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June 10, 2016

SUBJECT: Letter of Clarification No. 2

REFERENCE: RFQ No. Q-H37-MLITCMAR-2016-033, Mickey Leland International Terminal (MLIT) Construction Manager At Risk (CMAR) Services at George Bush Intercontinental Airport (IAH)

To: All Prospective Respondents:

This Letter of Clarification is issued for the following reason: to answer questions posed by prospective respondents.

Question No. 1: Section 6.11.2 Indicates that a Part A – Administrative Requirements and Part - B Statement of Qualifications. Regarding the Section 10.0 SOQ Outline, where would Part A – Administrative Requirements be required to be inserted? Would it be in Section 13?

Response No. 1: Yes, Part A - Administrative Requirements should be inserted in in Section 13 of the respondents SOQ as indicated in 10.17 of the RFQ.

Question No. 2: Is there a specific form or how would HAS like to see the request in Section 2.5.1 regarding the CMAR's cost to the General and Excess Liability and Builders Risk Insurance? If this item is provided, is it considered part of the grading of the SOQ based on the competitions cost level of insurances?

Response No. 2: Submission of the requested insurance cost will not be part of the SOQ evaluation process. Section 2.5 OCIP and Paragraph 2.5.1 are to be deleted in their entirety.

Question No. 3: Please confirm that 10.6 Section 2 – Scope Approach is the same requirements as defined in 7.2.2. (d)?

Response No. 3: The RFQ Submittal must be organized as outlined within Section 10 - Statement of Qualifications Outline and Minimum Content Requirements and also include responses to the Evaluation and Selection Criteria identified in 7.0 as appropriate.

Question No. 4: Please provide a location to insert the 7.3. Minimum Experience Requirements Form? Should this be located in 10.10 Section 6 of the Minimum Requirements? Or should this be located in 10.17 Section 13? For efficiency purposes, could we just identify the two projects used for minimum experience out of the maximum 5 projects submitted in 10.10 Section 6?

Response No. 4: New Airport Terminal Design Experience (Pass/ Fail) should be located within Section 6 of the respondents SOQ and labeled accordingly.

Question No. 5: Regarding 7.3.2., If the two projects provided in 7.3.1 are both valid for 7.3.2., should we include a repeat of the 7.3.1. Indicating CMAR projects? Thus, there would be two copies, possibly three copies of the same project regarding the outcome of the response to question #9.

Response No. 5: No; if the two projects meet both Airport and CMAR Experience criteria there is no need to duplicate the same project information. For clarity/ease of review by the Evaluation Panel, a statement indicating the location of the referenced projects should be made in the responses to respective criteria.

Question No. 6: Regarding 7.3.1, the projects do not indicate which type (Greenfield/Renovation/New/Addition), but within section 7.4. it indicates "New Airport Terminal Experience". Does Major Renovations to active terminals that meet the \$400m threshold in section 7.3.1. count towards the pass/fail objective?

Response No. 6: Yes; Airport Experience may include a minimum of two (2) new construction, significant expansion, or renovation airport terminal projects in excess of \$400MM in contract value that obtained final completion with the last ten (10) years.

Question No. 7: Regarding 7.4, indicating the Evaluation Criteria, please provide locations within section 10.0 for the locations to insert "requirements in section 7.4" for the following:

- a. OSHA Records Pass/Fail – Should this be in 10.19 Section 15?
- b. Experience Modification Ratio Pass/Fail – Should this be in 10.19 Section 15?
- c. MWDBE Compliance Pass/Fail – Should this be in 10.19 Section 15?
- d. New Airport Terminal and CMAR Experience – Should this be in 10.10 Section 6?

Response No. 7:

- a. Provide in Section 15 under a separate tab titled "OSHA".
- b. Provide in Section 15 under a separate tab titled "EMR".
- c. Provide in Section 13 "City Required Documents".
- d. Refer to the response provided in Question #4.

Question No. 8: There are multiple questions regarding the Section 7 Evaluation Criteria versus the Section 10 Minimum Requirements. Please advise why the two sections differ so drastically and please confirm that Section 10 is the basis for the SOQ submission that each CMAR should utilize? The following questions are ones that show the conflict between the two sections:

Response No. 8: Please refer to the response provided in Question # 3.

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Question No. 9: Section 7.5.1.a indicates the response that will be evaluated, within Section 10.0, there is not an indication of where a response to 7.5.1.A is required. Should this response be provided in 10.6 Section 2 – Scope Approach?

Response No. 9: Please refer to the response provided in Question # 3.

Question No. 10: Section 7.5.2.a-j indicates the response that will be evaluated; within Section 10.0 there is not an indication of where a response to 7.5.2.a-j is required. Should this response be provided in 10.6 Section 2 – Scope Approach?

Response No. 10: Please refer to the response provided in Question # 3.

Question No. 11: Section 7.5.3a-b indicates the response that will be evaluated within Section 10.0 there is not an indication of where a response to 7.5.3.a-b is required. Should this response be provided in 10.6 Section 2 - 10.6.3. – Scope Approach?

Response No. 11: Please refer to the response provided in Question # 3.

Question No. 12: Section 7.5.4 indicates the response that will be evaluated within Section 10.0 would this response need to be provided within Section 2 - 10.6.3. – Scope Approach?

Response No. 12: Please refer to the response provided in Question # 3.

Question No. 13: Section 7.6.1.a-c indicates the response that will be evaluated within Section 10.0. Would this response need to be provided within 10.10 Section 6? Should we provide a list for the ACI Airport Clients over the last 10 years within this section also?

Response No. 13: Please refer to the response provided in Question # 3.

Question No. 14: Section 7.6.2.a-c indicates the response that will be evaluated within Section 10.0. In what section of Section 10 should the response to 7.6.2.a-c be provided by the submitting CMAR?

Response No. 14: Please refer to the response provided in Question # 3.

Question No. 15: Section 7.7.1.a-e indicates the response that will be evaluated within Section 10.0. In what section of Section 10 should the response to 7.7.1.a-e be provided by the submitting CMAR?

Response No. 15: Please refer to the response provided in Question # 3.

Question No. 16: Section 7.7.2.a-b indicates the response that will be evaluated within Section 10.0. In what section of Section 10 should the response to 7.7.2.a-b be provided by the submitting CMAR?

Response No. 16: Please refer to the response provided in Question # 3.

Question No. 17: Section 7.8.1.a indicates the response that will be evaluated within Section 10.0. In what section of Section 10 should the response to 7.8.1.a be provided by the submitting CMAR?

Response No. 17: Please refer to the response provided in Question # 3.

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Question No. 18: Section 7.8.2.a-e indicates the response that will be evaluated within Section 10.0. In what section of Section 10 should the response to 7.8.2.a-e be provided by the submitting CMAR?

Response No. 18: Please refer to the response provided in Question # 3.

Question No. 19: Section 7.8.3 indicates the response that will be evaluated within Section 10.0. In what section of Section 10 should the response to 7.8.3 be provided by the submitting CMAR?

Response No. 19: Please refer to the response provided in Question # 3.

Question No. 20: Section 7.8.4.a indicates the response that will be evaluated within Section 10.0. In what section of Section 10 should the response to 7.8.4.a be provided by the submitting CMAR?

Response No. 20: Please refer to the response provided in Question # 3.

Question No. 21: Should the entire Section 7.9 be responded to within Section 10.15 – Project Controls?

Response No. 21: Please refer to the response provided in Question # 3.

Question No. 22: Should item 7.10 – Evidence of Required Surety Bond, be provided in section 10.18.b. Please advise if a “brief statement of the respondents bonding ability” is fulfilled with the evidence of a surety bond for this project?

Response No. 22: A Bond would fulfill evidence of the required bond.

Question No. 23: Section 7.11 indicates that the MWDSBE Plan be provided in Section 16. Please advise as there is not a Section 16 indicated within the Section 10.0 Minimum Requirements. Please also reference question 12.c.

Response No. 23: In this case, RFQ Section 7.11 is referring to Section 16.0 of the RFQ document (MINORITY, WOMEN AND SMALL BUSINESS ENTERPRISES (MWBE). Please refer to the response provided in Question # 7(c).

Question No. 24: Please provide the location, within section 10 minimum requirements, for where the OSHA 300 Reports are required for each prime or Joint Venture Partner?

Response No. 24: Please refer to the response provided in Question # 7(a).

Question No. 25: Section 7.13 indicates that OSHA Record (not OSHA 300 Logs as identified in section 29) should be provided, in what section of 10.0 minimum requirements should the response to 7.13 be provided?

Response No. 25: Please refer to the response provided in Question # 7(a).

Question No. 26: Section 8.0 indicates that the use of sub-consultants is expected. It also states that “the proposed team of sub-consultants will be reviewed by the City during the selection process.” Is the City the same as HAS in this question? Is this section graded or does it have any “selection criteria weight”?

Response No. 26: The "City" is as defined in the RFQ document. Any response provided in your SOQ submittal may have a bearing on any selection criteria if and where relevant.

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Question No. 27: Section 9.1 indicates that the submission should be received in a “sealed envelope”, due to the quantity of submissions, will a sealed box be acceptable?

Response No. 27: Yes.

Question No. 28: Section 9.3 indicates that it is Mandatory for respondents to follow the required format in preparing the submittal, please confirm that this is relating to Section 10.0 and not Section 7.2 thru 7.13?

Response No. 28: Please refer to the response provided in Question # 3.

Question No. 29: Please confirm that Section 10.4 – Executive Summary is weighted due to the requirements embedded within Section 10.4 to respond to criteria defined in Section 7.2

Response No. 29: Any response provided in your SOQ submittal may have a bearing on any selection criteria if and where relevant.

Question No. 30: Is there a page limit to section 10.4?

Response No. 30: No.

Question No. 31: Is Section 10.3 – Team Introduction Letter the same as Section 1-Transmittal Letter, as Section 1 indicates that the Team should be briefly introduced in both sections?

Response No. 31: No.

Question No. 32: Please clarify or elaborate on 10.10.3. – “The tabular summary and narrative of each project description shall not exceed one-half of an 8.5” x 11” page.”

Response No. 32: The requirement is as stated.

Question No. 33: Please advise what section, referring the Section 10 – Minimum Qualifications, should the forms indicated 21.0 be provided, please confirm that this should be “Section 13”?

Response No. 33: Please refer to the response provided in Question # 3.

Question No. 34: Please advise on the statement (Base Date September 2015) that is located on the Step 2 – Price Proposal Form.

Response No. 34: The projected estimated Cost of the Work value stated on Attachment D - Price Proposal Form is based on an unescalated amount as of September 2015.

Question No. 35: Is Attachment E to be included within the SOQ?

Response No. 35: This Attachment should be included in Section 13 "City Required Documents".

Question No. 36: Is Item 10.5.3. Identical to 10.13.4? Should we indicate this request twice?

Response No. 36: 10.5.3 informs what statement must be included in your Transmittal Letter. 10.13.4 requires the submittal of the Key Personnel Commitment Letter Form: Attachment “H”.

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Question No. 37: Regarding the 10% MWBE Participation Goal, there seems to be a conflict between multiple documents, for instance Document 00472 indicates a deviation request and that that minimum good faith effort is 8.5% MBE and 2.3% WBE, which subsequently equals 10.8%, which is greater than the indicated 10%. Please advise.

Response No. 37: The Pre-Construction Goal is 10% MWBE. The Construction Goal is 23% MBE and 7% WBE. You must submit a COMPLETED form 470 at time of bid submission for the 10% Pre-Construction goal. Additionally, you must submit Form 470 for the Construction that lists the name of contractor, type of certification (ex. MBE, WBE) and the skill set they will be providing. Forms 471 and 472 are required if you are unable to meet the listed goal. The Sample Form 472 listed in the RFQ was listed in error. The Pre-Construction Goal is 10%.

Question No. 38: Please advise of what the split participation percentage goals are for the MBE and WBE? Does SBE count towards this?

Response No. 38: There is no split on the 10% MWBE Pre-Construction Goal. On the Construction Goal the split is 23% MBE and 7% WBE. You can substitute up 4% SBE on the Construction Goal only.

Question No. 39: Please advise if form 00470A is to be included within the SOQ?

Response No. 39: You must submit a COMPLETED form 470 at time of submission for the 10% Pre-Construction goal. Additionally, you must submit Form 470 for the Construction that lists the name of contractor, type of certification (ex. MBE, WBE) and the skill set they will be providing.

Question No. 40: Please advise if form 00471 is to be included within the SOQ?

Response No. 40: Forms 471 and 472 are required if you are unable to meet the listed goal.

Question No. 41: Please advise section 1.1 on document 480, which indicates that "at least five (5) years immediately prior to the submission of their bid." This statement is in conflict with 7.3.1. and 7.3.2.. Also, section 10.10 Section 6 does not indicate when these submitted jobs have to complete by, is this 5 years or 10 years?

Response No. 41: The requirements are not in conflict. Form 480 relates to reference verification; sections 7.3.1 and 7.3.2 relate to minimum experience required for this solicitation.

Question No. 42: A negotiated CMAR contract with Austin/Gilbane was prepared for City Council approval after the first MLIT CMAR competition. Since that Proposer is re-submitting, in the interest of transparency please provide a copy of that earlier negotiated contract, so that all Proposers will have the same information regarding what HAS and City of Houston accepted.

Response No. 42: Proposers may request information by contacting the Public Information Officer for the Houston Airport System using the information on the following website: <http://www.houstontx.gov/pia.html>.

Question No. 43: Article 4.4.1 and Article 10.6 of the RFQ indicate that it is HAS's intent to commence final negotiations with the Respondent(s) deemed most advantageous to the City. Will these negotiations include the ability to revise the terms of the Construction Management-At-Risk Agreement and the General Conditions to reach mutually-agreeable contract terms, or

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is each Respondent expected to sign the Construction Management-At-Risk Agreement without any revisions other than those identified by the City prior to Statement of Qualifications being submitted?

Response No. 43: Section 20.5.3 of the RFQ requires short-listed respondents to submit exceptions to the standard contract to allow the parties to negotiate contract terms.

Question No. 44: With regard to Article 4.4.1 and Article 10.6 of the RFQ, and City of Houston Bidder's Bond Form, if the City and the Respondent(s) deemed most advantageous to the City are not able to reach mutually-agreeable contract terms, please confirm that the City will not have any recourse against that Respondent(s) or its sureties based on failure to enter into an agreement.

Response No. 44: Bonds are governed by Section 11.1 of the sample contract.

Question No. 45: Article 9.1.2 of the RFQ and Article 3.25.1 of the draft General Conditions both obligate the CMAR to indemnify the City for the City's concurrent negligence and the City's strict liability. Further, the CMAR's obligation to indemnify the City is not limited to the extent of negligence on the part of the CMAR and those for whom the CMAR is responsible, such as subcontractors. Will the final Construction Management-At-Risk Agreement and General Conditions be revised to include an indemnity clause that is substantially equivalent to Article 3.18 of the AIA A201 General Conditions of Contract, which limits the CMAR's indemnity obligation "to the extent caused by the negligent acts or omissions of the [CMAR], a Subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder"?

Response No. 45: Section 20.5.3 of the RFQ requires short-listed respondents to submit exceptions to the standard contract to allow the parties to negotiate contract terms.

Question No. 46: Article 9.1.2.4 of the RFQ included a sentence indicating that the CMAR's "indemnification is limited to \$500,000 per occurrence." That clause is not present in Article 3.25.1 of the draft General Conditions. Will the final version of the General Conditions include the clause limiting the CMAR's indemnification to \$500,000 per occurrence?

Response No. 46: No. The sample contract language is correct.

Question No. 47: Bonds - RFQ, Master Agreement and General Conditions refer to City of Houston's form of Bonds for Bid Bond Payment and Performance Bonds and Warranty Bond. Will Owner furnish specific Bond forms for review?

Response No. 47: Yes.

Question No. 48: Article 6.2 - In accordance with industry standards of large airport projects, will the City agree to cap the liquidated damages at a percentage of the CMAR's fee?

Response No. 48: Section 20.5.3 of the RFQ requires short-listed respondents to submit exceptions to the standard contract to allow the parties to negotiate contract terms.

Question No. 49: Article 7.2 - Please confirm that CMAR's liability for damages for failure to meet the Preconstruction Services Schedule will be tied to specific, mutually agreed milestones and identify what those milestones will be.

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Response No. 49: The Milestones for Preconstruction Services are stated in Paragraphs 6.2.1 and 6.2.1.1 as follows:

6.2.1 The milestone duration for completion of Phase 1- Preconstruction and GMP submittal is 404 Calendar Days from Notice to Proceed.

6.2.1.1. The GMP submittal by CMAR shall be no later than fourteen (14) Calendar Days following PMT delivery of the Design Development (60% level-progress Construction Documents) to the CMAR for establishing a GMP.

Question No. 50: Article 8.2.4 - Please confirm that CMAR will be entitled to schedule relief for delays to the Preconstruction Services Schedule that are not caused by its fault.

Response No. 50: General Conditions Section 8.2 Delays and Extensions of Time addresses this condition.

Question No. 51: Article 8.4 - Article 8.4.2.2 refers to supervisory and administrative staff "Allowable Hourly Rate" but this term is not defined. Please confirm the meaning of this term and how it may be different from "actual wages or salaries (inclusive of Labor Burden) as referenced in the start of sentence.

Response No. 51: "The meaning of Allowable Hourly Rate is intended to be the rate identified in Exhibit "D", which includes actual wage or salaries (inclusive of Labor Burden)."

Question No. 52: Article 8.5 - Article 8.5.1.11 appears to conflict with Article 8.4.6.3 which states premiums and deductibles are reimbursable. Please confirm the intent of this article.

Response No. 52: There is no conflict. Paragraph 8.4.6.3 states "premiums for insurance and bonds directly attributable to this Agreement" are included in the Cost of Work and Paragraph 8.5.1.12 (not 8.5.1.11) states "all insurance deductibles and self-insured retentions payable by CMAR and all uninsured losses and costs whether due to the failure of CMAR or any Subcontractor to procure and maintain insurance" are not included in the Cost of the Work.

Question No. 53: Article 8.5 – Will the city agree to revisions to the categories of Costs Not Included in the Cost of the Work? We believe that some of the current categories should be properly reimbursable if still within the GMP, including 8.5.1.6, 8.5.1.9, 8.5.1.10, 8.5.1.11, 8.5.1.19, 8.5.1.20 and 8.5.1.21.

Response No. 53: 20.5.3 of the RFQ requires short-listed respondents to submit exceptions to the standard contract to allow the parties to negotiate contract terms.

Question No. 54: Exhibit A – The definition of design to budget does not appear to match the collaborative process in section 3.C.2 (page 47 of 92) of the RFQ. Please clarify the City's intent.

Response No. 54: This question is not clear for these reasons and therefore cannot be properly answered:

1. The RFQ only has 47 pages (so there can't be a page 47 of 92).
2. The Sample Contract has 108 pages and the Scope of Services has 50 pages. Neither of these documents have a Section 3.C.2.

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Question No. 55: Article 6.2 - In accordance with industry standards of large airport projects, will the City agree to cap the liquidated damages at a percentage of the CMAR's fee?

Response No. 55: The City will negotiate contract terms with the selected proposer.

Question No. 56: Article 7.2 - Please confirm that CMAR's liability for damages for failure to meet the Preconstruction Services Schedule will be tied to specific, mutually agreed milestones and identify what those milestones will be.

Response No. 56: Yes.

Question No. 57: Should this read "by an authorized person that is binding the proposed CMAR...." Instead of referencing the Design Consultant? '

Response No. 57: Delete "Design Consultant Firm", section 9.1 should state proposed "CMAR".

Question No. 58: For 10.18, Section 14 – Financial Capabilities, is this for the prime JV partner or all JV partners?

Response No. 58: All JV Partners.

Question No. 59: Article 8.5 - Article 8.5.1.11 appears to conflict with Article 8.4.6.3 which states premiums and deductibles are reimbursable. Please confirm the intent of this article.

Response No. 59: **Please refer to the response provided in Question # 7.**

Question 60: Article 8.5 – Will the city agree to revisions to the categories of Costs Not Included in the Cost of the Work? We believe that some of the current categories should be properly reimbursable if still within the GMP, including 8.5.1.6, 8.5.1.9, 8.5.1.10, 8.5.1.11, 8.5.1.19, 8.5.1.20 and 8.5.1.21.

Response No. 60: Please refer to the response provided in Question # 1.

Question No. 61: Exhibit A – The definition of design to budget does not appear to match the collaborative process in section 3.C.2 (page 47 of 92) of the RFQ. Please clarify the City's intent.

Response No. 61: This question is unclear and cannot be answered because the RFQ does not have 92 pages. Neither the sample contract nor the scope of services has a section 3.C.2.

Question No. 62: For 10.10.3, what specifically needs to go on the half of the 8.5"x11" page? With all the required items a-n, is it possible to have a page to provide this information rather than one-half of a page? Please clarify that a-o is in addition to the half page narrative; or is this included in the half page limit?

Response No. 62: The Requirements are as written.

Question No. 63: For Attachment G Key Personnel Resume Checklist, do we fill out this form and place behind our resume template, or is this to just be checked off?

Response No. 63: The Requirements are as written.

Question No. 64: Are we to place our response on the purchasing.houstontx.gov website?

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Response No. 64: No.

Question No. 65: Section 1 – TRANSMITTAL LETTER; Do we need to do this for all proposed personnel or just the Key Personnel?

Response No. 65: The Requirements are as written.

Question No. 66: Section 8 – Teams are asked to list sub-consultants. Do you want a list of sub-consultants only for preconstruction services listed here OR a list for BOTH preconstruction and construction services? It says list of sub-consultants for scope of service described in scope of service.

Response No. 66: The Requirements are as written.

Question No. 67: 7.3 New Airport Terminal and CMAR Experience (Minimum Experience Requirements) (Pass/Fail)

This section asks for several project experiences, is there an attachment that needs to be issued for this information and does this information need to be presented in a specific location of the RFQ? Or is it acceptable to provide data sheets within section 6 – Firm Project Experience to cover these qualifications?"

Response No. 67: Please refer to the response provided in Question #4.

Note that Attachment K - Project Experience Form must be submitted for evaluating firm's project experience.

Question No. 68: "7.11 MWSBE Compliance (Pass/Fail)

This section references the MWSBE and City required documents listed as Exhibits, Attachments, and referenced in PART IV...the RFQ does not indicate where the information for MWSBE Compliance should be located within the RFQ, nor is it shown as a required document under section 21.0 Part VII. Can you indicate what action and forms need to be completed within the RFQ in order to pass this section?

Response No. 68: Provide in Section 13 – City Required Documents.

Question No. 69: "7.12 Experience Modification Ratio (Pass/Fail)

This section references the EMR for the previous 12 months as well as 300A Summary of Work for the past 5 years, but does not instruct on where this information should go in the proposal. Please provide a location for this information within the proposal structure."

Response No. 69: Please refer to the response provided in Question # 7(b).

Question No. 70: "7.13 OSHA Records (Pass/Fail)

This section references the receipt of a citation from OSHA in excess of serious within the previous 5 years. Where should this information be provided within the RFQ structure?"

Response No. 70: Please refer to the response provided in Question # 7(a).

Question No. 71: 10.1 Outside Cover

Can the requirement for the submittal date be removed from the cover of the proposal?

Response No. 71: The requirement remains unchanged.

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Question No. 72: Does the 100 point evaluation criteria score of step one move forward to step two for selection? Example... I score 80 point on Step One and 50 points on Step Two, do I now have a cumulative score of 130 points? Or are they evaluated individually?

Response No. 72: Please refer to RFQ section 6.11.1 RFQ Scoring Process.

Question No. 73: Section 6.11.5.3A states that best value will be evaluated...what are the evaluation criteria for Step Two submissions.

Response No. 73: The Evaluation Criteria remain unchanged from Step 1 to Step 2.

Question No. 74: Item 6.11.1.3 indicates that "each submittal will be evaluated on its own merits, not compared to others" seems to contradict the following sentence within 6.11.1.3: "Committee members may revise their scores-up or down-based on observations made by other members or observers." Please advise if the selection committee can adjust their scores based on comparisons to other selection committee members scores?

Response No. 74: "Not compared to others" is in reference to other submittals received and being evaluated. Following evaluation committee discussion of a firms submittal response relative to a specific criteria, the evaluation committee members can adjust their score up or down based on information validated in their SOQ submittal.

Question No. 75: Referencing Item 6.11.1.2 and 6.11.1.3, Within the "Evaluation Committee Meeting", will there be others in the room besides the selection committee, such as the "observers" I "non-voting members" are these "observers" / "non-voting members" allowed to offer opinions or suggestions to the selection committee based on respondent proposals?

Response No. 75: Please reference RFQ section 6.11.1.2 and 6.11.1.3.

Question No. 76: Referencing Section 6.11.1.4. - After the oral interviews, during the "discussions of the presenters impression", will there be others in the room besides the selection committee, such as the observers" / "non-voting members" are these "observers" I "non-voting members" allowed to offer opinions or suggestions to the selection committee based on respondent oral interviews?

Response No. 76: Please refer to the response provided in Question #75.

Question No. 77: Please confirm that only one score, worth 100 points, will be maintained by each selection committee member, and that member has the ability to adjust their score at three different stages:

- a. Initial RFQ Grading
- b. During/After the Evaluation Committee Meeting
- c. During/After the Oral Interviews

Then will the evaluation committee's individual scores be compiled and added together or will they be averaged?

Response No. 77: Please refer to the response provided in Question # 74.

Question No. 78: Please confirm that 6.11.5. Part D - Price Proposal has no bearing on the 100 points, but it is rather a set point for negotiations? How does the price proposal have any bearing on the selection process as the selection committee will take "the best value" approach to this section?

Response No. 78:

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Sec. 2269.253. SELECTION PROCESS. (e), (f)

(e) If a two-step process is used, the governmental entity may not request fees or prices in step one. In step two, the governmental entity may request that five or fewer offerors, selected solely on the basis of qualifications, provide additional information, including the construction manager-at-risk's proposed fee and prices for fulfilling the general conditions.

(f) At each step, the governmental entity shall receive, publicly open, and read aloud the names of the offerors. At the appropriate step, the governmental entity shall also read aloud the fees and prices, if any, stated in each proposal as the proposal is opened.

Sec. 2269.254. SELECTION OF OFFEROR. (a) The governmental entity shall select the offeror that submits the proposal that offers the best value for the governmental entity based on the published selection criteria and on its ranking evaluation.

First step submissions shall be publicly opened on June 21, 2016 at 3:30 PM in SPD Conference Room 2, City Hall, 901 Bagby, Houston Texas 77002. The time and place for the second step opening will be posted at a future time.

Question No. 79: Will there be a public bid opening for all Part D - Price Proposals?

Response No. 79: Please refer to the response provided in Question # 78.

Question No. 80: How will Part D - Price Proposal's be evaluated as being best value? Is the price proposal weight subjective to each committee member's 100 point scoring matrix or will there be a set amount of points that each firm who is shortlisted and submits a price proposal be subject to?

Response No. 80: The 100 point scoring matrix is used to select the most qualified Respondent based on their SOQ response in relation to the evaluation criteria stated in the RFQ.

Question No. 81: Will Submitters that do not make the short-list be notified along with the firms that are short-listed?

Response No. 81: Yes.

Question No. 82: Will the scoring for each step be made public at each step?

Response No. 82: No.

Question No. 83: Will the Hire Houston First Ordinance play a factor in this procurement?

Response No. 83: Yes.

Question No. 84: Please confirm that 20.6 states that the City can commence with the respondent(s) deemed to most advantageous to the based on qualifications. Does this mean that the Oral Interviews and Price Proposal not have any weight to the selection criteria?

Response No. 84: The Evaluation and Selection Criteria process remains as stated.

Question No. 85: Article 2.2.5 of the draft General Conditions indicates that "The City does not warrant any plans or specifications associated with the Contract. This is contrary to a basic principle of construction where the architect has a duty to deliver plans and specifications from which the

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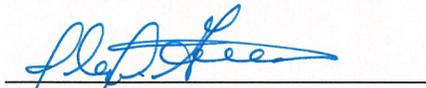
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contractor can build. Will the City strike this clause from the final Construction Manager At Risk Agreement and General Conditions?

Response No. 85: Section 20.5.3 of the RFQ requires short-listed Respondents to submit exceptions to the standard contract to allow the parties to negotiate contract terms.

When issued, Letter(s) of Clarification (LOC) shall automatically become part of the solicitation documents and shall supersede any previous specification(s) and/or provision(s) in conflict with the Letter(s) of Clarification. LOC(s) will be incorporated into the Agreement as applicable. It is the responsibility of the respondent(s) to ensure that it has obtained all such letter(s). By submitting a Submittal on this project, Respondent(s) shall be deemed to have received all LOC(s) and to have incorporated them into this solicitation.

If further clarification is needed regarding this solicitation, please contact Andre' Morrow, Sr. Procurement Specialist, via email at Andre.Morrow@houstontx.gov.



John J. Gillespie
Chief Procurement Officer
City of Houston

cc: File, RFQ Solicitation No. Q-H37-MLITCMAR-2016-033

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