

Addendum No. 2

October 12, 2022

DORMITORY AUTHORITY - STATE OF NEW YORK

Term CM-Build Contracting

REGIONS 1, 2, 3, 4, & 5

DASNY Project # 1000509999

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. 2**.

Request For Information No. 02:

- Note 1: All trade service labor, materials, and equipment (physical construction) must be subcontracted. These services cannot be self-performed by the Term CM-Build contractor unless specifically authorized by the Owner in limited circumstances. The bid factor submitted by the Term CM-Build Contractor shall be applied as the allowable mark-up of all subcontracted trade service labor procured as per the contract terms and conditions.
- Note 2: Construction Management services required by the Term CM-Build contractor must be self-performed. Construction Management services cannot be subcontracted.
- Note 3: The pre-bid meeting agenda is attached to this Addendum No. 02 for reference.
- Question 1: Please confirm that the Percentage Amount we submit should include all Bonds, Insurance, Overhead and Profit.
 - **Answer: Bond costs shall be reimbursed as a direct reimbursable (no mark-up) supported by an invoice from the contractor's surety submitted with the required back up for each work order. The contractor shall include the cost of insurance, overhead, and profit into their bid factor.**
- Question 2: Will DASNY consider the bonding requirements of this contract to be provided at the subcontractor level and not at the CM level? This will allow for a more cost-efficient program while providing DASNY with the same level of protection and allow for a greater degree of competition.
 - **Answer: Payment and performance bonds are required to be provided by the Term CM-Build Contractor. Payment and performance bonds cannot be provided by subcontractors.**
- Question 3: Are the subcontractors being contracted through the CM/GC or DASNY?
 - **Answer: All trade service labor, materials, and equipment (physical construction) must be subcontracted. These services cannot be self-performed by the Term CM-Build contractor unless specifically authorized by the Owner in limited circumstances.**

END OF ADDENDUM NO. 2

DASNY Term CM-Build Contracting Program Pre-Bid Meeting Agenda 10/5/2022

- DASNY Term CM-Build Program will provide DASNY clients with 5 regional contractors who will be awarded contracts based upon the submission of a low-bid factor adjustment. The factor adjustment will be applied to the subcontracted dollar value of each Project work order, which shall be arrived at through a competitive bidding process. The specifics of this program are as follows:
- Zero Dollar Two year term agreement with a two year option to renew.
- Upstate state New York divided into five contract regions (see attached).
- Term CM-Build contractors will be available to respond to emergency work requested by DASNY clients. Emergency work will be issued via a Not-to-Exceed Notice to Proceed, followed by issuance of the Project Work Order, once scope has been clarified.
- Low bid award per region. Prospective Term CM-Build contractors shall bid a region by submitting a factor adjustment that will be applied the subcontracted dollar value of each work order.
- Maximum subcontracted dollar value per work order shall not exceed: \$1,500,000.00
- No maximum contract value.
- Regional Term CM-Build contractor shall subcontract all project assignments through a competitive process of three or more subcontractor proposals as approved by the Owner.
- Proposed subcontractors require pre-approval by DASNY.
- Term CM-Build contractor will be issued a work order by DASNY once all required back up has been reviewed and approved by DASNY.
- Term CM-Build contractor shall be responsible for the construction management for each project. Construction management staffing plan shall be submitted for review / approval by DASNY for each project. Construction management staffing plan shall include a hourly breakdown of CM staff and labor rates for each individual. Approved hourly rates for construction management staff shall be calculated by a fixed rate multiplier of 2.5.
- DASNY standard procedure for change orders shall apply.
- Liquidate damages shall be assigned per work order (if applicable).
- Term CM-Build contractors can propose options for procuring work to fit the needs of the project. Example: Subcontracting the work by trade.
- MWBESDVOB goals apply to the total of all assignments within the term agreement.
- Open to general contractors and construction management firms.
- Self-performance of work shall be allowed as directed by DASNY. Self-performance typically allowed for completion of a project where the subcontractor cannot complete the work.

DASNY Term CM-Build Contracting Program Pre-Bid Meeting Agenda 10/5/2022

- Payment & Performance bonds required per work order. Must be provided by term CM-Build contractor.
- DASNY intends to provide advanced notice of prospective projects to the term CM-Build contractor to allow for proper coordination, project development, staffing and scheduling whenever possible.

Addendum No. 1

September 30, 2022

DORMITORY AUTHORITY - STATE OF NEW YORK

Term CM-Build Contracting

REGIONS 1, 2, 3, 4, & 5

DASNY Project # 1000509999

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**.

Request For Information No. 01:

- The RFP refers in several locations to “construction bids” and to “trade subcontractors”. It is not clear whether this solicitation is for professional CM -Build services or for general construction contractors.
 - Answer: The solicitation is open to construction management firms and general contractors to provide professional term CM-Build services. The term CM-Build Contractor is the prime contractor with the Owner, and responsible for subcontracting all trade service labor and materials.
- The RFP also refers to certain surety bonding requirements. Is the bonding required at the CM level or at the subcontractor level or both?
 - Answer: The term CM-Build Contractor is required to provide payment and performance bonds for each work order. Bonds cannot be provided by subcontractors to the Owner on behalf of the CM-Build Contractor.
- There is a reference to the “bid factor”. Is this to be provided at the time of the response to the RFP or is this to be developed through a competitive bid process by the CM - Builder at a later stage once a CM is on board?
 - Answer: Regional term CM-Build contracts shall be awarded by a competitive award process. A contract for each advertised region shall be awarded to a firm that submits the lowest bid factor and that is found responsible in accordance with the requirements of the solicitation. Bids for each region outlined with the Information for Bidders (IFB) and Notice to Bidders shall be submitted by interested construction management firms and general contractors on the date and time outlined within the solicitation. Each firm shall submit their bid factor on the form of bid provided within the solicitation. The bid factor is further defined within the General Conditions for Construction – Section 1A.01 – Work to be performed and the Information for Bidders – Section 7.0 – Approval of Subcontractors / Subcontracting Limits, A. Self-Performance Requirements / Subcontracting Paragraph 5.ii.

- The RFP requires that the proposer have a minimum 5 completed projects in the last three years with a contract value of at least \$2,000,000. Is this requirement for the CM or for the general construction contractor?
 - Answer: The firm shall demonstrate they have successfully completed projects in accordance with the minimum requirements as a Construction Manager or a General Contractor.

- Have specific projects for this program already been identified and if so can DASNY please provide a breakdown of the number of projects anticipated for each region over the initial 2-year contract period?
 - Answer: A breakdown of specific projects per region is not available at this time. Understand the Owner intends notify regional term CM-Build Contractors of prospective project assignments as far in advance of the start of physical construction to allow the CM-Build contractor to properly staff, coordinate with subcontractors, and review of design documents. Please note the majority of assignments are “summer work” assignments and the CM-Build contractor should expect notification of these assignments in the late fall / winter / early spring. The CM-Build contractor must understand the requirements of this contract allows for the Owner to request emergency services to address life / safety work at our client facilities that require immediate attention.

- What is the maximum contract value that is referenced in Section 16.0 - A.1?
 - There is no maximum contract value.

- Is it possible to swap Ulster and Sullivan Counties or just move Ulster County to the Eastern region?
 - No.

END OF ADDENDUM NO. 1