



Facilities Planning, Construction,
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**Addendum No. 5
September 2, 2009**

**The City University of New York
Request for Proposals
To Perform Construction Management / Build Services
New York City College of Technology New Academic Building
Project Number: NY-CUCF-01-08**

This Addendum is issued for the purpose of conveying the below listed Questions and Answers which include responses to the questions that were emailed to the CUNY Contracts Department. In addition, appended is the Draft Schedule for this project. Consistent with SECTION VI. (GENERAL INFORMATION TO PROPOSERS, 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.

Contact: Michael Feeney, DDCM.ContractsDept@mail.cuny.edu

By signing in the space provided below, the Proposing Firm acknowledges receipt of this Addendum. This Addendum must be signed by an authorized representative of the Proposing Firm and submitted with the Technical Proposal.

Name of Proposer

Name of Authorized
Proposer Representative

Title

Signature

Date

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Questions and Answers

Questions Submitted via E-mails

Q1. Is there an estimated time for the start and finish of the preconstruction, construction and close-out phases?

A1. According to our current draft schedule (see attached "Draft Schedule" dated April 7, 2009) the construction documents are expected to be issued on March 23, 2010, and construction is expected to be completed on August 14, 2012, followed by a month for closeout.

Q2. Please provide the current status of design and the timeline for design completion?

A2. Design Development documents were recently issued for owner review. The construction documents are expected to be completed in March, 2010

Q3. Please advise whether funding is currently available for the construction phase of the project and if not, whether it may impact the schedule for the start of construction.

A3. Currently \$257 million is in place. A budget request for additional funds required to complete the project will be made to the State as part of this year's budget request.

Q4. Attachment 1 Staffing Plan Form says that "total estimated hours per title shall not include any overtime hours." However Article 11.2.8 of the Draft contract appears to indicate that the CM can pay overtime in accordance with its company policy. Please advise whether CUCF will reimburse for CM staffing costs for hours in excess of 40 hours per week if required to manage the construction effort within the timeframe identified. If so, why can't they be included in the Staffing Plan hours?

A4. Attachment 1 is intended to depict each proposer's staffing requirements for the project to form a basis for determining each proposer understands of and experience with projects of this type as part of the overall rating of the technical proposal. Whether or not overtime will be available or approved should you be selected for the project is not material at this point in the process. As the Draft Contract states, should overtime be necessary, approval shall only be given if the policy is reasonable, consistently applied to all clients and in accordance to standard practice in the industry and premium payment is subject to the limitation set forth in Article 42 of the Draft Contract.

Q5. Article 23.2.1 of the Draft Contract requires the CM to provide \$100,000,000 of Commercial General Liability Coverage which is significantly in excess of industry standards and which will add substantial additional costs to the project. Will this level of coverage be required?

- A5. The insurance requirement for this project is \$100 million as stated in the Draft Contract. This can be \$1million to \$5 million in primary Commercial General Liability coverage, with an excess above that to equal the \$100 million in coverage. The selected vendor shall also provide a Contractor's Pollution Liability policy to cover the asbestos exposure. The specific limits per the contract will be negotiated with the selected firm.
- Q6. Umbrella and excess liability insurance is required "at the minimum specified at Exhibit I," however the amounts do not appear to be specified in Exhibit I. Please clarify?**
- A6. The specific limits per each category will be negotiated with the selected firm.
- Q7. Does the indemnification in Article 15.4 apply to liability claims or is it also intended to apply to subcontractor claims for additional work?**
- A7. The Article calls for indemnification against any and all claims, liens, demands, judgments, penalties, fines, liabilities, settlements, damages, costs and expenses of whatever kind or nature (including, without limitation, attorneys' fees and disbursements), known or unknown, contingent or otherwise, allegedly arising out of or in any way related to the operations of the Construction Manager, its Subcontractors or its suppliers, or any combination of them.
- Q8. We would like to get clarity to the following items: Addendum no.1 of the Stage 1 RFP indicated that the CM's bond Requirements would be capped at two (2) months of payments. How will that cost be established & is this still the case? As we read the project requirements, the CM's "insurance costs" are to be included in the payroll billings which are capped at two (2) times base wage. Our insurance obligation is based upon a % of overall construction cost. Our cost will be greater than what may be allowed in the multiplier of our staff's base wage after actual fringe benefits are included. How then can this cost be treated?**
- A8. The payment bond amount will be determined at the conclusion of the final design when the estimated cost of construction will be determined. The construction duration will have already been determined by CUNY in consultation with the selected construction manager. The selected construction manager will then provide a payment bond for the amount that represents a percentage of the estimated construction cost that coincides with two months of construction work. For example, the two month payment period for the CM Bond Requirements will be a projection based on an objective review of the project cost and the use of a bell curve approach to determine the peak construction period and what outlay of payment is expected.
- The multiplier 2.0 includes all expenses for insurance coverage (required by the contract, required by law and maintained by the contractor) determined to be necessary for the performance of all required services.
- Q9. Are you able to tell us the names of the CM firms on the shortlist for the Brooklyn Academic building?**
- A9. The names of Stage One Short-Listed firms are posted on the website at the following address; www.cuny.edu/constructionsolicitations.

