

Attach To Contract Document

**New York City Department of Transportation  
Division of Bridges  
Bureau of Specialty Engineering and Construction  
Design Build/Emergency Contracts Unit**

**REQUEST FOR PROPOSAL**

**FOR**

**DESIGN, CONSTRUCTION AND CONSTRUCTION SUPPORT SERVICES  
FOR THE FOR THE REHABILITATION OF  
THE ST. GEORGE STATEN ISLAND FERRY TERMINAL RAMPS  
BOROUGH OF STATEN ISLAND  
CONTRACT No. HBR1217  
P.I.N. 84106SIBR096**

**Addendum # 3**

**November 27, 2007**

**This Addendum Is Hereby Made Part Of The Contract Documents**

**NOTE:**

**Attached please find:**

- 1. Section I – Timetable, Page 2-R1**
- 2. Answers to Questions Raised to the Agency**
- 3. Acknowledgement Receipt**

**THE CITY OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF BRIDGES**

**REQUEST FOR PROPOSAL**

**P.I.N. 84106SIBR096  
CONTRACT No. HBR1217**

**Design, Construction and Construction Support Services  
For the Rehabilitation of  
The St. George Staten Island Ferry Terminal Ramps  
Borough of Staten Island**

**BIN's: 2270180, 2269770, 2269780, 2269730, 2269740, 2269750, 2269790, 2270170, 2269760**

**ADDENDUM # 3  
November 27, 2007**

**REFER TO:** REQUEST FOR PROPOSALS, SECTION I – TIMETABLE, Page 2-R, as amended in Addendum # 1.

**REPLACE:** Page 2-R in its entirety with Page 2-R1

## SECTION I - TIMETABLE

**A. Release Date of the Request for Proposals: October 9, 2007**

All questions and requests for additional information concerning this Request for Proposals should be directed to **Patrick Nestor**, Project Manager the Authorized Agency Contact Person at:

Telephone: (212) 788-2072  
Fax: (212) 788-1911  
Email: [pnestor@dot.nyc.gov](mailto:pnestor@dot.nyc.gov)

Proposers should submit in writing to Patrick Nestor all questions arising out of the pre-proposal conference no later than October 29, 2007. All other questions should submit questions no later than **10 consecutive calendar** days prior to the proposal due date since the Agency may be unable to respond to questions received after that date.

**B. Pre-Proposal Conference:**

**Date:** October 23, 2007  
**Time:** 10:30 AM  
**Location:** 2 Rector Street, 8<sup>th</sup> Floor Conference Room, NY, NY 10006

**C. Proposal Due Date and Time and Location:**

- Technical Proposal (Open to all proposers)  
Date: January 23, 2008  
Time: 2:00 PM  
Location: NYCDOT Contract Section, 40 Worth Street, 8<sup>th</sup> Floor, Room 824 A, New York, NY

Attendance by proposers is optional but recommended by the Agency. All questions and requests for additional information concerning the pre-proposal conference should be directed to the Authorized Agency Contact Person

**Proposals should be hand delivered to NYCDOT Contract Section located at 40 Worth Street, 8<sup>th</sup> Floor, Room 824A, New York, New York 10013, between the hours of 9am-2pm only.**

E-mailed or faxed proposals will not be accepted by the Agency.

**Proposals received at this Location after the Proposal Due Date and Time are late and shall not be accepted by the Agency, except as provided under New York City's Procurement Policy Board Rules.**

The Agency will consider requests made to the Authorized Agency Contact Person to extend the Proposal Due Date and Time prescribed above. However, unless the agency issues a written addendum to this RFP that extends the Proposal Due Date and Time for all proposers, the Proposal Due Date and Time prescribed above shall remain in effect.

**Following are answers to questions for the above named contract, which were submitted in writing to the agency.**

Q1: Our copy of the original project specifications did not include the “Buy America Certification”.

Please provide this document.

**A1: “Buy America Certification” was included in Appendix A of Addendum # 2 dated November 20, 2007.**

Q2: Refer to the RFP page 6 which states, “The proposal package should consist of individually sealed components as listed in section IV – B. Proposal package contents checklist, each bound in an 8 ½” x 11” plastic spiral binding.”

Is it acceptable to use 3-ring binders in lieu of the plastic spiral binders?

**A2: No, it is not acceptable to use 3-ring binders. Only plastic spiral binders are acceptable.**

Q3: Refer to book 1, Section 1.06, Paragraph 1.06.18. Under that provision, the contractor bears the risk of all unanticipated and undisclosed subsurface site conditions. This is a serious problem for contractors bidding on this project because they must either perform a costly site inspection, even though there is no assurance that its bid will be successful, or it must include a substantial contingency in its bid price to cover the risk of the unknown site conditions. It is also possible, that an extensive site inspection may not be feasible at this time, due to schedule and access constraints. Refer to the NYCDOT’s October 9, 2007 RFP transmittal letter which confirms the Project is partially funded by the U.S. Department Transportation, and is regulated by the Federal Transit Administration. The Federal Transit Administration encourages use of a differing site conditions clause to address the subsurface risk issue described above.

Will the NYCDOT modify the bid documents to include a differing site conditions (DSC) clause?

**A3: If during the performance of the design/build contract there is a significant change in site conditions, NYCDOT will evaluate its demonstrated impact on cost and schedule and will compensate the contractor accordingly via a Change Order and/or Time Extension.**

Q4: Refer to Article 21. This Contract is subject to Liquidated Damages (LDs): LDs for Milestone A are \$3,000/day and LDs for Milestone B are \$25,000/day. In addition, under Article 18.5, if as a result of the Contractor’s work there are damages sustained by any Other Contractor working for the NYCDOT, the Contractor also is liable for such damages in addition to the LDs.

Will the NYCDOT agree to limit the contractor’s liability to LDs only or provide a cap on possible actual damages sustained by any Other Contractors?

**A4: No, NYCDOT will not limit the Contractor’s liability to liquidated damages only or provide a cap on possible actual damages sustained by any other Contractors. Article 18.5 is a standard provision to all NYCDOT contracts regardless of the specification clause set forth for liquidated damages.**

**THE CITY OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF BRIDGES**

**N.Y.C. P.I.N. 84106SIBR096  
CONTRACT No. HBR1217**

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BOROUGH OF STATEN ISLAND  
CONTRACT No. HBR1217  
P.I.N. 84106SIBR096**

**TOGETHER WITH ALL WORK INCIDENTAL THERETO**

I, \_\_\_\_\_  
(NAME AND TITLE)

\_\_\_\_\_  
a duly authorized representative of  
(NAME OF PROPOSERS)

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acknowledge receipt of Addendum No. 3 dated November 27, 2007 for the Contract No. HBR1217 for which  
Technical Proposals will be received by 2:00 PM on January 23, 2008.