



**AIRTRAIN NEWARK REPLACEMENT PROJECT | (RFQ NO.60249)
QUESTIONS AND RESPONSES**

(This document includes questions from potential Respondents to RFQ #60249, and the Port Authority’s responses to these questions. In accordance with Section 5.3, any written response we provide in connection with this RFQ will neither be binding on us nor will it change, modify, amend or waive the requirements of this RFQ in any way unless such response is contained in a formal addendum to this RFQ.)

Q#	RFQ Document	Section Reference	Question/Request for Clarification/Comment	Port Authority Response
1	Appendix B SOQ Template	Page 51, Section 4.3	We request that the requirement of the PM “must have the necessary licenses (P.E. or licensed architect)” be removed from this Section.	The Port Authority anticipates issuing an addendum to the RFQ to waive the P.E. and Architect licensing requirements for the PM. The PM will be required to possess the necessary experience and expertise as defined in Section 4.3.
2	RFQ	Section 1.1	We note in Section 1.1 – Footnote 1 - that the Port Authority does not intend to use any Federal funding for the Project. As such, we would like to confirm whether the DBOM Agreement will include a “Buy America” clause?	Respondents should note that the Port Authority does not intend to use federal funding for the Project and consequently, Federal Buy American Preferences or Buy America policies would not be applied to this Project.

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3	RFQ	Section 5.10(f)	Are we to understand from the language of the RFQ that a Lead System Supplier Contractor can be on more than one Respondent team for purposes of the RFQ?	Yes. As per Section 5.10(f), a Lead System Supply Contractor is not prohibited from teaming with more than one Respondent, subject to the requirements set forth in Section 5.10(f).
4	RFQ Project Fact Sheet	Page ii	<p>On Page ii of the RFQ (Project Fact Sheet), it states in the section titled "New AirTrain Operations" that the New AirTrain will have "2-minute headway Peak service".</p> <p>Is this a mandatory requirement for the Lead System Supply Contractor – that the new vehicles must be able to perform with 2-minute headway at Peak service?</p> <p>Would it be acceptable using a max. headway of approx. 210 sec. (3.5 min) instead, however, not compromising on other parameters, such as transport capacity and expandability to higher capacity in the future?</p> <p>Will PANYNJ consider allowing headway up to 4 minutes to accommodate more technology available in the market, so long as the passenger carrying capacity up to 3500 pphpd can be met?</p>	The Port Authority anticipates issuing an addendum to the RFQ to clarify in the Project Fact Sheet and in Section 6.3 (Comparable Evaluation Criteria, under "State-of-the-Art and Reliable Technology") that headways within the 2 to 3.5-minute range are expected.
5	RFQ	Section 2.6	In Section 2.6, the Port Authority notes that it "anticipate[s] that the necessary FAA NEPA ruling will be issued prior to the execution of the DBOM Agreement." Does the Port Authority have an anticipated timeframe (e.g. Q2, Q3 2021) of when the Port Authority anticipates receiving a FONSI/EA for the Project?	Our NEPA review is currently underway. We anticipate receiving an FAA ruling for the Project in Q1 2021.

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6	Appendix B SOQ Template	Section 8	In the interest of conservation, as well as privacy, may Respondents be permitted to provide the extensive financial information (required by Section 8: Respondent Financial Data) solely in the original hard copy and electronic copy versions of the SOQ submittal instead of in all submitted copies?	The Port Authority agrees to this request. A clarifying statement to this effect will be made in the index of the SOQ Template under the instructions table "SOQ Format" in the addendum to be issued to the RFQ.
7	Appendix B SOQ Template	General	To better produce the desired information, may Respondents be permitted to recreate the Appendix B SOQ Template in a more user-friendly platform to produce a PDF, as long as it identically matches the provided Word version?	Yes, this is permissible.

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8	Appendix B SOQ Template	Instructions (Page 1)	<p>Clarification is required to define the following wording from the Instructions on page 1 of the Appendix B SOQ Template: "...the Respondent should be mindful of the length of its response to the question asked and should not materially exceed the amount of space allocated for its responses in the SOQ Template." In this instance, does the term materially exceed specify that additional space cannot be added beyond the template formatting? Does this apply per question, unless otherwise specified that additional pages may be used? Alternatively, does this apply to page limits set in the SOQ Template by section, by subsection, or overall?</p> <p>When necessary for responding to the Authority's criteria, may the proposer add in an additional page or space to fully answer individual requirements as long as such additional space does not greatly exceed the allocated pages set forth in the Appendix B word template? If not, can unused allocated space from one section be utilized in another section?</p>	<p>There is no overall page limit for the SOQ or for any particular section, subsection or question.</p> <p>The space allocated to each section, subsection or question is provided as a general guide as to the expected length of a response to the particular section, subsection or question. Respondents should ensure that responses to the relevant section, subsection or question are not excessively long, giving consideration to the space allocated.</p> <p>In addition, Respondents may append additional supporting material to the very end of their SOQs under a separate tab.</p>
9	Appendix B SOQ Template	General	<p>May the proposer, if necessary, utilize graphics and tables within the Appendix B to address criteria that require a demonstration of the team's compliance with various criteria set forth in the RFQ?</p>	<p>Yes, Respondents may use graphics or tables in their SOQ responses, however they should be mindful to not materially exceed the amount of space allocated for a particular response.</p>
10	RFQ	General	<p>In the DBOM Agreement, will the Port Authority require the Contractor to use a Project Labor Agreement (PLA)?</p>	<p>Yes, it is expected that the Contractor will be required to comply with a PLA. Further details will be provided in the RFP.</p>

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11	RFQ	Section 4.2	<p>Could the actual requirement of an integrated DBOM Contract between Civil-, System- and O&M Contractor on the same level be changed into two separate contracts- Prime Contract for the Civil Works with a System Subcontractor, and a separate O&M Contract. However, under the condition that the System (Sub-)Contractor is also the O&M Contractor or forms an integral part of an O&M Joint Venture or other form of cooperation.</p>	<p>The Port Authority is not willing to split the works into two separate contracts. An integrated DBOM Contract will be required.</p> <p>See also response to Q#12 below.</p>
12	RFQ	Section 5.10(c)	<p>Per article 5.10(c) of the above referenced RFQ, 'We expect that for each Respondent Team, the Lead Civil/Infrastructure Contractor, the Lead System Supply Contractor and the Lead O&M Contractor will all be named as Principal Participants. Each Principal Participant will be jointly and severally liable for the obligations of the selected Contractor to the Port Authority under, and throughout the term of, the DBOM agreement.....', we request that the PA remove the joint and several requirement between each Principal Participant.</p>	<p>The Principal Participants will be required to be members of the Contractor and jointly and severally liable with the Contractor.</p> <p>The Port Authority is willing to discuss the extent to which the Lead Civil/Infrastructure Contractor will be required to remain a member of the Contractor for the full term of the DBOM Agreement. The Port Authority will consider Proposer suggestions and concerns on this during the RFP process.</p> <p>Regardless of the members comprising the Contractor, the Contractor will be obligated to continue to maintain the civil infrastructure, which obligation will continue for the entire term of the DBOM Agreement.</p> <p>See also response to Q#11 above.</p>

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13	Appendix B SOQ Template	Instructions Table "SOQ Format"	In response to PANYNJ's Request for Qualifications for the AirTrain Newark Replacement Program, please advise if submission of a USB is sufficient in place of a CD rom as requested in Appendix B.	Respondents are required to submit their SOQs on a single CD. The Port Authority will not accept USBs.
14	Appendix B SOQ Template	General	Is there a font requirement for the SOQ submission package?	Please use the same font as the SOQ Template – Univers, size 10.
15	Appendix B SOQ Template	General	Given the size and complexity of the team organization, are teams permitted to submit an 11x17 sized separate attached organization chart within the sections where indicated within Appendix B?	Yes, Respondents may submit 11x17 sized organization charts.
16	Appendix B SOQ Template	Form H	Please clarify that completion of Form H satisfies the commitment statement for each individual as required in Appendix B, Section 4.2. If no, please indicate where the commitment statement should be completed as there is no space/response area allocated after 4.2 to respond to this requirement. Will a lead-in narrative be permitted for each tab?	The Port Authority anticipates issuing an addendum to the RFQ to add a specific section to Form H for Respondents to provide the required commitment statement. Respondents may provide lead-in narratives for each tab, however they should be mindful to not materially exceed the space provided in the SOQ Template.
17	Appendix B SOQ Template	General	Will a table of contents or index be permitted (overall and/or by tab)?	Yes, Respondents may provide a table of contents that aligns with the tab numbers and requirements given in the Instructions section of the SOQ Template.

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18	Appendix B SOQ Template	General	Is it permissible to include the organization chart from Tab 1 in other sections (i.e. Tab 3 & 4) for ease of review?	Yes, it will be permissible for Respondents to provide an exact copy of the organization chart from Tab 1 in other sections if helpful, but this is not required.
19	Appendix B SOQ Template	Section 4.4	Space allocation for Section 4.4 is similar to that for other Key Personnel (i.e. Section 4.3 and 4.5) however Section 4.4 covers four (4) Key Personnel positions. Will the space allocation for Section 4.4 be increased?	The Port Authority anticipates issuing an addendum to the RFQ including an additional two pages of space for Section 4.4 of the SOQ Template.