:**

Please acknowledge receipt of this addendum in your proposal.

**Responses to Questions:**

**Submission Process and Requirements**

Question # 1

Are the attachments available in electronic format?

*Answer:*

**No.**

Question # 2

Please clarify what is included in 'firm fee'?

- A) Does the fee include all expenses, OR
- B) Does the CM bill for fee plus reimbursable expenses?

*Answer:*

**Fees shall include all expenses including salaries, overhead costs and miscellaneous expenses.**

Question # 3

What is to be included in hourly rates to be submitted?

- Wages plus fringe, insurance and taxes?
- Expenses?
- Overhead and profit?

*Answer:*

**Hourly rates should be an inclusive single number for direct salary, fringes, insurance, taxes, overhead and profit.**

Question # 4

Can I get a list of attendees from the pre-proposal conference?

*Answer:*

**Yes. The list is posted after the attachments under the Construction Management Services RFP on [www.RenewNYC.com](http://www.RenewNYC.com).**

Question # 5

Are you looking for only one large CM firm or will you entertain a proposal from a small CM firm who may be doing a special aspect of it?

*Answer:*

**A decision will be made once we have received the proposals.**

Question # 6

Are you selecting a firm based on the lowest price or would you consider the CM firm with the best plan?

*Answer:*

**Fee proposal is a part of the submission and therefore a factor in the selection process; however, LMDC will contract with the most qualified firm, who may or may not be the lowest bidder.**

Question # 7

The RFP states that the fee proposal is to be included in the proposal in a separate, clearly marked envelope. Does the fee proposal count in the ten (10) page limitation?

*Answer:*

**No.**

Question # 8

Can the selected CM pursue the CM-Memorial and the CM-Cultural projects?

*Answer:*

**Yes.**

Question # 9

Can you tell us who sits on the formal selection committee?

*Answer:*

**No.**

Question #10

Can you please provide more detail as to how the committee will approach this procurement?

*Answer:*

**Please refer to Section IV, Criteria for Selection.**

Question # 11

1) What is the “Opportunity Downtown Plan” referenced in the RFP? 2) And, is there a document describing this?

*Answer:*

**1) The Opportunity Downtown Plan is a program between LMDC and Gilbane Building Company to ensure the participation of minority and women businesses and minorities and women in the workforce. It generally consists of monitoring participating by women and minorities on the project, participating in various outreach events or hosting conferences, and maintaining an MWBE bidders list for the 130 Liberty Street project.**

**2) Press releases for past events are available on [www.RenewNYC.com](http://www.RenewNYC.com) and Opportunity Downtown events are listed under the MWBE events section of same.**

Question # 12

Please clarify the submission of work samples.

*Answer:*

**Per section III, Submission Requirements, work samples (such as drawings, timelines, and construction documents) are not included in the ten (10) page limit. Resumes of staff are also not included in the ten (10) page limit.**

Question # 13

In the lump sum fee proposal, are we to include an allowance for Pre Construction services or will you utilize a task order method to procure those services according to the hourly rates we submit?

*Answer:*

**LMDC will utilize a task order method with the hourly rates for work not included in the lump sum fee proposal, such as pre-construction services, or will negotiate a lump sum for such services based on those hourly rates.**

Question # 14

Will LMDC make available the questions and answers from this conference as well as the list of participants?

*Answer:*

**These are the questions and answers from the conference, as well as those submitted in writing by the deadline. The list of conference attendees is included below the attachments under the RFP for Construction Management Services on [www.RenewNYC.com](http://www.RenewNYC.com).**

**Sub consultants**

Question # 15

Once the prime Construction Manager is selected, what process will be used to identify M/WBE firms who would participate as subs?

*Answer:*

**The Construction Manager may identify subconsultants in their original proposal. If additional subconsultants are needed, they will be hired through a quality-based competitive process managed by the CM. All subconsultant contracts shall be subject to the prior written approval by LMDC. Construction Management firm(s) are expected to utilize the Empire State Development Corporation's resources for identifying qualified minority and women business enterprises.**

Question # 16

As a WBE, should we submit as a sub to a larger firm or put in a proposal for ourselves?

*Answer:*

**Any minority or women owned firm should explore submitting a proposal on their own and contacting firms that attended the pre-proposal conference to submit as a subconsultant for a larger firm.**

Question # 17

What is the MWBE goal?

*Answer:*

**The MWBE total goal is 20% with no specific breakdown between Minority and Women owned businesses.**

Question # 18

Can you explain the approval process regarding subs?

*Answer:*

**LMDC requires 20 percent minority and women business participation. When firms propose subcontractors or sub consultants for us, there is an SBBQ, standard background business questionnaire, that's included on our website as part of the RFP package that needs to be filled out and your sub consultants will also need to fill out.**

Question # 19

Has Gilbane started hiring any of the sub contractors to perform the work, and will the CM be involved in that process?

*Answer:*

**Gilbane has had discussions with possible subcontractors. LMDC anticipates that much of that process will be done by the time the CM is hired. However, if the CM is on board while that process is still ongoing, the CM will be involved in that process.**

**Anticipated Scope of Services – Purpose and Project Area**

Question # 20

What is the intended magnitude of the work outside of 130 Liberty Street?

*Answer:*

**Construction Management Services for capital projects on a task order basis. Scope of work is to be determined.**

Question # 21

Is there a construction management system in place at LMDC? Does LMDC have in place a construction project controls system or have a clear preference for any software?

*Answer:*

**LMDC is currently exploring various systems for Construction Management and project controls. Proposals should indicate what systems they have utilized in the past and what systems they propose using on this project.**

Question # 22

Is there a conflict between this assignment and performance under an existing cost estimating and pre construction services contract with LMDC?

*Answer:*

**It is not anticipated that there will be a conflict; however the full extent of that contract and relationship must be identified under the “conflicts of interest” section of the RFP.**

Question # 23

- 1) Is there a New York City Building Department approved demolition plan in place?
- 2) Can the approved plan be made available?

*Answer:*

**1) The New York City Department of Building’s BEST Squad has approved a demolition plan. 2) Not at this time.**

Question # 24

To what extent will Gilbane and your deconstruction and asbestos contractors indemnify the CM on the project?

*Answer:*

**Until LMDC has entered into a contract with Gilbane, that cannot be determined.**

Question # 25

- 1) Is the street work behind 130 Liberty Street completed?
- 2) South side of Liberty?

*Answer:*

**1) No. 2) Yes.**

Question # 26

Who is reviewing Gilbane’s engineering plans for the deconstruction?

*Answer:*

**The contract drawings and documents were created by LMDC with the Port Authority, and Gilbane will be responding to those. The Port Authority engineers will be responsible for review of all engineering submittals and engineering RFI’s submitted by Gilbane.**

Question # 27

How is the environmental component of the clean-up handled in Gilbane's contract if it hasn't been quantified yet?

*Answer:*

**The current contract envisions one stage of gross cleaning, which is basically treating the building as if the dust within contains asbestos. That is going to be reviewed and examined as soon as we have the results of the characterization and requirements from DEP and EPA. Any changes will be handled through the change order process managed by the CM.**

Question # 28

Many large projects and agencies like this choose to make the owner rep role separate from the CM so you have a double check; was that considered or how or do you see that happening?

*Answer:*

**Gilbane is the contractor who is deconstructing this project for us. They are subbing out the majority of the work. They could be considered a general contractor or they could be considered a CM. We feel that it's important to have an additional layer (the double check) beyond Gilbane to provide CM or owner's rep services. This RFP is for those services.**

Question # 29

Deconstruction has become synonymous with "green building". Are you using the term "deconstruction" specifically to trigger recycling of this building or is it more or less demolition?

*Answer:*

**We are using the term "deconstruction" because the building will be taken down piece by piece – not by implosion.**

Question # 30

How did Gilbane get selected as the contractor?

*Answer:*

**Two of the insurance companies that wrote policies covering 130 Liberty Street obtained pricing from Gilbane for the cleanup and deconstruction work in connection with the mediation of the litigation between the insurance companies and Deutsche Bank surrounding the fate of 130 Liberty Street. As a participant in that mediation, LMDC agreed to acquire the property, clean the building, and deconstruct it consistent with the issues identified during the mediation and addressed by Gilbane's bid. LMDC's role is defined by and premised on a Gilbane contract in accordance with its original bid.**