

# THE PORT AUTHORITY OF NY & NJ

PROCUREMENT DEPARTMENT  
4 WORLD TRADE CENTER  
150 GREENWICH STREET, 21<sup>ST</sup> FLOOR  
NEW YORK, NY 10007

January 8, 2016

## ADDENDUM #4

To prospective Proposer(s) on **RFP # 44686 - REQUEST FOR PROPOSAL FOR PERFORMANCE OF EXPERT PROFESSIONAL STORM MITIGATION AND RESILIENCE INSURANCE ADJUSTMENT, AND GRANT MANAGEMENT SERVICES FOR FEDERALLY FUNDED STORM RESILIENCY PROJECTS DURING 2016 - 2018 (24 months)**

**BIDS DUE BACK ON JANUARY 14, 2016, NO LATER THAN 2:00PM**

**Questions will no longer be accepted after COB January 7, 2016**

### **I. PROPOSER'S QUESTIONS AND ANSWERS**

The following information is made available in response to questions submitted by prospective Proposer(s). It should not be deemed to answer all questions, which have been submitted by Proposer(s) to the Port Authority. It addresses only those questions, which the Port Authority has deemed to require additional information and/or clarification. The fact that information has not been supplied with respect to any questions asked by a Proposer(s) does not mean or imply, nor should it be deemed to mean or imply, any meaning, construction, or implication with respect to the terms.

The Port Authority makes no representations, warranties or guarantees that the information contained herein is accurate, complete or timely or that such information accurately represents the conditions that would be encountered during the performance of the Agreement. The furnishing of such information by the Port Authority shall not create or be deemed to create any obligation or liability upon it for any reason whatsoever and each Proposer, by submitting its proposal, expressly agrees that it has not relied upon the foregoing information, and that it shall not hold the Port Authority liable or responsible therefore in any manner whatsoever. Accordingly, nothing contained herein and no representation, statement or promise, of the Port Authority, its directors, officers, agents, representatives, or employees, oral or in writing, shall impair or limit the effect of the warranties of the Proposer(s) required by this Proposal or Agreement and the Proposer(s) agrees that it shall not hold the Port Authority liable or responsible therefore in any manner whatsoever.

41	<b>QUESTION</b>	Under Section <u>V. Proposal Submission Requirements, E. MBE/WBE Participation</u> :  a.) Can a single firm meet the DBE/WBE participation goal?  b.) If a firm is not currently certified, can it be included in the proposal while an application for certification is pending with the Authority's Office of Business Diversity and Civil Rights?
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		c.) What evidence is required to document a “good faith effort” to utilize certified DBEs or WBEs?
	<b>ANSWER</b>	<p>a.) Yes, a single firm can meet the DBE/WBE</p> <p>b.) Yes, a firm can be included in a proposal if it is not certified. However, the firm must be certified before the contract is awarded. If they are not certifiable then the prime must find someone that is to meet the goal.</p> <p>c.) Please refer to Section 21 of the Standard Agreement. In this section you will find a link to the Port Authority’s Office of Business Diversity and Civil Rights where you will find additional information that may be helpful to proposers in meeting the required goals.</p>
42	<b>QUESTION</b>	Will the Consultant be responsible for communications with FEMA or other Agencies providing funding?
	<b>ANSWER</b>	No, the Consultant will not be responsible for communicating with FEMA or other federal agencies.
43	<b>QUESTION</b>	Are there any current consultants working on this project that proposer will be working with? If so, who are they?
	<b>ANSWER</b>	The Consultant will be required to work with Port Authority staff and other consultants as required.
44	<b>QUESTION</b>	Under Section V.B, the RFP states that the proposer is required to include Attachments C-1 and C-2. Should these documents be included under Firm Qualifications and Experience or referenced in this section and placed in an appendix?
	<b>ANSWER</b>	Attachments C-1 and C-2 are required to illustrate that proposers meet the pre-requisites as noted in Section <b>II. Proposer Prerequisites</b> . The Port Authority has no preference as to where these documents should be placed.
45	<b>QUESTION</b>	The RFP speaks to an MBE requirement. Does a firm registered with the Port Authority as a DBE satisfy this requirement or is there a separate application?
	<b>ANSWER</b>	No. Firms must meet M/WBE certification requirements. Please refer to Section 21 of the Standard Agreement for additional

		information.
46	<b>QUESTION</b>	The proposal includes a projected hours allocation for a two-year period. However, the budget workup requires hours to be distributed over the three calendar years of the project. Can a firm simply provide a year-one and year-two hour distribution?"
	<b>ANSWER</b>	The projected hour allocation in the Scope of Services is for information purposes, only. The hour distribution can be provided as year-one and year-two as deemed necessary by the proposer in Attachment F- Pricing and Compensation Proposal.
47	<b>QUESTION</b>	<u>Under Section II. Proposer Prerequisites, Sub-paragraph B and V. Proposal Submission Requirements, B. Firm Qualifications and Experience:</u> The RFP requires that the Proposer must demonstrate “that it has at least five (5) or more individuals on staff, including executive management, who has demonstrated experience performing federal grant management services,” and Attachment C-2, Proposer Prerequisite B, is provided to capture this experience. Should an attachment be completed for each individual and should multiple references be included, or can one reference per individual be included on a single form? How much evidence regarding experience are you seeking to establish compliance with this requirement?
	<b>ANSWER</b>	Proposers should use their own judgment on how to best illustrate that the firm meets the required prerequisites.
48	<b>QUESTION</b>	<u>Under Section V. Proposal Submission Requirements, J. General Conflict of Interest:</u> The Authority suggests that “any Proposer performing construction management, general contracting, design, environmental and/or management services in any capacity for the Authority or stakeholders/owners responsible for Hurricane Sandy Resiliency Projects has a potential conflict of interest.” Further, the Authority recommends that a “Proposer who has a business relationship as indicated above, and who believes that it can develop a mitigation plan that would address the conflict of interest shall submit such a plan for evaluation to the Authority with its Proposal.” If a firm is currently doing work for the Port Authority on a Superstorm Sandy-related project, but is not sure if these conflict of interest provisions apply to our project. Is there a way in which a Proposer can get a specific determination by the Authority as to whether or not a conflict of interest exists, in order to determine if a mitigation plan should be prepared?

	<b>ANSWER</b>	All determinations shall be made in accordance with Section V. Proposal Submission Requirements, J. "General Conflict of Interest."
49	<b>QUESTION</b>	Within Attachment F (Pricing and Compensation Proposal), the Sample Agreement, Section 7 is referenced to multiple times. Language within the sample agreement pertains to the build-up of the labor rates (staffing) to be proposed. Within this section, it is stated that to support any billing rate adjustments in execution of this contract, the consultants would have to furnish the salary basis. From the language of the sample agreement, it appears that the contract will be awarded as a Cost Plus Fixed Fee basis. What form of contract does the Authority intend to award?
	<b>ANSWER</b>	The Port Authority intends to award the contract based on Fully Loaded (all-inclusive) Hourly Rates. However, in order to determine if rates are fair and reasonable the Port Authority may request documentation to support the proposed rates.
50	<b>QUESTION</b>	The itemized detail required for labor and reimbursable expenses in Attachment F, Cost Detail-Staffing and Reimbursable Expense appear to be for the Consultant detail only. Is itemized labor and reimbursable expenses detail for subconsultants required? If so, please clarify in what form this information is to be provided.
	<b>ANSWER</b>	The pricing form must be used for all prime and sub-consultants.
51	<b>QUESTION</b>	The format of Attachment F (Pricing and Compensation Proposal), Cost Detail – Staffing has no allowance for yearly escalation of rates within multiple years. Will an escalation of the yearly rates be allowed within this contract?
	<b>ANSWER</b>	The Pricing and Compensation proposal does not include an allowance for escalation. Award will be made based on current fully loaded (all-inclusive) hourly rates. With regards to annual escalation, please refer to Section 7 of the <b>Port Authority Standard Agreement</b> .
52	<b>QUESTION</b>	Will references to subcontractors in the text of the proposal be required to contain their full legal name without abbreviations?
	<b>ANSWER</b>	Proposals must contain the full name of all firms identified in the cost proposal, however, abbreviations are acceptable as long as they are referenced properly.

53	<b>QUESTION</b>	If a proposer is not a publicly traded company, and the financial information is considered confidential, may the information be designated confidential and included under a separate cover?
	<b>ANSWER</b>	All proposal submissions are subject to Attachment B – Agreement on Terms of Discussion.
54	<b>QUESTION</b>	<u>Under Section V. Proposal Submission Requirements, paragraph A. Firm Qualifications and Experience:</u> The RFP requests the preparation of “a spreadsheet signed by the principal of your firm identifying your firm’s specific relevant experience in the performance of services similar to those contemplated herein,” and goes further to specify fields that need to be included in the spreadsheet. Can the spreadsheet be included as an attachment, or should it be included in the body of the proposal, in Section B?
	<b>ANSWER</b>	It should be part of Section <b>B. <u>FIRM QUALIFICATIONS AND EXPERIENCE.</u></b>
55	<b>QUESTION</b>	If a firm charges a “Technical Services Fee,” a percentage-based administrative mark-up internally for all gross contract revenue, including other direct costs (ODCs) and sub-consultant contracts, which is not included in the firm’s audited overhead rate, Can this administrative fee be included as part of the subconsultant’s costs and ODCs, or does it fall under the cost-plus-percentage of costs prohibition as indicated in Section 7.b of the draft P.A. Agreement?
	<b>ANSWER</b>	The proposers cost proposal must comply with Section V, F – Pricing and Compensation Proposal and Section 7 of the Standard Agreement.
56	<b>QUESTION</b>	Under B. FIRM QUALIFICATIONS AND EXPERIENCE the last bullet regarding the spreadsheet states: <ul style="list-style-type: none"> <li>Representatives familiar with the work that the Port Authority may contact.</li> </ul> As the first bullet asks for a Point of Contact from the “contracting party”, does the last bullet refer to someone within the proposer’s team/firm familiar with the work? Or is this again a client contact?
	<b>ANSWER</b>	A contact from the client.

This communication should be initialed by you and annexed to your response to the above-referenced RFP upon submission.

In case any Respondent fails to conform to these instructions, its submission will nevertheless be construed as though this communication had been so physically annexed and initialed.

QUESTIONS CONCERNING THIS ADDENDUM MAY BE ADDRESSED TO GUSTAVO ORDUZ, WHO CAN BE REACHED AT (212) 435-5694 or at [gorduz@panynj.gov](mailto:gorduz@panynj.gov).

THE PORT AUTHORITY OF NY & NJ

RICHARD PEREZ  
PROCUREMENT MANAGER  
FTA/WTC SITE PROJECTS

RESPONDENT'S FIRM NAME: \_\_\_\_\_

INITIALED: \_\_\_\_\_

DATE: \_\_\_\_\_