Addendum No. 9
12/14/2012
The City University of New York
Request for Proposals
Capital Program Management Review
Project No. CITYW-CUCF-02-12

This Addendum is issued for the purpose of amending the subject Request for Proposals as below and is hereby made a part of said Request for Proposals to the same extent as though it were originally included therein. This Addendum makes the following changes in Section 2.D, on page RFP-5 of the RFP: “The term of the Contract shall commence on the date set forth in the written Notice to Proceed and shall continue for a term of five years, with a three year renewal option.”

All other provisions of the Solicitation remain in effect. This Addendum also serves to convey the attached Questions and Answers, which include responses to the questions that were emailed to the CUNY Contracts Department. All information provided herein is made in good faith for information purposes only and does not in and of itself change the Solicitation. Changes to the Solicitation may only be made by formal amendment if and when required.

Contact: Michael Feeney, CUNY.Builds@mail.cuny.edu

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

Name of Responder

Name of Authorized Responder Representative       Title       Signature       Date
Addendum No. 9
12/14/2012
The City University of New York
Request for Proposals
Capital Program Management Review
Project No. CITYW-CUCF-02-12

The following Questions and Answers pertain to Project No. CITYW-CUCF-02-12, Request for Proposals for Capital Program Management Review:

1. We have reviewed the solicitation announcement for the above RFP and may be interested in submitting. If a firm works on this assignment, will that firm be conflicted out of pursuing future design and construction management/project management opportunities in the future?

   Answer: Given the insight the selected firm will have into the operations and procedures employed by CUNY during the course of the contract and the unique access the firm will have to the operations of the design, construction or construction related firms whose payments, change orders and contract provisions, etc., they will be called upon to review, we feel that it would not be appropriate to consider proposals from firms who currently hold design, construction or construction related contracts or sub-contracts with CUCF or CUNY or any related entities or from firms who could potentially hold such contracts or sub-contracts with CUCF or CUNY or any related entities in the future. In addition, the selected firm will be precluded by this contract from holding future design, construction or construction related contracts or sub-contracts with CUCF or CUNY or any related entities, and will be subject to contractual confidentiality and non-disclosure provisions. Further, should the selected firm during the course of the contract develop or acquire design, construction or construction related capabilities the contract may be terminated and that firm would be precluded from competing for any successor contract.

2. Will a prospective bidder be eliminated from consideration if it is currently performing construction management related services on a CUNY Project?

   Answer: See answer to Question 1.

3. If possible, could you provide the number of contracts and approximate value of construction contracts that are anticipated to be audited during the life of this contract?

   Answer: The CUCF/CUNY portfolio of contracts varies from year to year. The current portfolio is approximately 110 projects with a value of approximately $940 million.

4. Since the scope of this RFP is to review the capital program management, make recommendations and possibly implement these recommendations. Does the award of this contract preclude the successful firm from participating in other Design and/or Construction projects with CUNY?

   Answer: See answer to Question 1.
5. We are considering responding to the RFP for CAPITAL PROGRAM MANAGEMENT REVIEW and wanted to know in the case of being selected would our contract be made with CUCF or CUNY.

Answer: The contract will be with City University Construction Fund (CUCF).

6. On page RFP-4, small, medium and large projects are referenced. Can you define what you consider to be a small project, a medium project, and a large project?

Answer: A small project might be replacement of roofing, HVAC systems or a building envelope restoration. A medium project may the complete renovation of an existing campus building and a large project might be a new building requiring demolition of an existing structure.

7. One page RFP-2, under “PREFACE”, it states that the consultant will “…conduct compliance reviews of current contract requirements on an as-needed basis.” Then on page RFP-10, Number 7 (Fee Proposal), the consultant is required to provide a fee proposal to include these compliance reviews. The following questions all relate to the additional information needed in order to effectively price contract compliance reviews as requested: How many reviews will be needed and for what size projects?

Answer: Reviews will be performed for progress payments and NYS prevailing wage compliance based on a schedule to be determined, intermittently for change orders and quarterly for minority and women owned business enterprise compliance, and at final contract closeout. Additional reviews may also be required relating to contract dispute claims or during default procedures if any occur during the course of the contract.

8. What contracting approaches apply to the projects to be reviewed (e.g. design-bid-build, design-build, etc.)?

Answer: CUCF holds contracts for design, construction, construction management/design/build and construction management/build.

9. What are the typical pricing mechanisms used (fixed price/ lump sum, guaranteed maximum price, etc.)?

Answer: Fixed price, and term contracts based on hourly rates. There are no guaranteed maximum price contracts at this time.

10. Will the consultant be reviewing all projects or a subset of projects?

Answer: the consultant will be called upon to review all projects managed by DDCM, however, the level of involvement will depend on the scope and size of the project.
11. If a subset, will the consultant be involved in the selection process or has CUNY already established criteria for project selection?

Answer: At this time no involvement is expected.

12. Will the consultant be reviewing the projects at a fixed point during the project lifecycle or will it be on a continuous basis (e.g. contract compliance monitoring)?

Answer: See answer to Question 7.

13. If at a fixed point, will it be the same fixed point (e.g. project close-out) for each project or will it vary between projects?

Answer: See answer to Question 7.

14. On page RFP-7, under “Contract Compliance”, Number 3, it states that “For construction contracts the consultant will determine that completed work is in accordance with plans and specifications and is sufficiently advanced to warrant the requested payment...” Is it intended that consultant will be assigned to projects on a real-time basis in order to make architectural and engineering determinations about the quality and level of completion of invoiced work or is it intended that the consultant will review the processes in place on the project to make sure that applicable approvals are/were executed (i.e. by the architect/engineer and/or CUNY staff)?

Answer: At certain points during the term of each contract, and as described in the answer to Question 7, the consultant will review the submittals to make sure that they are consistent with the terms and conditions of the contract and that applicable approvals are/were executed by the staff responsible for the project.

15. On page RFP-10, under “3. Technical Narrative”, section d. asks the consultant to “…provide a proposed schedule and anticipated hours for … (3) for contract compliance reviews on a per-contract basis.” Is there a specific period of time for which this engagement (and especially the contract compliance reviews) are expected to last? For example, will the consultant be performing reviews on select projects immediately following the completion of the management reviews or will the consultant be on an “as-needed” basis for a specific period of time? If it is the latter, what will be that period of time?

Answer: The compliance reviews will begin immediately and continue during the period of the management review and recommendation implementation phases. (John?)

16. Why is CUNY performing this review at this time?

Answer: CUNY is looking to improve its delivery of projects, optimize its use of existing staff, identify needs if any for additional staff and provide an audit function.
17. Is this the first time that CUNY is undertaking this exercise or has this review been previously performed? If so, who performed the review?

Answer: This is the first time such a management review has been conducted.

18. Can you please provide us with an idea of the volume of work for the contract compliance scope?

Answer: See answers to Questions 3 and 7.

19. Has a budget been allocated for this exercise and if so, what is that budget?

Answer: A budget has not yet been determined.

20. Can you please confirm that the Vendor Disclosure Form is not required at this time?

Answer: The Vendor Disclosure Form is not required with the Proposal. However, if so notified by CUCF, the proposer has one week to submit their Vendor Disclosure Form(s).

21. Is the contract compliance scope of work part only on an as needed basis or is it part of the requested scope for which we are providing hourly rates / fees?

Answer: Hourly rates are required for the management review phase, the recommendation implementation phase and compliance review phase.

22. Will the City University Construction Fund consider proposals that only include a portion of the requested scope of work? For example, will a firm still be considered for the management assessment and recommendations part of the work while not bidding on the ongoing auditing services or vice versa?

Answer: A single contract will be awarded for all phases of work, not a subset.

23. Could you provide more information on your capital spending over say the last 3 years and the likely spending in the next 3 years, perhaps also provide a sample of the projects?

Answer: Our current projection for the next year is approximately $135,000,000.

24. How many audits for compliance do you anticipate and over what time period?

Answer: See answers to Questions 3 and 7.

25. Is there or has there been a consultant in place providing similar audit, and if so can you clarify who, when and how extensive the role was/is?

Answer: See answer to Questions 16 and 17.
26. Can you confirm the $ value of the insurance requirements?

Answer: Worker's Compensation in accordance with NYS law for all employees providing service under this contract, Employer's Liability Insurance for at least $5,000,000 per occurrence, Commercial General Liability Insurance not less than $1,000,000 per occurrence and Professional Liability Insurance not less than $2,000,000 per occurrence.

27. To clarify RFP page 10 item 7a...are you referring to Section 3d not 3c?

Answer: Yes.

28. Does 20% participation by a Woman Business Enterprise meet the goal stated in the RFP? They are shown as two separate percentages but a WBE would also be an MBE business.

Answer: The selected vendor is required to meet both the minimum WBE and MBE goals. Either goal can be exceeded, but both must be met.

29. How many staff does the CUNY Department of Design and Construction Management (“DDCM”) have implementing the CIP?

Answer: The current DDCM staff consists of 90 employees.

30. What delivery methods are currently or planned to be used by DDCM in delivery of its CIP?

Answer: CUCF uses a combination of architectural and engineering design requirements contracts and CM/Build requirements contracts procured via a Request for Qualification/Proposal process, project specific design contracts procured via Request for Proposal process, and construction contracts procured by an Open Competitive Bid process. Construction contracts are bid directly by CUNY or CUCF and indirectly by construction management firms.

31. Does DDCM have formalized policies and procedures developed for administration of CIP?

Answer: The selected firm will have access to DDCM policies and procedures.

32. Pricing – no information is provided on the type, size or stage of development for pricing project audits under C.3.d.(3). Size, delivery method and stage of development all play significant roles in pricing.

Answer: See answers to Questions 3, 6, 7 and 30.

33. Does CUNY have a “typical” project that they would like to be priced (would help in reviewing pricing submission across projects). Conversely can a list of candidate projects be provided?

Answer: No.
34. Would CUNY consider restructuring the W/MBE goals on this contract so that it would be possible for a WBE or MBE firm to perform 20% of the work on this project and thereby satisfy the goal?

Answer: See answer to question 28.

35. This work is quite inter-related (unlike construction contracts where there are clear trade demarcations for work) and the consulting firms need to have a consistent philosophy and way of working. That makes it difficult to involve and manage potentially as many as three firms on the project.

Answer: M/WBE participation goals are an integral component of New York State’s, CUNY’s and CUCF’s overall procurement program.

36. Will CUNY consider an extension of time in light of the likely relatively short time between issuance of an addendum and the due date for proposals?

Answer: If necessary an extension will be provided.

37. Please provide the following metrics for DDCM to inform the schedule/manhours requested as part of the bid.

A. Organization chart - showing numbers/locations of staff.

Answer: The organization chart will be provided to the selected vendor. See answer to Question 29.

B. Organizational remit - is it just design and construction or are minor work/capital facilities upgrades, procurement and finance teams centralized or part of DDCM? Is strategic capital planning in this team or separate?

Answer: DDCM is responsible for executing design, construction, construction management/design/build and construction management/build contracts only however, related procurement and payment functions will be included. Financing and strategic capital planning are separate functions not included in this project.

C. Approximate value and number of projects under the control of this team - together with %in sourced/outsourced. Is there a value/percentage CUNY requires compliance checks on?

Answer: See answers to Questions 3 and 10.

D. Access to processes and procedures

Answer: See answer to Question 31.

38. Are there existing issues/audit findings which have caused this RFP to be issued?
Answer: No. See answers to Questions 16 and 17.

39. The RFP notes that primary focus of RFP is the DDCM and DDCF managed projects with those managed by others to a lesser degree - what would be the lesser degree? Do these other entities require a compliance check or assessment of organizational effectiveness?

Answer: Compliance reviews of those projects managed by the Dormitory Authority of the State of New York will not be required.

40. For section 3.d (2) the implementation plan will depend on the specific recommendations coming out of the management review phase. As a result, this task will be subject to change.

Answer: That's correct and why we have asked for a schedule based on your past experience with previously completed management reviews.

41. For 3.d (3) contract compliance review man hrs can be estimated per invoice/payment request. If an estimate by contract is required - how many such invoices will need to be reviewed per contract?

Answer: See answers to Questions 6, 7, 10 and 23.

42. For A, 3rd bullet - identify best practices and innovations. Please provide guidance on how these are to be identified? Is CUNY expecting consultants to perform benchmarking exercise with leading public or private sector companies that are handling similar size portfolios?

Answer: Yes, leading public sector entities with similar size portfolios.

43. In reference to the desired fee proposal (under Submission Requirements) as requested in Section IV—C-7a: It identifies that the proposed schedule with total number of hours should be based on the Section 3-C (Technical Narrative) but Section 3-C doesn’t identify the type/size of project or program that is to be assessed. Does CUCF want the proposer to build the hourly fee schedule around a typical construction project or a program containing several projects?

Answer: See answers to Questions 6, 7, 10 and 23.

44. Does CUNY have a desired peer group for consideration during the gap analysis?

Answer: No, we will look to the selected vendor to identify such a group.

45. Is it possible to get a copy of the org chart(s)?

Answer: See answer to Question 37A.
46. Scope indicates a review of information systems. Should we expect to review processes/organization outside DDCM (e.g. Purchasing, Accounting, etc.)?

   Answer: See answer to Question 37B.

47. Can you provide more detail about the size of the organization? This would help us gauge the number of potential interviews and to understand how many contacts this work might have us audit.

   Answer: See answers to Questions 3 and 29.

48. What was the reasoning, or thinking behind issuing this RFP now? Was there a burning platform? Was anything similar to this work conducted in the past, and if so, where did it succeed and where did it miss the mark?

   Answer: See answers to Questions 16 and 17.

49. Has there been any consideration or established budget related to this RFP? We would not necessarily be looking a hard and true number here, but a not to exceed number or range would even be helpful.

   Answer: See answer to Question 19.