

# Addendum No. 1

September 15, 2021

## **DORMITORY AUTHORITY - STATE OF NEW YORK**

### **Job Order Contracting**

### **Small Business Pilot Program Regions 1, 5 and 6**

### **Project # 1000509999/CR525, 528, 529 and 533**

This **ADDENDUM** is hereby included in and made part of the Contract whether or not attached thereto. All requirements of the original Specifications and Drawings shall remain in force except as noted by this **ADDENDUM No. 1**.

**Question and Answer Summary:** Below is a summary of questions DASNY received by the September 8, 2021 due date for the submission of questions pertaining to this JOC contract solicitation and DASNY's response the questions submitted.

1. In the August 25, 2021 Pre-bid Meeting it was stated that a contractor awarded a JOC contract may not get any work. If that is the case, then why is the contractor being asked to put up a bond for 100% of the maximum contract value?

**The successful low bidders will not be required to post a bond upon contract execution equal to 100% of the maximum contract value. Instead, the contractor will be expected to provide bonds on a job-order basis per the Contract Documents. Bonds are required for projects valued at \$100,000 or more and for all projects, regardless of their value, when the aggregate awards under the term contract exceeds \$100,000. By submitting a bid, the contractor is representing that it has bonding capacity at least equal to the maximum value of the contract for which the bid is submitted. The successful bidder will be required to provide a letter from its surety attesting the contractor's per project and aggregate bonding limits.**

**Contractors may choose to submit bids on one or more contracts provided they can reliably deliver construction services in the region associated with the contract and have the requisite experience, qualifications, and bonding capacity.**

2. If I am submitting a security bond of \$25,000, the minimum contract value for all contract is \$0, and the contractor is not guaranteed to receive the volume of work, is a Payment and Performance bond required for the maximum contract value?

**Please refer to the response provided to Question 1.**

3. The bid documents state that if a contractor's proposal is \$100,000 or more or if the contractor's proposal plus Job Order amounts under the contract are cumulatively \$100,000 or more, then Payment and Performance bonds equal to 100% of the contractor's proposal are required. What is the difference between the Contractor's proposal and the Job Order amounts?

**The Contractor's Proposal is its price proposal for an individual project. If accepted, DASNY will issue a Job Order for the project to the Contractor in the lump sum amount of the price proposal. Job Order Amounts is the cumulative value of all Job Orders issued to the contractor by DASNY under the contract.**

4. How does the contractor know if its contract is \$100,000 or more if the contractor is bidding a factor against the Construction Task Catalogue (CTC)? There would be no cumulative amounts until work is awarded. Is the contractor to submit a bond for work that may or may not be awarded?

**Please refer to the response provided to Question 1. Bonds are not required based on the maximum value of the term contract; they are required on a per Job Order (per Project) basis for work awarded under the term contract. The contractor is responsible for pricing each project assigned and as such is aware of the value of the Job Order and can determine if bonds are required. The Contractor is also responsible for tracking the value of all work awarded to it by DASNY under the contract and can determine if cumulative awards exceed \$100,000.**

5. Are all wage, material, and peripheral costs to be included in the factors requested in the Form of Bid?

**The unit prices included in the CTC contain all labor and material costs associated with the construction tasks. The factors calculated by the contractor must cover all overhead and profit but should not include wage or material costs. Please refer to the “Using the CTC” section of the CTCs included with the bid documents.**

6. The Form of Bid includes sections for the calculation of Non-PLA work, All Work, and PLA Work. What is being bid? If this is a Non-PLA job why would a Letter of Assent be required?

**Contractors are not bidding on any individual project. Contractors are bidding on term construction trade contract, under which DASNY may award a variety of projects contracts, including PLA and Non-PLA projects over the term of the contract. DASNY’s PLA is only applicable to Region 1, i.e.: the five boroughs of New York City. Please complete all factor calculations requested on the Form of Bid.**

7. Under Section 2, paragraph B of DASNY’s PLA concerning Union Referral, are a contractor’s in-house workers required to apply for union membership before the contractor can request them?

**DASNY’s PLA does not require a contractor’s in-house workers to apply for union membership. Under DASNY’s PLA, non-union employees are not required to apply for union membership when working on a project that is subject to DASNY’s PLA. The contractor can request union labor based upon the provisions in the “Bring Along Clause” of DASNY’s PLA which governs the use of non-union vs. union workers.**

**Bidders are advised to carefully review DASNY’s 2020 PLA, which is included in the Bid Documents, and the MOU associated therewith which is posted to DASNY’s website and can be accessed via the following link:**

**<https://www.dasny.org/services/diversity-inclusion/dasny-nyc-project-labor-agreements-plas>.**

8. Concerning Excluded projects, DASNY’s PLA states “...While this Projects is considered an “Excluded Project” under the MOU and therefore the use of a PLA is optional on this Project, the successful contractor performing work on this Project shall have the option to voluntarily execute the PLA”. Does this mean the contractor has the sole discretion to institute this option?

**DASNY’s PLA only pertains to work in the JOC Region for the five boroughs of New York City, i.e.: JOC Program Region 1. DASNY’s current (2020) PLA has a \$3,000,000 per-project threshold. Annually, DASNY may exempt projects valued at an aggregate of \$40,000,000 from the PLA. Once the \$40,000,000 annual limit is reached, all subsequent projects regardless of value shall be subject to the PLA. A contractor may voluntarily agree to be**

subject to the PLA for a project that is below the \$3,000,000 threshold or when DASNY has otherwise designated it as Excluded from the PLA.

Notwithstanding the maximum value of the contract on which a contractor submits a bid, PLA Factors must be provided for any Region 1 trade contract. DASNY's PLA may be required on a per-project basis even if the contract value is less than \$3,000,000.

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9. Each adjustment factor requested on the form of Bid specifies that the calculation must be to four decimal places. When calculated, some of the factors have five decimals. Should the factor calculation be rounded to four decimal or should the fifth decimal be included?

**The adjustment factor calculations should be rounded to four decimals. If the fifth decimal is less than 5 round down; if it is 5 or greater round up.**

10. Is all DASNY work, even Non-PLA work, Prevailing Wage?

**The JOC contracts solicited are all subject to Prevail Wage rate requirements.**

11. We offer fine qualify security and ornamental fences and railings as well as balcony railings. Can my team bid on these contracts?

**Yes, you may bid on the contracts. However, DASNY cannot currently determine if any future projects will require the products offered by your firm. You may find it productive to contact firms that currently hold general construction contracts for DASNY's JOC Program to explore opportunities to be a subcontractor or supplier. A list of current DASNY JOC contractors can be found on our website [www.dasny.org](http://www.dasny.org).**

12. We are a dealer for operable wall systems and athletic equipment. Can subcontractors participate in DASNY's JOC Program?

**DASNY executes contracts for the JOC Program with prime contractors. The prime contractor generally requires the participation of subcontractors and suppliers. DASNY cannot currently determine if any future projects will require the products offered by your firm. You may find it productive to contact firms that currently hold general construction contracts for DASNY's JOC Program to explore opportunities to be a subcontractor or supplier. A list of current DASNY JOC contractors can be found on our website [www.dasny.org](http://www.dasny.org).**

**END OF ADDENDUM NO. 1**