REQUEST FOR PROPOSALS (RFP) No. 020-008

CONSTRUCTION MANAGEMENT SERVICES FOR CONSTRUCTION OF THE LIFECYCLE OVERHAUL AND UPGRADE (LOU) FACILITY

QUESTIONS AND ANSWERS

Below are questions VRE received as of February 24, 2020 at 4:00 P.M. EST, with responses. Whenever possible, questions are presented as originally asked. Otherwise, the questions or inquiries are presented to capture the main thrust or idea.

SECTION II – PROCUREMENT SCHEDULE

Question #1: Would it be possible to extend the due date for questions to sometime next week?

Response #1: See Addendum No. 1.

SECTION III – INSTRUCTIONS FOR OFFERORS

Question #2: RFP pg. 14, Instruction 30 Conflict of Interest, E. - In regard to this instruction, does this mean that the Designer of Record firm for the LOU project is precluded from participating in this Construction Management Services contract (since they have previously provided design services for the LOU facility)?

Response #2: Yes. Firms participating in the planning and design of the work involved in this contract are excluded from participating in any part of the construction, to include providing construction management services or manufacturing process, either as a prime or subcontractor.

Question #3: RFP pg. 14, Instruction 30 Conflict of Interest - Could a list of all conflicted firms for this contract be provided by VRE?

Response #3: VRE does not possess a list of conflicted firms. It is the Offeror’s responsibility, prior to submitting a response to this solicitation, to conduct an internal review of its team and identify potential conflicts of interest relative to the anticipated contract. If a conflict of interest or competitive advantage is identified, the Offeror shall submit in writing the pertinent information to the VRE Manager of Purchasing and Contract Administration so that a
determination can be made as to the extent of the conflict or competitive advantage. If VRE determines that a conflict of interest cannot be mitigated, the organization determined to have the conflict of interest shall not be allowed to participate in response to the solicitation.

SECTION VI – EVALUATION PROCESS AND CRITERIA

**Question #4:** Regarding the degree requirement for the Field Engineer position… may we suggest an alternate to the Associates Degree requirement to include an additional 10 years of field inspection experience (for a total minimum of 20 years of field experience)?

**Response #4:** See Addendum No. 2.

**Question #5:** In the documents it calls for the PM, CM and CE to have degrees and experience as well. Will the VRE accept additional experience in lieu of a degree?

**Response #5:** See Addendum No. 2.

**Question #6:** Criteria No. 1- Capability, Expertise and Past Performance of the Prime Firm and Proposed Team/Subcontractor(s) (Maximum 15 pages). RFP – p. 26. Identify three (3) projects on which comparable work has been done by the Prime Contractor and each Subcontractor in the past eight (8) years or is currently being performed. Please confirm if VRE is requiring three comparable projects in total, or three projects, per firm (three for the prime, three for each relevant subconsultant).

**Response #6:** VRE is requiring three comparable projects per firm (three for the prime and three for each Subcontractor).

**Question #7:** Capability, Expertise and Past Performance of the Prime Firm and Proposed Team/Subcontractor(s) (Maximum 15 pages). RFP – p. 27. Project sheets shall be one (1) page per project. Per the question above, if three projects, per firm is required, will VRE consider adding additional pages to the page requirement to account for this change?

**Response #7:** See Addendum No. 2.

**Question #8:** Criteria No. 2- Knowledge, Qualifications and Relevant Experience of the Proposed Project Manager and Key Personnel, Item f, p. 32. In addition to the relevant experience required above, full resumes for each of the Key Personnel shall be included as an appendix. Resumes shall not count towards the overall page limit. Will VRE allow additional personnel resumes to be submitted as part of the Appendix?

**Response #8:** Yes.
SECTION VIII – SPECIAL PROVISIONS

Question #9: RFP pg. 39 Spotsylvania County Special Inspections Program. In reviewing the attachment in the link to the County’s website we have reviewed the Special Inspection Program document 2012 Edition. We saw sections on: Fabricators; Steel construction; Concrete construction; Masonry construction; Wood construction; Soils; Pile and Pier foundations; Sprayed fire-resistant materials; Mastic fire-resistant coatings; Exterior insulation and finish systems; Special cases and Smoke control. We did not see any sections in this program for electrical; HVAC; others. Is there another code that should be referenced for these items?

Response #9: Electrical and HVAC inspections are customarily required with a building permit. For this project the construction contractor is required to obtain the building permit based on the pre-engineered building they are to design and construct. Therefore, testing and inspections required by the approved building permit OTHER THAN those required for Critical Structures/Special Inspections are the responsibility of the construction contractor not the Construction Manager(CM) Consultant. Typically, such inspections would be conducted by the jurisdiction issuing the approved building permit. It is the responsibility of the CM Consultant to document that such inspections have occurred and their results including any necessary re-inspection.

SECTION IX – GENERAL PROVISIONS

Question #10: Section IX: General Provisions, Part 62 – Safety Rules and Security at VRE’s Railroad Facilities, C&D, p. 68. (c) Prior to the start of work, the Contractor shall prepare a Site-Specific Safety Plan and submit it to VRE for review and approval. (d) The Contractor is responsible for initiating, maintaining and supervising all safety precautions and programs in connection with this Contract. This includes the Contractor’s employees and other persons who may be affected thereby, as well as materials and equipment, both in storage and on-site.

Please confirm that the Construction Contractors are responsible for developing their own project specific Safety & Security and Site-specific Health & Safety Plans to cover their employees and activities and the Construction Management firm (Consultant) is responsible for plans addressing its activities. In other words, the CM is not responsible for developing the plans for the Construction Contractor(s) but is responsible to assist VRE in review of the Construction Contractor’s plans and to monitor the Construction Contractor’s compliance with their submitted and approved plans.

Response #10: Confirmed.

SECTION XI – SMALL BUSINESS AND VETERAN BUSINESS CONCERNS

Question #11: RFP pg. 27, item 04., c. – Identify Disadvantaged Business Enterprises (DBE) and SWaM businesses and their roles(s). RFP pg. 81, item 02., A. – The Contractor is encouraged to seek and use Small, Women-owned, and Minority-owned (SWaM) businesses in

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relation to this Contract. B. The Contractor shall submit a report of SWaM utilization and payments made to SWaMs on a quarterly basis.

Please clarify how these above RFP items relate to the DBE firm information provided in Attachment E – DBE Provisions and Forms. The Attachment E information including the Exhibits B, C, D and E are specific to reference to DBE firms (and not SWaMs).

We understand from Exhibit E the DBE goal for the project is 11.3%. Please clarify how or if SWaM firms are to be submitted on any of the forms for the proposal/project.

**Response #11:** Attachment E and the respective Exhibits (B, C, D and E) shall be used to identify DBE participation. SWaM participation shall be identified on the Subcontractor Form (Tab 9) included in the RFP.

**SECTION XII – ATTACHMENTS**

**Question #12:** RFP Attachment A Scope of Work pg. 13. I. item 3. Monitor and track Quality Assurance and Quality Control efforts of the Contractor. Does this mean that the Contractor is providing all QA and QC efforts and testing for the project, and that the CM is observing, monitoring and tracking these efforts and tests?

**Response #12:** Please refer to the responses to Questions 9 and 13.

**Question #13:** RFP Attachment A Scope of Work pg. 14. J. item 3. Please clarify the statement that of: “All Special Inspections (by CM) and Construction Materials Testing (by Contractor)...” Does this mean that the CM will coordinate and perform all special inspections and that the Contractor shall provide all materials testing associated with the special inspections?

**Response #13:** It is VRE’s understanding that routine materials testing is performed by the construction contractor and that materials testing required for Special Inspections / Critical Structures is performed by the CM Consultant as required by the jurisdiction approving the building permit. Such materials testing required for Special Inspections may be performed by a subconsultant to the CM Consultant. It is the responsibility of the CM Consultant to document all inspections and ensure inspections (both routine and special) have occurred and to document their results including any necessary re-inspection.

**Question #14:** RFP Attachment A Scope of Work pg. 15-16. J. item 5. Please clarify that the Contractor is providing all Inspections and Construction Materials Testing services, listed under items 5. a and b. Does this mean that the CM is only providing the items listed in item 5. c, which includes maintaining a chronological record (Log) of material testing, inspections and special inspections?

**Response #14:** Please refer to the responses to Questions 9 and 13.
**Question #15:** RFP Attachment A Scope of Work pg. 16, J. item 6. Please clarify that the Contractor is responsible for the hiring of the testing laboratories for the project. Does this mean that the CM will not need to provide any testing laboratories?

**Response #15:** Please refer to the responses to Questions 9 and 13.

**Question #16:** Section III: Service Requirements, Part A. General - #1, p. 3. Ensure the Contractor’s compliance with applicable safety and security requirements as enumerated in the plans and specifications. With which set of codes/regulations are you complying, FTA or FRA? In the event 49 CFR Part 270 – System Safety Program is implemented during the project, will it impact the scope/plans/specifications? Has a PHA/TVA been performed on the project and a subsequent Certifiable Elements/Items list been generated with mitigation strategies implemented in the plans/specifications? If so, is there a verification list to be followed?

**Response #16:** This project is funded by Federal Transit Administration (FTA) grants and thus must comply with applicable FTA regulations. VRE operations and equipment are governed by Federal Railroad Administration (FRA) and thus must comply with applicable FRA regulations. Regulation 49 CFR Part 270 has been stayed multiple times and is not yet effective. VRE understands that this regulation may become effective soon and will address that matter in more detail as needed. A cursory PHA/TVA has been performed and some mitigation strategies employed. There is currently no verification list to be followed, nor does VRE expect this as a contract requirement for the Construction Management Consultant.

**Question #17:** Section III: Service Requirements, Part F. Safety and Security - #5, p. 11. Ensure compliance with safety and security protocols for the construction site. Is the intent to place the overall responsibility for worksite safety and the Construction Contractors on the Construction Management Consultant? Typically, the Construction Contractor is responsible for its means, methods, and worksite safety and the Construction Management Consultant monitors the Contractors compliance with their submitted and approved plans and the requirements of the specs.

**Response #17:** When VRE states “Ensure compliance with safety and security protocols for the construction site” the implied intent is that the Construction Management Consultant will monitor the Contractor’s compliance with the submitted and VRE approved safety plan, requirements of the specifications and Construction Contract. It is VRE’s intent that the Construction Management Consultant has the duty and obligation to identify and report Contractor activities that are unsafe or non-compliant. The Construction Management Consultant may not prescribe Contractor means and methods but is authorized to act on VRE’s behalf to cease work activities by the Construction Contractor when those activities are deemed to be reckless or unsafe.

**Question #18:** Section III: Service Requirements, Part G. Document Management - #3, p. 11. The CM shall review, respond and maintain all documentation required by Contract; such as submittals, RFIs, Change Orders, Claims, and Contractor correspondence. Please clarify who will approve contractor submittals and shop drawings?

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**Response #18:** It is VRE’s intent to employ the Engineer-of-Record to review Contractor technical submittals where required by Technical Specification or Special Inspection requirements. The Construction Management Consultant will:

1. Receive *all* technical submittals from the Contractor.

2. Determine who must review the submittal and distribute accordingly, per VRE approval. If the submittal is related to Critical Structures / Special Inspections, it must be reviewed by the Engineer-of-Record. If the submittal is related to a change in design, it must be reviewed by the Engineer-of-Record. Other submittals may be reviewed by the Construction Management Consultant.

3. Collect reviewed submittals and redistribute accordingly. Submittals recommended for approval are transmitted to the VRE PM for review and approval. Submittals requiring action by the Contractor should be returned.

VRE employs a project controls software (eBuilder) that serves as the mechanism to gather, distribute, track and archive such submittals.

**Question #19:** Section III: Service Requirements, Part H. Project Administrative Support – #8, p. 13- Approve the change orders or claims with recommendations and submit to the VRE PM. Should this say “recommend for approval” or is it the intent that the CM will have authority to approve contract changes?

**Response #19:** See Addendum No. 2. It is VRE’s intent that the Construction Management Consultant will review Request for Change (RFC’s) and claims then provide a recommendation to the VRE Project Manager as to whether or not they should be approved, denied or warrant additional consideration. The Construction Management Consultant is not authorized to approve contract changes.

**Question #20:** Section III: Service Requirements, Part I. Construction Observation and Regulatory Compliance - #5, p. 13. Ensure coordination of subcontractors, materials and equipment deliveries including the Wheel Truing Machine and Drop Table, to meet contract requirements and maintain schedule. Wheel Truing Machine and Drop Table are anticipated to be installed by separate Contractors. Is it anticipated that the wheel truing and drop table contractors will be subcontractors to the General Contractor (under one contract) or separate Contractors under different contracts?

**Response #20:** VRE has a standing contract for the fabrication, delivery and installation of the wheel truing machine. The General Contractor will be required to closely coordinate foundations and other physical elements for installation of the Wheel Truing Machine. Fabrication and installation of the drop table will be the responsibility of the General Contractor or their subcontractor. The intent of this section of the scope is to identify responsibilities of the Construction Management Consultant, which is to ensure communication and close coordination is occurring between the General Contractor and equipment manufacturer regardless of
contractual relationship between them. Such coordination should occur during routine project meetings.

**MISCELLANEOUS**

**Question #21:** Can the sign-in list of attendees at the Pre-Proposal and Site visit from 2/20/20 be provided?

**Response #21:** The sign-in sheet is posted on VRE’s website.