
**MINETA SAN JOSE INTERNATIONAL AIRPORT
MASTER PLAN TEAM**

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Terminal Area Improvement Program
Design Build
Questions & Answers Set #2 from 2/1 meeting and Web Comments

SELECTION CRITERIA

- Q:** What will the Selection Criteria be for the RFP?
A: The Selection Criteria was part of the handouts at the February 1 meeting and can also be found on the Airport's website on the Design Build web page: <http://www.sjc.org/about/design.html>
- Q:** For the Selection Criteria, when will the maximum number of points for each of the six criteria and sub items be made available?
A: The maximum number of points will not be made available until the RFP is approved by Council and published. The points will be identified for the broad categories only.

DRAFT RFP & RFP PROCESS

- Q:** Referring to paragraph 13.2 of the draft RFP, the proposer or joint venture team is limited to participating in one proposal but subcontractors are not. If a joint venture team is limited to partnering with one general contractor and one architect, do other design professionals that may be part of the architect team, i.e., civil engineers, mechanical engineers, etc., fall into the category of subcontractor?
A: Yes.
- Q:** Attachment F in the draft RFP states that in order to qualify as a small business you must be a local business. Is there a reason for this?
A: This is governed by the City of San José's local and small business preference ordinance which states that in order to be considered small you must be local.
- Q:** Has the Selection Committee been identified and how will it be posted? Will it be on the website?
A: The Selection Committee has not yet been identified. Most likely, it will consist of 8 to 9 members comprised of both internal and external staff. The composition of the Selection Committee will be made available when the RFP goes to City Council for approval and publishing.
- Q:** Will the pricing component be eliminated from the selection?
A: The pricing component will be eliminated and the selection will be 100% qualifications based.
- Q:** In section 20.2 of the draft RFP (performance bond) states that the proposer will deliver on execution a bond for the full amount of the contract at the time that the contract is executed. That will be for the management fees and the design fees, so will the bond's face value grow as additional lump sum (construction) items are added to the contract? If that is the case (and for the benefit of the sureties industry), when the finalized RFP is published, it would be beneficial if that were spelled out.
A: The design fees will be negotiated to establish the initial contract amount, and with the addition of construction there will be additional amounts established and added to the contract amount. Your last statement is noted.

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- Q:** There is reference to a municipal code section on labor dispute avoidance. Will this section be available on the website or in print form?
- A:** The RFP requires the proposal to include a labor peace plan. The City of San José's Design Build ordinance, Municipal Code 14.07, includes the requirement for the labor peace plan. The Design Build Ordinance is available on the Airport's website on the Design Build web page: <http://www.sjc.org/about/design.html>
- Q:** In the "Design Build Q & A Set #1," it states the Design Builder has no limit to the amount of work they can do. I assume that's referencing if there is an agreement on the lump sum price, otherwise you'd expect it to go out to bid. Am I assuming correctly?
- A:** The question you are referencing is related to how much work the Design Build contractor can do with their own forces as related to the scope of the contract.
- Q:** Subcontractors are allowed to participate in more than one proposal. Is the City going to be pre-qualify the major MEP subcontractors prior to the proposal submittal?
- A:** We will not pre-qualify any of the firms that will be involved in a proposal. As far as qualifications of the Design Builder's subcontractors, Section 1K of the Selection Criteria refers to the use of qualified subcontractors and sub-consultants. So we would be looking at the proposer's approach to that aspect of the project.
- Q:** Section 5.2 regarding minimum project experience: In 5.2.1.1, it states that a qualifying contract has to be design and construction for a single contract?
- A:** Yes.
- Q:** If you have design build experience on a \$600 million project and airport experience on \$300 million project, but not a design build airport project, you could not qualify?
- A:** With the way the draft RFP is currently written, you would not qualify. However, this is the type of feedback and recommendations that the City is looking for and is willing to consider putting into the finalized RFP.
- Q:** Section 13.3 of the draft RFP refers to listing subcontractors. The language focuses on the trades. Is the intent to apply to professional subcontracting services and is the intent to suggest that there can be changes to the subcontracting professional service provider during negotiation process?
- A:** The Design Build Ordinance has the requirement for listing subcontractors. The Ordinance does not distinguish between subcontractors and sub-consultants. This applies to contracting firms and design firms.
- Q:** Section 12.1 in the draft RFP refers to the Selection Process. Step one, the minimum qualifications that would be submitted with the formal proposal. Would the minimum qualifications be required for every team member of the Design Build team?
- A:** Section 5 clarifies that question. Regarding evaluation of the minimum qualifications: the MQA must be passed by each of the firms that form a joint venture or team. Minimum project experience 5.2.1 states that the proposer or 1 member of the joint venture shall have completed that experience.

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- Q:** In Step 2 of Section 12.1 in the draft RFP, it notes that the City may determine at its discretion that they can forgo step 2. However, Step 2 appears to be where you will be scoring the 80 points. How is this intended to go forward? And is it possible that you can select from Step 1 without entering into Step 2?
- A:** With the dropping of the pricing element, it will be 100% qualifications based. Originally, it was to be an 80/20 split between qualification and pricing. If the City chooses to implement Step 2 and short list, the evaluation of the proposals at that stage would be based on that 100%. Step 1 is mandatory, the City has to review minimum qualifications, and we can potentially forgo Step 2. If we forgo Step 2, then the evaluation of the proposals would occur at Step 3. So the proposals will be evaluated either at Step 2 or Step 3.
- Q:** Is there a minimum amount of construction work mandated for self performance?
- A:** No.
- Q:** Section 33.2.2 of the draft RFP states that the contractor shall submit construction cost estimates and the City reserves the right in its sole discretion to issue a RFP at completion for design and construction if no agreement is reached on the lump sum amount. Then, later just before Sections 34 and 33.3 it states that if there is no lump sum agreement, the contractor shall provide biddable documents for low bid. Can you please clarify that for me?
- A:** We should clarify the statement under Section 33.3 that if the design progresses to 100% completion then those documents are required to be biddable because the City will be required to use a low bid procurement for that construction work if a lump sum cannot be agreed with the Design Build contractor. If the design were to only progress to 30% or 60% levels then the documents do not have to be biddable.
- Q:** In the "Design Build Q & A Set #1," the 5th question down refers to local preference. The answer states to be considered small, the cumulative size of the joint venture team cannot exceed 35.
- A:** If a proposer submits as a joint venture team then the combined employees count from all the firms that are proposing as a joint venture when added together must not exceed 35, in order to be considered a small business and receive small business preference. As stated earlier, in order to be considered small you must be local.
- Q:** When do you anticipate the draft copy of the contract to be available?
- A:** We do not have a date as of yet.
- Q:** Looking at Paragraph 33.3 in the draft RFP, barring circumstance where the City and the Design Build contractor can't reach a lump sum agreement, are there any limitations, such as a conventional PW low bid process, by which the design build contractor is bound in selecting subcontractors?
- A:** The low bid requirements would be only if the City and the Design Builder cannot negotiate on a lump sum for the construction work. When the City and Design Build contractor agree on an amount for the construction work, there are no limitations for the Design Builder on the subcontractor selection process; the Design Builder does not have to bid out and award to the lowest bidder.
- Q:** Recognizing that there is no draft contract for review, is there any other document that the City has available that might be indicative of the expectation on terms and conditions of the project?
- A:** The closest document would be the grey book (City's Standards Specifications and Plan Details). It would be the closest document to what we would have in the contract terms.

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- Q:** Although there is no draft contract to review, the City is asking for a \$100,000 proposal bond to go in with the written submittal. The City is looking for a bond to bind the contractor to signing a contract that they have not seen the terms of yet. The contractors need to review the contract terms as to sureties so that we would be comfortable in submitting the proposal bond.
- A:** Thank you, your comment has been noted.
- Q:** As stated in the "Design Build Q & A Set #1," existing City consultants can participate in the Design Build proposal. Gilbane is the existing construction manager, are they allowed to participate in the Design Build proposal?
- A:** All consultants have been distanced from the RFP development and all have not been precluded from participating in a proposal. It should be noted that two existing consultants, PB and Gilbane, have indicated in writing to the City that they are not planning to participate in a RFP proposal. The list of existing consultants and their 1st tier sub-consultants can be found on the Airport's website on the Design Build web page: <http://www.sjc.org/about/design.html>. Gilbane is the construction manager for the North Concourse project and they will continue their work until the project is either completed or the work is negotiated for inclusion as part of the Design Build contract.
- Q:** All negotiations at the 30%, 60%, and 100% design phases will be between Public Works (PW) and the Design Builder or will there be a 3rd party managing that process for the City?
- A:** Negotiations will be with the Airport Department as lead and PW as support. There will be no 3rd party involved.
- Q:** As a stakeholder in this process representing the union of architects and engineers, we have a concern. As we approach the March 7 date, we are concerned that we have not seen the contracting-in and staffing analyses. We hope to see it soon and not on March 6.
- A:** Thank you, your comment has been noted.

OTHER

- Q:** The City of San José did not use solar panels in the construction of the Main Library nor in the new City Hall. To conform to your project and City policy to comply with green standards and for environmental sustainability, the new airport should be built using solar panel.
- A:** Thank you for your comment. This question was also addressed in the Design Build Q&A Set #1. The Airport is committed to meet the City of San José's LEED (Leadership in Energy and Environmental Design) policy standard for City projects. LEED is a rating system that determines how "green" a new facility is. As part of the overall evaluation of LEED at the Airport, staff will be considering many environmentally friendly tools and techniques, including the use of solar panels.
- Q:** There should be a plan for a hush house.
- A:** Thank you for your comment. This question was also addressed in the Design Build Q&A Set #1. There are no plans in the current program for a hush house.