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**Addendum No. 2  
August 13, 2009**

**The City University of New York**

**Request For Proposals To Perform Construction Management/Design/Build  
Services For College Laboratory Facilities Requirements Contracts  
Project Number: CITYW-CUCF-01-09**

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**This Addendum is issued for the purpose of conveying the below listed Questions and Answers which include responses to the questions raised in the Pre-Proposal Conference/Questions & Answers session of July 27, 2009 as well as responses to the questions that were emailed to the CUNY Contracts Department. Consistent with Section VI.E. Reserved Rights of the RFP, all information provided herein is made in good faith for information purposes only and does not in and of itself change the RFP. Changes to the RFP may only be made by formal amendment if and when required.**

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Contact: Michael Feeney, [DDCM.ContractsDept@mail.cuny.edu](mailto:DDCM.ContractsDept@mail.cuny.edu)

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By signing in the space provided below, the Proposer acknowledges receipt of this Addendum. This Addendum must be signed by an authorized representative of the Proposer and submitted with the Stage One Submission.

\_\_\_\_\_  
Name of Proposer

\_\_\_\_\_  
Name of Authorized  
Proposer Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Addendum No. 1**  
**August 13, 2009**

**The City University of New York**  
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**Questions and Answers**

Q1. Stage One of the submission requests a site plan for each of the projects presented in the portfolio. Since the prospective projects average 1,200-SF to 1,500-SF of interior renovations, will site plans still be required?

A1. Site plans are required.

Q2. Once CUNY has selected the CM firms to provide services and a project is identified, will the fee response require the same components as outlined in RFP-12, Section 4? If not, how will it vary?

A2. The same components are anticipated.

Q3. In the instance of a CM as a prime proposer contemplating hiring architects, engineers & lab planners as sub consultants, should the portfolio include examples of the experience of the sub consultant firms or; limit itself mainly to laboratory projects in which the CM prime proposer acted as a CM? The reason for the question is that the evaluation will score each proposal on the proposer's ability to deliver the total scope of services, Design & Build and so the Architects and Engineers experience might carry some weight. In the answer we received this morning it seemed that you said you would focus on the Design Team, sub consultants and other team composition issues in Phase 2, and what you are mainly interested in Stage 1 is the CM's laboratory experience.

A3. The focus for the portfolio will be on project examples completed by the proposer, with or without the support of sub-consultants. In Stage 2, the experience of sub-consultants on the Project Team will be evaluated using the resumes of the individuals proposed for the Project Team.

Q4. Since CM will hold contracts with each construction subcontractor, will CM be able to add its own contract language to subcontracts for construction?

A4. The CUNY contract will include components that must be in all subcontractor agreements.

Q5. Who (CUNY or CM) will make determination if the low construction bidder is responsive and responsible?

A5. The CM will make the determination of responsiveness and responsibility, subject to the approval of CUNY.

Q6. In page RFP-7, B Contract Provisions: "CM to provide a Payment Bond for 2 months of construction work". Does this mean that CM is responsible to pay construction subcontractors for up to 2 months worth of invoices prior to CUNY paying CM ?

A6. The Payment Bond is intended to be available in the event of failure on the part of the CM to pay subcontractors consistent with its contract with CUNY. Because we don't expect to have a situation whereby the CM fails to make payment to its subcontractors consistent with its contract with CUNY, the amount of the Payment Bond is a relatively marginal amount that represents a low level of risk.

Q7. The RFP states that proposals should be typed on both sides of 8 ½ x 11" paper. It also states that each project should be presented on one sheet of no more than 8 ½ x 11 inches. Please clarify whether the one sheet for each project means both sides of the 8 ½ x 11 sheet, or just one side of the sheet.

A7. Both sides of an 8 ½ x 11 sheet for each project will be permissible.

Q8. Section III.B of the RFP includes a requirement for the Construction Manager to post a payment bond to provide for claims of nonpayment made by the CM's subcontractors. Can a firm respectfully request CUNY delete this requirement—we presume the contract between the CM and CUNY will contain industry standard provisions on payment and subcontractor liens and that these provisions will protect CUNY's interests. Additionally, we are unable to determine if such a bond is obtainable because the potential value is indeterminable. Should CUNY choose not to delete this requirement we respectfully request CUNY revise this section to include a stated value."

A8. The draft contract, in the second stage, will contain a fixed dollar amount.

Q9. For Stage One submissions, does a CM's design team need to be identified? If so, would a Portfolio consist of five projects each for the CM and the design team or five projects total between the two?

A9. See the answer to Question 3.

Q10. Is the information for each project submitted as a part of the Stage One Portfolio confined to one single sided page or one double sided page?

A10. See the answer to Question 7.

Q11. Regarding the above referenced project and in order to determine the risk profile associated with the RFP, could you please provide the type of delivery method that the Construction Management Services contract type that CUNY is contemplating would likely be?

A11. CM/Design/Build. The CM will provide necessary design services, bid and hold the construction contracts and be responsible for executing the work.

Q12. Does CUNY use heat recovery systems? Can you give us examples of types of systems required?

A12. No, these are individual room renovations that rely on existing building infrastructure or new local systems to meet the needs of the renovation.

Q13A. What is the time line, typical size, and budget for a project?

A13A. Most are 1,200-1,500 square feet; some have an attached preparation room. Design takes 3 ½ - 4 months and construction varies greatly. Typical schedule is to try to do it in a semester.

Q13B. Will you do it over a summer break?

A13B. Yes

Q14. Can you provide examples and are you seeking Green standards?

A14. Yes, to the selected firms for the 2<sup>nd</sup> Stage.

Q15. How many campuses and how many labs?

A15. 8 campuses currently. We are spreading it out, we wouldn't do all on 1 campus, however we are currently doing 2 on 1 campus, but typically we would only do 1 per campus.

Q16. Can you give us more information about liquidated damages, caps, dollar limits, subcontractors?

A16. That information will be shared in the draft contract, in the 2<sup>nd</sup> stage.

Q17. Please clarify bond requirements?

A17. See the answer to questions 6 and 8. See RFP Section III.B.

Q19. Are previously designed labs based on prototypes?

A19. We're looking at existing labs, and we are trying to update/modernize. There's not a prototype design per say, but there are some existing laboratories that are pretty typical of what you will find.

Q20. Do you plan to standardize?

A20. It is not something that is contemplated right now.

Q21. Is the pool of Subconsultants going to be restricted?

A21. Subcontractors to undertake the construction work will be solicited by the CM through an open competitive process. Awards will go to the lowest responsive and responsible bidder.

Q22. Can you go over the Bonding Requirements for both the CM as well as the subcontractors?

A22. See the answers to Questions 6 and 8. See RFP Section III. B.

Q23. Describe the selection process for the mini-bid process?

A24. Refer to RFP-Section II.A.

Q24. You will be following state law for the solicitation process? Wicks Law?

A24. An open competitive bid procedure consistent with General Municipal Law Section 133 will be conducted by the selected CM. The Wicks Law applies.

Q25. Can you clarify, there be a competitive process beyond this award process?

A25. Refer to RFP Sections II.A. and III.E.

Q26 Is the cost of the Bond an obligation on the part of the CM?

Q26. Yes, the CM will be responsible for the cost of the Payment Bond.

Q27. The Stage 1 submission calls for a portfolio of up to 5 projects that identify the proposer's ability to perform the required services, can you provide some details on this requirement.

A27. Proposers should submit up to 5 projects built within the last 10 years where they were performing the role of the CM or providing the services as described in RFP Section III. Scope of Work and Contract Conditions.

Q28. For Stage 1, can you clarify what you're looking for?

A28. In Stage One CUNY will be looking at the portfolios submitted. Stage Two will be a more comprehensive look at the overall Firm Experience, Project Team, and Technical approach.

Q29. Once a firm is selected how long is the staff expected to be available for this contract?

A29. The estimated term of the contract is 3 years, but we understand that people move on, there will be a provision in the draft contract that will address this.

Q30. Does it benefit a firm to be an MWBE at the CM level?

A30. It will help the firm toward meeting that particular goal.

Q31. Can you provide a budget for a typical project?

A31. Not at this stage of the process.

Q32. Do you have a number of firms in mind for Stage 2 Process?

A32. As indicated in the RFP, no fewer than 6.

Q33. When contracts are let for construction will firms need to be prequalified through anyone?

A33. No, but firms will need to be determined responsive and responsible.

Q34. Are firms involved in management of the contracts?

A34. Yes, the CMs will be responsible for managing the subcontracts.

Q35. Will LEEDS certification be required?

A35. No, we do not anticipate LEEDS requirements for these projects. but CUNY supports sustainable design.

Q36. Do you intend to award task orders based on the fee proposed?

A36. Refer to RFP Section II.A.

Q37. In the interest of Joint Ventures, will the list of attendees be made available?

A37. Yes, it is available on our website: [www.cuny.edu/constructionsolicitations](http://www.cuny.edu/constructionsolicitations).

Q38. See the answer to question 15.

A38. In some cases we have bundled a number of labs, but it will depend on budget. We try to bundle in ways that make sense.

Q39. Question Related to size of jobs and Wicks law.

A39. See RFP Section III.E.

Q40. Will subcontractors be contracting with CUNY or the CM?

A40. The subcontractors will be contracting with the CM, and CM will be contracting with CUNY.

The City University of New York  
Office of Facilities Planning, Construction & Management  
College Laboratory Facilities Construction Management/Design/Build  
Requirements Contracts Request for Proposals (RFP)  
Project No: CITYW-CUCF-01-09

Pre-Proposal Conference Procedures  
July 27, 2009 – 10:00 AM

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- Good morning, I am Jeffrey Weinstein, Director of Procurement Services for CUNY's Office of Facilities Planning, Construction and Management.
- The purpose of this morning's session is to provide you with the opportunity to get an overview of and ask questions about the College Laboratory Facilities Construction Management/Design/Build Requirements Contracts RFP. It is, therefore, important that you understand the following procedures.
- Consistent with RFP Section VI. E. "General Information to Proposers/Reserved Rights", all information provided or available in connection with this session is made in good faith for information purposes only and does not in and of itself change the RFP. Therefore, anything said during the course of this session is not binding and does not change the RFP. Changes to the RFP may only be made by formal Amendment if, and when required.
- All Addenda to the RFP, including Amendments and any other information related to the RFP issued by CUNY, will be available for downloading at [www.cuny.edu/constructionsolicitations](http://www.cuny.edu/constructionsolicitations) and will also be available for in-person pick-up during regular business hours at CUNY's Office of Facilities Planning, Construction and Management, Procurement Services, 555 West 57<sup>th</sup> Street, 11<sup>th</sup> Floor, Room 1140 in Manhattan.
- We will make our best effort to address your questions during this session. In those cases where additional follow-up may be needed to provide an answer, we will so advise you.
- Questions addressing the same or similar subject may be treated as a single question and responded to once. Responses of general applicability will be issued in the form of an Addendum to the RFP for informational purposes only. Questions and/or other issues that may materially affect the RFP will be addressed as an Amendment and issued as an Addendum to the RFP. In either case, the Addendum will be available as I previously described.
- Everyone will get the same opportunity to raise questions and hear the responses.
- You are reminded that questions may also be submitted via email to the address listed in the RFP: [DDCM.ContractsDept@mail.cuny.edu](mailto:DDCM.ContractsDept@mail.cuny.edu). Please place "College

Laboratory Facilities Construction Management/Design/Build Requirements Contracts RFP” in the subject heading of the email. Emails are due by the end of today.

- You are also reminded that the ONLY Authorized Agency Contact Person for all matters concerning this RFP is Michael Feeney, CUNY’s Chief of Consultant Contracts, whose contact information is in the RFP. Attempts to contact other individuals are prohibited and are required to be recorded in accordance with the New York State Procurement Lobbying Act of 2006. For more information, please refer to the New York State website listed in the RFP.
- I now want to provide an overview of the RFP.
- CUNY is seeking to enter into approximately 4 requirements contracts with Construction Management firms to provide all services for the construction of college laboratory renovation projects. The services include necessary design services during construction, the open competitive procurement of construction subcontracts, as well as the management and supervision of all required construction work from commencement through substantial completion, final acceptance, and project closeout for all assigned projects.
- The prime objective of this procurement is to provide on-demand construction management/design/build contracts to improve and renovate approximately 25 laboratory facilities for various CUNY colleges.
- The selected CMs, through their designers, will adapt, to the extent feasible, previously established designs for each laboratory and will then procure, coordinate and supervise multiple specialty contractors renovating existing space, installing furnishings and state-of-the-art technology, and working during school hours when the campus is fully operational.
- Subsequent to contract execution, as the need arises, CUNY will identify those firms eligible to compete for project specific assignments and send them a written description of the assignment and the criteria that will be used for selection. The firms will have an opportunity to submit a written response to the request, including a fee. The responses will be reviewed and evaluated by CUNY according to the criteria, after which the firm that best meets the criteria will be selected for the assignment at a fee determined by CUNY to be fair and reasonable.
- The RFP comprises a two-stage selection process. In Stage One, proposers will submit the prescribed materials to document their ability to act as a Construction Management/Design/Build firm on an on-demand, requirements contract basis for college laboratory facilities. Based on an evaluation of these materials, CUNY will establish a short list of proposers to be further considered in the second stage of the selection process. In Stage Two, the short listed proposers will be requested to submit Technical Proposals and Fee Proposals. The Technical Proposals will be evaluated to determine each proposer’s ability to provide the

necessary services. It is anticipated that CUNY will enter into fee and contract negotiations with the 4 highest ranked firms.

- Today's overview will also be formally issued as an Addendum to the RFP.
- If you have not already done so, please sign in.
- Thank you for your participation and cooperation.
- I will now turn the session over to David Salmon, Assistant Director of CUNY's Department of Design, Construction & Management. David, who is spearheading CUNY's laboratory design & construction initiatives, will give you an overview of the Laboratory Facilities Program and examples of the types of projects that may be assigned under these contracts.

Presentation by David Salmon, Assistant Director CUNY Department of Design and Construction Management

#### Lab Projects Description

7/27/09 Pre-proposal Conference

As part of the Chancellor's Decade of Science initiative, CUNY implemented a program of lab renovations about 1-1/2 years ago. Our typical lab project has been renovation of an existing chemistry wet lab. Typically benches and fume hoods have been replaced in the same locations; occasionally some reconfiguration of the room was done, but without having to completely reconfigure the infrastructure. In the process, lab spaces have been brought fully up to code, with all ADA, ventilation and life safety features included. All projects have been filed with DOB. Demolition and hazmat services are included.

Scope has included new epoxy flooring, benches, fume hoods, HVAC work as required, lighting, some associated carpentry, plumbing, painting, etc. to create a modern laboratory that meets the needs of the college curriculum. We design based on discussions with faculty at each college, and designs are reviewed by them as well as by the CUNY technical division.

We like to use high performance (low flow) fume hoods to minimize the impact to ventilation. Most lab renovations have been in older buildings that do not have proper make-up air systems and dedicated ventilation systems were required. All this needs to be done to meet current code requirements.

We have done a couple of biology labs, and are in the process of renovating one physics lab and a psychology lab, but typically these projects have been chemistry labs. We have not brought in new services which did not already exist. Attached prep rooms have normally been included, but not dedicated chemical storage rooms.