



## REQUEST FOR PROPOSALS (RFP) No. 025-007

### MECHANICAL ENGINEERING CONSULTING SERVICES (MEC) VIII FOR VRE ROLLING STOCK AND MECHANICAL OPERATIONS

#### QUESTIONS AND ANSWERS

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Below are questions VRE received as of December 20, 2024 at 1:00 P.M. Eastern Time, with responses provided in red. Whenever possible, questions are presented as originally asked. Otherwise, the questions or inquiries are presented to capture the main thrust or idea.

#### **PART III, SECTION 33 – REGISTRATION OF PROFESSIONAL SERVICE PROVIDERS**

**Question #1:** Does the requirement to be registered with the Commonwealth of Virginia State Board for Architects, Professional Engineers, Land Surveyors, and Landscape Architects only apply to the prime contractor, or does it extent to any subcontractors performing engineering services? If all engineering services were to be subcontracted, would the registration requirement still apply to the prime contractor?

Any deliverable requiring a P.E. seal must be signed by an engineer licensed in the Commonwealth of Virginia. Therefore, if a Subcontractor is not providing engineering services, their staff are not required to be registered with the Commonwealth of Virginia State Board for Architects, Professional Engineers, Land Surveyors, and Landscape Architects. The same is true if the Prime Contractor is not providing engineering services.

**Question #2:** Is the registration required at the time of bid submission or only at the time of contract execution?

Registration is required at the time the Proposal is submitted to VRE as the RFP requires that resumes be provided for all key personnel. Resumes must include education to include degree(s) earned, experience, background, accomplishments, current professional registrations/licenses to include the issuing state, number and area of registration, and other pertinent information.

#### **PART IX, SECTION 27 – KEY PERSONNEL**

**Question #3:** Should the key personnel for the project be limited to a Project Manager, Senior Mechanical Engineer, and Senior Electrical Engineer as specified, or is it at the bidder's discretion to propose additional key personnel roles?

At a minimum, each Offeror's key personnel must include a Project Manager, Senior Mechanical Engineer, and Senior Electrical Engineer. However, the Offeror may elect to designate additional individuals as key personnel. Resumes for all designated key personnel must be included in the appendix required by Tab 12.

#### **PART IX, SECTION 40 – INDEMNIFICATION**

**Question #4:** In the absence of a limitation of liability and a consequential damages waiver, would VRE consider adding the following language to the contract terms?

Indemnification:

- A. Notwithstanding any other term or provision of this agreement, neither party will be liable for any consequential, incidental, or indirect damages for any claim or cause of action, whether in contract or tort, including, without limitation, lost profits and loss of business opportunity, whether or not the other party was aware or should have been aware of the possibility of these damages.
- B. The Contractor's total liability under this agreement, notwithstanding any other clause of this Agreement and regardless of any applicable legal theory, shall be limited to the amount of the fees or charges paid (or payable) by VRE to the Contractor for such Services under this Agreement.

See Addendum No. 1. The Indemnification clause has been modified but does not include all of the language requested above.

Additionally, an Offeror may take exceptions to the Special Provisions and General Provisions as presented in the solicitation. The Offeror shall identify the exception and provide rationale in support of the exception and fully explain its impact as part of Tab 9.

#### **PART X, SECTION 03 – VRE INSURANCE COVERAGE REQUIREMENTS**

**Question #5:** Is the total limit for the General Liability required under this contract \$10M and then additionally \$5M for the Umbrella, so \$15M?

Yes, that is correct.

#### **ATTACHMENT A – SCOPE OF WORK**

**Question #6:** The Consultant shall be responsible for providing design, engineering, and oversight assistance. Is this limited to Rolling Stock?

No. This could also include stations, platforms, wayside power, or other commuter railroad support systems. However, assistance will not be required from the Contractor for major construction or remodel projects such as highways, buildings or bridges.



**Question #7:** With the list of upcoming potential tasks, the SOW identifies, “Support fleet improvements and retrofits with design, fabrication, and installation capability.” Please confirm that the selected bidder for this RFP would only oversee and assist with these activities and would not be expected to design, fabricate, and/or install train components.

VRE cannot confirm this statement. Installation is unlikely, however, VRE does expect the Contractor to design and fabricate (or source) components for its rolling stock.

