

THE PORT AUTHORITY OF NY & NJ

**PROCUREMENT DEPARTMENT
2 MONTGOMERY STREET, 3rd FLOOR
JERSEY CITY, NJ 07302**

Date: December 24, 2012

ADDENDUM # 4, Revised

TO PROSPECTIVE RESPONDENTS TO RFQ# 31224

**LAGUARDIA AIRPORT CENTRAL TERMINAL BUILDING
REPLACEMENT PROJECT**

The following information is available in response to questions submitted by prospective Respondents. The responses should not be deemed to answer all questions that have been submitted by Respondents to the Port Authority. It addresses only those questions that 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 Respondent 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 Project. 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 Respondent, by submitting its Statement of Qualifications, expressly agrees that it has not relied upon the foregoing information and that it shall not hold the Port Authority liable or responsible therefor in any manner whatsoever. Accordingly, nothing contained herein and no representation, statement or promise, of the Port Authority, its Commissioners, officers, agents, representatives, or employees, oral or in writing, shall impair or limit the effect of the warranties of the submittals required by this Request for Qualifications, and the Respondent agrees that it shall not hold the Port Authority liable or responsible therefor in any manner whatsoever.

This communication should be initialed by you and annexed to your Statement of Qualifications upon submission.

In case any Responding Teams fails to conform to these instructions, its Statement of Qualifications will nevertheless be construed as though this communication had been so physically annexed and initialed.

THE PORT AUTHORITY OF NY & NJ

RESPONDENT'S NAME: _____

INITIALED: _____

DATE: _____

**QUESTIONS / REQUESTS FOR CLARIFICATIONS / COMMENTS
REGARDING THE REQUEST FOR QUALIFICATIONS
LAGUARDIA AIRPORT CENTRAL TERMINAL BUILDING REPLACEMENT PROJECT
(RFQ #31224)**

Q#	RFQ Section Reference	Question/Request for Clarification/Comment	Project Team Response
28	N/A	a) A project of this magnitude requires considerable time and expenses to develop a technical proposal and bid. Will the RFP phase include a stipend? b) If so; what is the amount of the expected stipend?	<i>No stipend will be paid</i>
29	N/A	Can you please confirm that in case the Lead Terminal Operator is a 50/50 JV of 2 airport operators sharing equal role and responsibility on operations, references of each of the 2 airport operators can be presented?	<i>Each member of the JV must meet criteria set forth in section 5.2.3 (a) (i) (a).</i>
30	5.2.4(f)	If an investor is a 50/50 JV of companies having financial close experience as per 5.2.4(f) and the JV has between 20% and 30% of the project equity (indirect shareholding of 10 to 15% for each of the companies), would investment and financial closing references of each of the 2 companies be valid for the satisfaction of criteria 5.2.4 (f)?	<i>Yes. It would satisfy the pass/fail criteria in Section 5.2.4(f) of the RFQ. Please note that the experience of all Equity Members would be considered in applying the scoring criteria in Section 5.3.3.</i>
31	N/A	What is the current tariff setting mechanism for each lease and gate agreement?	<i>Of the 35 gates in the CTB, 33 are preferentially leased to individual airlines and 2 are common-use gates. For the preferentially leased gates, airlines pay a per square foot rate for associated space, including hold rooms. At the common-use gates, airlines currently pay approximately \$900 per turn. Airlines also pay on a per square foot basis for other exclusive space that they rent in the terminal. See also</i>

			<i>response to Question #17 in Addendum 3.</i>																																																																
32	N/A	Can you please list all gates at the CTB showing (i) who is the gate "owner" (ii) who is the gate main user (e.g. through sub lease), (iii) whether it is a shared, private and semi private gate and (iv) provide, if possible, gate usage statistics on a gate by gate basis?	<p><i>See response to Question #31 above.</i></p> <table border="1"> <thead> <tr> <th>Gate</th> <th>Lessor</th> <th>User</th> <th>Status</th> </tr> </thead> <tbody> <tr> <td>A2</td> <td>United</td> <td>United</td> <td>Preferential</td> </tr> <tr> <td>A3</td> <td>United</td> <td>JetBlue</td> <td>Preferential</td> </tr> <tr> <td>A4</td> <td>United</td> <td>JetBlue</td> <td>Preferential</td> </tr> <tr> <td>A5</td> <td>Air Canada</td> <td>Air Canada</td> <td>Preferential</td> </tr> <tr> <td>A6</td> <td>Air Canada</td> <td>Air Canada</td> <td>Preferential</td> </tr> <tr> <td>A7</td> <td>Air Canada</td> <td>Air Canada</td> <td>Preferential</td> </tr> <tr> <td>B1</td> <td>Frontier</td> <td>Frontier</td> <td>Preferential</td> </tr> <tr> <td>B3</td> <td>Frontier</td> <td>Frontier</td> <td>Preferential</td> </tr> <tr> <td>B4</td> <td>Port Authority</td> <td>Southwest</td> <td>Common</td> </tr> <tr> <td>B5</td> <td>Port Authority</td> <td>JetBlue</td> <td>Common</td> </tr> <tr> <td>B6</td> <td>Spirit</td> <td>Spirit</td> <td>Preferential</td> </tr> <tr> <td>B7</td> <td>AirTran</td> <td>AirTran</td> <td>Preferential</td> </tr> <tr> <td>B8</td> <td>AirTran</td> <td>AirTran</td> <td>Preferential</td> </tr> <tr> <td>C1</td> <td>American</td> <td>American Eagle</td> <td>Preferential</td> </tr> <tr> <td>C2</td> <td>American</td> <td>American Eagle</td> <td>Preferential</td> </tr> </tbody> </table>	Gate	Lessor	User	Status	A2	United	United	Preferential	A3	United	JetBlue	Preferential	A4	United	JetBlue	Preferential	A5	Air Canada	Air Canada	Preferential	A6	Air Canada	Air Canada	Preferential	A7	Air Canada	Air Canada	Preferential	B1	Frontier	Frontier	Preferential	B3	Frontier	Frontier	Preferential	B4	Port Authority	Southwest	Common	B5	Port Authority	JetBlue	Common	B6	Spirit	Spirit	Preferential	B7	AirTran	AirTran	Preferential	B8	AirTran	AirTran	Preferential	C1	American	American Eagle	Preferential	C2	American	American Eagle	Preferential
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			D10	American	American	Preferential
33	PBB 4.2	Can you please provide data regarding Design Day Flight Schedule as mentioned in briefing Book 4.2	<i>Details about the Design Day Flight Schedule will be provided in the RFP.</i>			
34	N/A	a) Please detail what tasks are currently performed directly by the airlines (checking, BHS, Ramp? security, lounge) in terms of maintenance and operations? b) Can you please detail the economic values for these services?	<p>a) <i>As stated in Section 13.3 of the PBB, “Tenant airlines assume operational and maintenance responsibilities for their exclusive area leaseholds including but not limited to airline ticket offices, holdrooms, lounges, office areas, loading bridges, and baggage make-up areas.”</i></p> <p>b) <i>In the same paragraph, please note the final sentence: “The Authority does not have financial information on the airlines’ costs related to their operation and maintenance responsibilities.”</i></p>			
35	N/A	a) We understand that preliminary consultation of airlines have been performed and that a positive feedback has been received? b) Did airlines express any view on the anticipated tariff applied and rules for the setting of such level?	<p>a) <i>The Authority has discussed with airlines on several occasions the current plan for the Central Terminal Building Redevelopment by RFQ/P.</i></p> <p>b) <i>They are generally supportive of the approach although they expressed the view that the eventual tariff level be affordable.</i></p>			
36	N/A	Can you please clarify whether in the future you intend to allocate additional traffic in priority to the CTB and limit migration of traffic from the CTB to other terminals?	<p><i>The Authority will not direct or allocate traffic between and among terminals at LGA.</i></p> <p><i>There is limited space at all LGA terminals.</i></p>			
37	N/A	Can you please inform us as to whether the CTB will benefit in priority of additional slots, should the limit be increased?	<p><i>The FAA order governing the operating limitation currently does not include a protocol for distribution of new or returned slots. However, in recent transactions at EWR and LGA, the FAA gave preference to new entrants or limited incumbents.</i></p>			

38	N/A	Can you please inform us as to whether at the RFP stage the Pre-Qualified bidders will be able to present their bids based on a variant design or based on design currently being performed by the Authority subcontractor and designer?	<i>Pre-Qualified Respondents will be provided with a Conceptual Design (approximately 30%) when the RFP is issued. The Authority and SOM, its Architect Designer, will not engage in further design work beyond that point. Each Pre-Qualified Respondent will use the Conceptual Design as the basis for completing design of the New CTB.</i>
39	N/A	a) the RFQ does not define conditions in which the Respondent composition will be permitted to change (e.g. addition of a new equity member or reallocation of shareholding). b) Can you please clarify the intended process to implement and get approval on such modifications? c) Can you please clarify eventual restrictions to such modifications?	<i>Please see Section 8 Paragraph (l) and (m) of the RFQ.</i>
40	Paragraph 4.2.1 (h)	Is the Joint and Several Liability Letter required of the Lead Design Firm if the Lead Design Firm is contemplating forming a joint venture that will never create a corporate entity and will not be a “Member” of the “Project Company”?	<i>Yes, section 4.2.1 (h) of the RFQ requires a Joint and Several Liability Letter.</i>
41	4.2.4 (b)	Financial Qualifications – Equity Member’s Transportation Project Development and Investment Track Record: Requires a maximum of 5 projects. Form G-2 states a maximum of 6 projects. Please clarify which governs.	<i>Section 4.2.4(b) governs. Please provide five (5) projects.</i>
42	Definitions	The definition of Non-Equity Member is unclear. How is a Non-Equity Member different from a Lead Firm? Does a Lead Contractor who will enter into a DB Contract with the Project Company constitute a Non-Equity Member? Would you be able to provide an example of a Non-Equity Member?	<i>Please see Section 1.2 of the RFQ which defines the salient terms used in your question.</i> <i>Entering into a DB contract by a Lead Contractor does not make such a Lead Contractor an Equity or Non-Equity Member.</i> <i>A Non-Equity Member could be a Lead Terminal Operator, Lead Contractor or Lead Design Firm that is not contributing</i>

			<i>Equity to the Project but is one of the firms constituting the Project Company.</i>
43	5.2.4 (f)	Please confirm that the project is required to have achieved substantial completion in order to meet this pass/fail criteria?	<i>As expressed in the last bulleted point under 5.2.4(f) of the RFQ, if the project has not achieved Final DBO, the Respondent should submit evidence that would “enable the Authority to determine in its sole and absolute discretion that construction of the main portions of the facility is sufficiently complete in accordance with the relevant contract documents and that the facility is fit for its intended purpose.”</i> <i>See also Section 4.5.4(i)(d) if the RFQ.</i>
44	N/A	Could you provide the specification and limitation of each aircraft contact stand at the existing Central Terminal Building (aircraft size, tow-in / push-back operations, constraints on adjacent stands)?	<i>Details regarding the specification and limitation of each aircraft contact stand will be provided in the RFP.</i>
45	N/A	Could you provide the detail of the works currently undertaken by the Authority (extent and schedule)?	<i>Elements of the Program that will be undertaken by the Authority are listed in Section 1.2 of the PBB. Descriptions of each element are provided throughout the PBB (e.g., the East Garage is described in Section 7.6.3; East End Substation in Section 8.2; circulating roadways in Section 7.2 and 7.3) The Anticipated Program Schedule for construction and phasing of the Program including these elements is provided in Section 15 of the PBB.</i>
46	PBB 5.2	Could specific operational procedures be allowed to avoid the following requirements: “no single taxi-lane to serve more than 7 aircraft” and “Provide 24-foot-wide Tail of Stand (TOS) roads”?	<i>The Authority will provide specific guidance that will differentiate between operational requirements and objectives in the RFP.</i>

47		What will be the disposition of the Market Place Development Retail Concessionaire Master lease in the new CTB?	<p><i>The Market Place Development Retail Concessionaire Master lease applies only to the existing CTB. Please see Section 13.2.2 of the PBB.</i></p> <p><i>The Authority recently renewed the agreement with MarketPlace through August 2018, with three one-year options. The agreement is terminable at any time on thirty days notice, although in the event of early termination, the unamortized amount of certain leasehold improvements must be bought-out. The Authority expects, effectively, to transfer this agreement to the Project Company at closing.</i></p>
48		Does the Authority expect the members (in name and quantities) for the “Respondent” to be the same as the “Project Company”?	<p><i>Yes. Please see Section 8 paragraphs (l) and (m) of the RFQ</i></p>
49	Clause 4.2.2 (b)	For the purpose of evaluation (scoring, not for pass/fail), would you also consider the qualifying projects from non-lead contractors? For example a Lead Airport operator would also have constructed transport projects though it will not be sufficient for pass/fail purposes. While pass/fail projects are qualified by lead contractor, would you consider other projects by non-lead members for scoring purposes?	<p><i>If a Respondent fails the Technical Evaluation (see Section 5.2.2 of the RFQ) qualifications of non-lead contractors carry no weight.</i></p> <p><i>If the Respondent passes the Technical Evaluation, the Authority may consider projects from other non-lead contractors but makes no representation as to how or if they would be scored.</i></p>
50	N/A	Could you please elaborate the documents required to be submitted especially for foreign entities. For example, in case of consortium, is there any requirement of ‘Power of Attorney’ given from the respective consortium partner companies for ‘designated representative’?	<p><i>Please see Section 4.2 of the RFQ which sets forth documents to be submitted.</i></p>
51	Clause 4.2.4	As per the clause, ‘All financial statements using a foreign currency must be converted into U.S. Dollars and the conversion method(s) must be explained in an attachment’. Will it be sufficient	<p><i>Only information provided in US currency will be evaluated. Please see Section 4.2.4 (c) (i) through (iv) for specifics on which documents should be provided.</i></p>

		if only relevant portions of the report are converted into USD from local currency?	<i>A Respondent may elect to convert what it believes is relevant. However, if the Authority views the information submitted as insufficient because it is incomplete, or because it limits the Authority's ability to compare the financial capability of the Respondent to other Respondents, the Respondent may not meet the pass/fail criteria in Section 5.2.4, the responsiveness requirement in Section 5.1.2 or the evaluation criteria in Section 5.3.3.</i>
52	N/A	The Authority has provided project phasing description in Project Briefing Book. Are these mandatory or only guiding principles?	<i>Please refer to section 15.4 of the PBB.</i>
53	N/A	Does the consortium have flexibility to add/modify members during the RFP stage?	<i>Please see Response to Question #39 above.</i>
54	Clause 5.2.2 and other similar	It is written Lead Contractor to have experience of 3 projects of value USD 400 mn. Could you please clarify, whether it is USD 400 mn per project or cumulative of three?	<i>This experience is not cumulative; it is per project.</i>