

CONSTRUCTION MANAGEMENT SERVICES FOR SPACEPORT AMERICA
RFP# 90-495-00-001

QUESTIONS AND ANSWERS

Q: After reviewing the documents from the RFP for the construction manager, I was wondering how the bid packages such as the airfield and internal roadways would be procured, e.g. RFP or price only.

A: RFP

Q: Also, would they all be released to bid and be due on the same day?

A: RFP will be released and bids due on a later date. To clarify: To Be Determined (TBD), it is possible that bid packages would all be released on the same day and responses could be due on the same day.

Q: When are you anticipating the bid packages will be released?

A: The release date is To Be Determined.

Q: Would you please let me know what Appendix F relates to that is mentioned in Appendix A?

A: Appendix F should be Appendix D.

Q: The scope of services for the pre-construction phase includes reference to “value analysis input”. Is it the intent of the Spaceport Authority that one or more formal Value Analysis/Value Engineering workshops will be conducted to review the designs for the infrastructure elements and the THF prior to bidding construction?

A: No formal analysis was intended. That would be up to the CM if they feel it is value added. The timing is such that this will likely not be possible prior to releasing the RFPs. We would expect the CM to work with the Contractors and potentially participate in the selection process and discuss/evaluate value options.

Q: The summary in the scope of work includes reference to working with the contractors to develop value engineering solutions and evaluation of value engineering proposals; however, the detailed list of services for the Construction Phase in the scope of work does not reference management of the review of value engineering proposals. Is it the intent of the Spaceport Authority that the selected CM team’s services will include creating and managing a value engineering change proposal management system to evaluate construction contractor-submitted value engineering proposals during the construction process? If so, do the current Spaceport Authority standard construction contracts include language regarding submission of value engineering proposals by the contractor?

A: NMSA does expect the CM to be the responsible party to receive, evaluate and make recommendations to NMSA on Value Engineering proposals. The CM would develop and institute the process for the contractors to use for change proposals. The construction contracts have not been written at this point, but will include language related to value change proposals.

Q: How long do you anticipate the pre-proposal conference being held on October 2, 2008 at 9 am to last?

A: Time of pre-proposal conference is dependent on how many contractors show up and how many questions are asked.

Q: We are going to be submitting a proposal as a sub-contractor, do we also submit the offeror's qualifications (Phase 1) or is that just for the CM's? If we do not participate in Phase 1, do we wait until Phase 2 comes along to submit our proposals?

A: This RFP is for Construction Management Services for Spaceport America and Phase I is for qualifications of the firms submitting proposals in response to the RFP as a CM. Phase II is for shortlist of the top three proposals and a finalist will be selected from these three proposals. A Distribution List will be made available shortly of firms submitting proposals. You may contact those firms and submit your proposal to them as a sub-contractor. If you are referring to being a sub-contractor on the construction element, those RFPs will be issues within the next several months.

Q: Can a copy of the determination required by NMAC 1.5.8.9 A be provided?

A: (NMAC 1.5.8.9A reads: A. A using agency may issue a solicitation, and enter into, a construction management services contract when the using agency first makes a determination that it is in the public's interest to utilize such services.) The size of the projected requires a RFP by state law.

Any professional services contract over \$50,000 requires a RFP.

Q: Can a copy of the determination required by NMAC 1.5.8.10 d (7) be provided?

A: (NMAC 1.5.8.10D reads: The construction management selection committee shall select, ranked in the order of their qualifications, no less than three businesses deemed to be the most highly qualified to perform the required services, after considering the following criteria, together with any criteria established by the using agency authorizing the project:

- (1) specialized design and technical competence of the business, including a joint venture or association, regarding the type of services required;

- (2) capacity and capability of the business, including any consultants, their representatives, qualifications, and locations, to perform the work, including any specialized services, within the time limitations;
- (3) past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules;
- (4) proximity to, or familiarity with, the areas in which the project is located;
- (5) the amount of design work that will be produced by a New Mexico business within this state;
- (6) the volume of work previously done for the entity requesting proposals which is not seventy-five percent complete with respect to basic professional design services, with the objective of effecting an equitable distribution of contracts among qualified businesses and of insuring that the interest of the public in having available a substantial number of qualified businesses is protected; provided, however, that the principle of selection of the most highly qualified businesses is not violated; and
- (7) price of construction management fees may be considered as a criteria in the selection of construction management services; it is recommended that this criterion not exceed ten percent of the overall selection criteria, unless the using agency makes a determination that the characteristics of the construction management services warrant the designation of a higher percentage.

Due to the size of the project it was determined the Phase II evaluation factor of 60 for the CM fee as allowed by NMAC 1.5.8.10 d (7).

Q: Can the scope of services of the design engineers (DMJM and URS/Foster) be provided so their bidding and construction phase services are known to the CM?

A: Yes, these will be compiled and forwarded.

Q: Item II "CM Scope of Services" coordination, can an idea of the number of meetings, or frequency of meetings (daily, weekly, monthly) listed in the two paragraphs outlining the coordination and meeting requirements be provided? The uncertainty of the amount of effort required for this coordination and meetings has a potential large pricing effect.

A: The Contractor shall be responsible for the system to ensure communications are sufficient. These could range from meetings to telecons to e-mails. It is up to the Contractor to provide the approach which accomplishes the needs while being most cost effective.

Q: Item I, paragraph D "Scope of Contract" (page 3), this provision appears to have the Spaceport being able to extend the time of contract performance without any

mention of an increase in fee. Is this the intent of this provision? If so, there should be the ability to have an increase in fee due to additional time of execution.

A: The Contractor may propose the fee structure that best provides value while protecting themselves. I.e. Fee per Month, etc. The estimated timeframe is 2 years, but may be plus or minus several months.

Q: Item II "CM Scope of Services", paragraph B bullet "Review the requirements for permitting and approvals according to New Mexico Procurement codes..." If this is intended to require permits and approvals for the construction (i.e. building permits, inspections, etc.) the reference to the Procurement Code is incorrect as that does not address construction permitting.

A: There are not requirements for permitting and approvals according to the New Mexico Procurement Code. Rather the requirements are through the Construction Code under the jurisdiction of the Construction Industries Division of the Regulation and Licensing Department. This portion should be amended to read: "review the requirements and approvals pursuant to New Mexico Law."

Q: How much field inspection will be required?

A: Contractor shall determine the appropriate amount activity to hold the Construction Contractors accountable for their work. The approach to manage the construction activity will be up to the Contractor.

Q: What bonding is required?

A: No bonding will be required as there will not be any construction and should be Offeror's liability insurance coverage. An Amendment will be issued to clarify.

Q: Is this really Construction Management at Risk (CMAR)?

A: NO, This is Construction Management. The Construction Contractors are to be the accountable parties.

Q: This RFP is for Construction Management as a professional service, not for Construction Management at Risk (CMR) for construction services. Why is bonding capacity a requirement when the ability to bond is not required for professional services?

Reference

Section IV. PROPOSAL FORMAT AND ORGANIZATION

Page 24 Section D– Financial Information

Bonding Capacity

Page 25 Section G– Mandatory Specifications

Offeror 's Bonding Capacity

A: An Amendment is being prepared to the RFP. Bonding Capacity will be removed and replaced with Insurance Liability Coverage as it relates to a professional services contract.

Q: Will the Spaceport be attempting LEED certification by the US Green Building Council?

A: Yes or LEED equivalency.

Q: The subject RFP states in Section A that "The selected CM firm shall hold in good standing a New Mexico General Contractor license". Since this solicitation is for CM services as Agent for and since the State of NM will hold all general contractors contracts, why is there a requirement that the CM be a licensed general contractor?

A: To do business in New Mexico the firm must be licensed in New Mexico and be knowledgeable on all New Mexico contractor requirements and work is completed to specifications. If your firm is not licensed in New Mexico a NM GB98 licensed individual can be hired to be on your team.

Q: Regarding the Spaceport America RFP, Section D, Financial Information – the page limit for this section is 5 pages, yet you have requested copies of most recent years independently audited financial statements as well as those for the preceding 3 years. These statements are themselves well in excess of 5 pages.

Can we provide these financial statements as an attachment in order to keep this section within the 5 page limit?

A: Yes, provide as an attachment.

CLARIFICATION ON NM CONTRACTOR LICENSE: Confirmation by legal counsel and the Licensing Administrator with Construction Industries: A CM must be a licensed contractor; the law is very clear on this.

Q: We are very interested to submit a proposal for the construction management RFP. Consequently, we would like to know if NMSA would consider a week extension to Phase 1 Proposal submission to 10/22/08.

A: No extension can be made to Phase 1 Proposal submission; date is October 15, 2008.