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**PRDE (ER)- 2019-02
ADDENDA #3**

PRDE hereby issues Addenda #3 to RFP No. **PRDE (ER)- 2019-02** answering questions submitted to recovery@de.pr.gov. Additional answers may be published. **PRDE encourages all potential proposers to frequently visit www.de.pr.gov for updated RFP information.**

Inquiry #1

1. What is the composition of the Core Team? Are its members designated on an ad hoc, ex officio or permanent basis?

The Core Team will be composed of PRDE designated personnel and those established by the Proposer. Composition may vary based on the program stage. Composition will be permanent for the duration of the phase.

2. Is the Core Team constituted and operating at this time? Or will it be constituted and start operations when the PMO is established?

The members of the Core Team will be named by the PRDE at a later date.

3. What are the short and long-term goals of the PRDE regarding its facilities?

To provide safe and resilient facilities for students and faculty. You may use Act 85 of 2018 as reference.

Inquiry #2

1. Could you share what, if any, existing electronic capital project management platform(s) PRDE uses?

In terms of the capital projects, the PM will collaborate with PRDE to develop an annual CIP (Capital Improvement Plan) Budget.

2. Referenced on RFP page 8, could you provide more detail on the scope envisioned around the "educational assessment"?

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Educational assessment: refers to evaluation of the existing facilities (open and closed) in regards to their capacity of providing the type, quantity and quality of spaces required to deliver the educational programs and the policies of the Department of Education.

3. In addition to the prime, are subcontractors required to submit any of the Forms (1-10) or any other required submittals?

Sub-contractors must submit Tab 5, 8, 10, 12, 13, 14, and 21. Additionally, proposers must disclose if they have a direct or indirect material interest in any of its subcontractors. Material interest is equivalent to 20% or more in ownership.

Inquiry #3

1. When mentioned that the platform must provide process management; can you further explain the type of processes that expected to be managed on the platform.

The processes are those specified throughout the RFP.

2. When mentioned that the platform must provide benchmarking; can you further explain the type of business process and performance metrics expected to be analyzed.

As per the RFP, page 10 of 93, the responsibilities of the PMO include developing metrics and service level agreements to ensure projects are delivered within scope, on time, and within budget

3. Please specify the types of field management processes that are expected to be handled in the platform.

All measurable activities performed by the PMO.

4. We understand that cost management, fund management and compliance are closely related; can you further explain the type process that would like to be managed on the platform.

At minimum, it has to manage the measurable aspects of these processes.

5. Page 11 - "Platform must fully support the program requirements as outlined under specific requirement in this RFP."
 1. Program Requirements Outlined under Specific Requirement not clearly found on the RFP document; can you provide copy of the requirements?

The specific requirements are those listed on the last black bullet at the bottom of page 10 and top of page 11 of 93.

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6. Page 11 - "All Program documentation and systems developed during the Program are property of the PRDE."
 1. Would PRDE accept a cloud-based, Software-as-a-Service (SaaS) model for the Platform, on a subscription basis, that would allow all documentation to be property of PRDE?

No. It would have to be part of an overall solution.

7. Page 11 - "Through the agreed electronic platform, PM will work with PRDE to: establish regular monthly reconciliations of all projects between PRDE Finance Department"
 1. Can you further explain or provide examples of the type of data that is expected to be provided to the Finance Department on your monthly reconciliations

The type of data to be provided is all data related to documentation related to monthly expenditures (for example, but not limited to, timekeeping, projects managed by PMO, etc.).

Inquiry #4

1. **Reference:** RFP pg. 16, paragraph 5 "If awarded a contract, the selected Proposer will be required to accept the award in writing within five (5) calendar days of the award and execute a contract containing, among other things, the general terms and conditions set forth in Section V of this RFP."

Question: Will the PRDE provide a full set of terms and conditions to be included in any eventual contract and an opportunity to reasonably negotiate those terms and conditions prior to the time when a proposer's bid bond is placed at risk?

Yes. The PRDE considers the 5-days terms as the minimum, subject to an agreeable extension that does not adversely affect the PRDE's interest.

2. **Reference:** RFP Sub-section V.14 "Proposers should expect to be paid within 90 days of invoice acceptance." If awarded this RFP, the Proposer will certify in writing that the Proposer will pay its employees and sub-contractors without regard to the timing of payment by PRDE and the Government of Puerto Rico.

QUESTION 1: What does "invoice acceptance" constitute?

Invoice acceptance translates to PRDE approval of payment in accordance with the law.

QUESTION 2: Does it involve acceptance in writing just by PRDE or by PRDE, COR3, PR Department of Housing, and their consultants?

No. PRDE.

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3. **Reference:** RFP Sub-section V.20, NON-LIABILITY OF DEPARTMENT OFFICIALS “The Proposer agrees that no Department member, employee, agent, contractor, officer or official shall be personally charged by Proposer, its members if a joint venture, or any subcontractors with any liability or expense under the contract, or be held personally liable under the contract to Proposer, its members if a joint venture, or any subcontractors.”

QUESTION: Will PRDE please confirm that this statement is limited to natural persons and does not include juridical persons such as other contractors who might somehow interfere with our work?

This statement includes all individuals and legal entities acting on behalf or with delegated authority from the Department.

4. **Reference:** RFP Sub-section VII.3.T, Tab 20 PROPOSAL FORMAT AND SUBMITTAL REQUIREMENTS “Each Proposer should include an organized, detailed summary of Proposer’s experience providing the proposed services, as well as the Proposer’s experience working on comparably sized projects.”

QUESTION: Will PRDE please confirm that a key subcontractor’s past experience will be evaluated with the same weight as the prime contractor’s?

No. Proposers must submit the subcontractors’ designation form establishing the percentage of work to be performed by the subcontractors. A key subcontractor experience will be evaluated and weighted on a prorated basis based on the percentage of the work to be performed.

5. **Reference:** Proposal Submittal Form 5, Appendix IV “Proposer is required to provide a maximum of three (3) customer references...”

QUESTION: Will PRDE please confirm that a key subcontractor’s references will be evaluated with the same weight as the prime contractor’s?

No. Proposers must submit the subcontractors’ designation form establishing the percentage of work to be performed by the subcontractors. A key subcontractor references will be evaluated and weighted on a prorated basis based on the percentage of the work to be performed.

6. **Reference:** RFP Appendix VI(2)(B) pg. 28 “Proposers shall also be advised that the Department may seek indemnification from Proposers for any liability, loss, damage, expense, penalty, or cost, including any and all legal fees, sought in every claim or suit of any kind arising out of confidentiality markings or conditions in proposals.”

QUESTION: Will PRDE please clarify this statement and what the intent of this is?

The intent is to inform potential Proposers that any markings on its document to establish that the information therein is confidential will not preclude the PRDE from exercising any to right to any claim related to such information. For example, if the information marked confidential

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is intentionally misleading or fraudulent, the PRDE may move for legal proceedings regarding such information.

7. **Reference:** RFP Sub-section V.19, INDEMNIFICATION, and Section VII. PROPOSAL FORMAT AND SUBMITTAL REQUIREMENTS Tab 13, page 41: The language in these two sections varies and is not consistent.

QUESTION: Will PRDE please clarify or provide the indemnification language/standard that will be included in the contract?

Both languages mutually co-exist. Proposer are expected to submit a signed version of the language on page 41.

8. **Reference:** RFP APPENDIX IV: PROPOSAL SUBMITTAL CHECKLIST, states “Tab 3 Equipment and Service Proposal”
Section VII. PROPOSAL FORMAT AND SUBMITTAL REQUIREMENTS, states “TAB 3: Service Requirements”

QUESTION: Will PRDE please clarify If Tab 3 requires a discussion of equipment as well as services?

Tab 3 requires a description of the services and of the proposed platform.

9. **Reference:** RFP Section II. GENERAL INVITATION, Item 6. SUBMISSION OF PROPOSALS, states “Proposals (including any attachments or appendixes but excluding REQUIRED appendixes) should not exceed 50 one sided pages. *Required appendixes are those forms listed in the Submittal Checklist of Appendix IV (Form 1 through 10).*”

QUESTION: Will PRDE please confirm that, in addition to the forms listed on the checklist, the items excluded from the page count also include other standardized forms and information in Tabs 1, 6, 12, 13, 17, 18, 19, and 22?

The 50-page limit excludes Tab 2, Tabs 4 through 14, Tab 17, Tab 18, Tab 21 and Tab 22. Resumés are also excluded from the page limit.

10. **Reference:** RFP Section II. GENERAL INVITATION, Item 6. SUBMISSION OF PROPOSALS, states “Proposals (including any attachments or appendixes but excluding REQUIRED appendixes) should not exceed 50 one sided pages. *Required appendixes are those forms listed in the Submittal Checklist of Appendix IV (Form 1 through 10).*”

QUESTION: Will PRDE please consider page limiting only the narrative answers to solicitation questions provided in Tabs 3, 16, and 20?

The 50-page limit excludes Tab 2, Tabs 4 through 14, Tab 17, Tab 18, Tab 21 and Tab 22. Resumés are also excluded from the page limit.

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11. Reference: RFP Section VII. PROPOSAL FORMAT AND SUBMITTAL REQUIREMENTS, Item P, Tab 16 states “Proposers must include a project plan and deployment schedule with proposed schedule if awarded the contract.”

QUESTION: Will PRDE please clarify if this is meant to say that 1) a project plan and deployment schedule is only required if an offeror is awarded the contract, or 2) the project plan and deployment schedule under Tab 16 is meant to describe the offerors activities upon award of a contract?

The project plan and deployment schedule under Tab 16 is meant to describe the offerors activities upon award of a contract and must be included as part of the proposal.

12. Reference: The Organization Chart on RFP page 9 of 93

Question: Does the organization chart included in the RFP require strict compliance, or can the Proposer offer adjustments for consideration by PRDE?

The Proposer may offer adjustments for consideration by PRDE.

13. Reference: RFP page 10 of 93: “The PMO must utilize an electronic program/project management platform...”

Question: Will the platform that must be developed by, implemented by, hosted by and supported by the same single vendor require integration with any other systems?

No, but the selected Proposer must guarantee PRDE full access to the platform and/or final products and reports produced by the platform.

14. Reference: RFP page 9 of 93 “The PM shall have demonstrated Integrated Project Delivery (IPD) experience...”

Question: Does PRDE intend to utilize principals and best practices from IPD delivery or utilize all aspects of the formal IPD model, including contracts and processes? Is this procurement process approved for use by PRDE?

The PRDE intends to use best practices from IDP. Procurement processes to be used are those that comply with 2 CFR 200 and other applicable Commonwealth regulation.

15. Question: What construction procurement delivery methods are approved for use by PRDE? Is any legislation or regulation modifications pending or in process to add additional delivery methods?

See above.

16. Question: Does PRDE have existing construction procurement form documents or contract documents in place that they intend to utilize in this program?

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No.

17. Question: Does PR DE have a legacy program/project management system in place? Is there a preferred system or platform desired by PRDE in management of this program?

No. The preferred system is one that complies with the requirements included in the RFP.

18. Question: Will contracting be performed by PRDE for construction services with Proposer acting as technical advisor, or will Proposer be managing the contracting process in its entirety, with PRDE execution of final contracts?

The selected Proposer will act as technical advisor and at times may manage different parts of the contracting process.

What is the contract review and approval process of PRDE?

The contract review and approval process is in progress.

19. Question: Will labor compliance oversight be part of the scope (e.g. prevailing wage, Davis Bacon) including employee interviews of construction workers and certified payroll administration?

Yes.

Inquiry #5

1. On page 2 of the RFP it states that one contract will be awarded, and on page 46 it states that “one or more” firms will be selected. Will there potentially be multiple awards?

If deemed in the best interest of the PRDE, there may be multiple awards.

2. Regarding the 50-page limit per RFP page 6, please clarify what is included in the 50 pages. Proposal Forms 1 through 10 are not included, but in the interest of being fully responsive and descriptive of other sections, can we also exclude from the count resumes, financial statements, declarations (Disclosure of Recent Legal Actions, Hold Harmless and Indemnification Agreement, Bidders Registry – Eligibility Certificate, Joint Venture, Corporate Resolution)?

The 50-page limit excludes Tab 2, Tabs 4 through 14, Tab 17, Tab 18, Tab 21 and Tab 22. Resumés are also excluded from the page limit.

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3. Please note that per RFP page 41, Tab 14 is called “Bidders Registry – Eligibility Certificate” and Tab 15 is called “W-9 TIN and Cert (IRS). The proposal submittal checklist on page 52 shows the tab structure to be different, specifically as it relates to Tab 14 and Tab 15. Tab 14 on the checklist states “W-9 (IRS)” which is different from Tab 14 identified on page 41 and Tab 15 is not included on the checklist. Please clarify and, if required, provide additional details as to what is required to be submitted in reference to page 41 Tab 14 “Bidders Registry – Eligibility Certificate” requirement.

Item N and O on page 41 of 93 should read:

N. Tab 14: **W-9 Taxpayer Identification Number and Certification (IRS)**

Proposers must include a properly completed W-9 identified in APPENDIX IV, FORM 9.

O. Tab 15 – reserved for future use.

All other items should be renumbered to coincide with the submittal checklist table on page 52 and 53.

4. There appears to be a discrepancy in the number of years indicated for past references to be provided (RFP pages 36 and 61). Please confirm we should we follow the guideline of current projects and projects completed within the last 5 years?

Previously clarified.

5. Regarding RFP Pages 5, 16 and 36: Normally professional services contracts do not require a bid bond. Typically bid bonds are provided by contractors during the proposal/bidding process on the construction contracts where scope, schedule and price are defined in significant detail. Without clearly defined scope, budget and schedule parameters, the bid bond requirement and other proposal security options required by the RFP will present significant challenges to secure by a surety or banking institution. Please consider and provide clarification or additional information for this requirement.

Previously clarified.

6. Regarding the RFP Scope (pages 8-13):
 - a. Will you share any of the assessments done so that proposers can prepare the mostinformed program approach possible?
No.
 - b. Will you provide the master plan for reference?

The master plan will be developed in collaboration with PRDE.

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- c. Will the selected Program Management consultant be part of selection committees during procurement of design and construction contracts?

The PMO may hold an advisory role for evaluation purposes but will not make any grading determinations.

- d. Will the selected Program Management consultant be required to provide demographic, capacity and long-range planning as part of its assessment services?

Yes.

- e. Will there be training and knowledge transfers required for the Program Management consultant?

PLEASE CLARIFY YOUR QUESTION.

- f. Will the PRDE provide office space, computer equipment, access to printers, Wifi and telephone for those on the PMO required to be located inside the PRDE offices?

No. Only the office space.

- g. Will the selected Program Management consultant only provide design management, or will the selected firm be expected to provide design services requiring signing and sealing of design documents?

The selected Program Management consultant will only provide design management.

- h. Will the master program schedule require coordination with other agencies in PR such as PREPA, PRASA?

Yes, as required by the different projects.

- i. Will the selected Program Management consultant be required to evaluate Educational Adequacy as part of their assessment?

PLEASE CLARIFY YOUR QUESTION.

7. Regarding Proposal Submittal Form 2 (RFP page 56): Please provide further definition of the following statements in the price proposal form: "Total (must include pricing for all line items)," "Total Proposal Pricing," and "Total Proposal Pricing for Evaluation Purposes, After Application of Investment Percentage." Do all these apply to this proposal?

The language "Total (must include pricing for all line items)," can be eliminated.

The form on page 56 provided is intended to serve as a sample.

8. The RFP provided on your website ends on page 90 of 93. Are there 3 additional pages that you can provide?

There are no additional pages.

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9. Page 4 of the RFP, item g.iv. references an Attachment B which doesn't appear to be included in the RFP documents. Can you provide Attachment B?

Attachment B will be uploaded to the RFP PRDE webpage. Note that these items are not required unless awarded a contract.

10. Page 21 of the RFP, item 14. B. references an Appendix VI which doesn't appear to be included in the RFP documents. Can you provide Appendix VI?

The reference on Page 21 of the RFP, item 14. B should be to Appendix V.

Inquiry #6

1. Page 56 of 93, Proposal Submittal Form 2 – Sample Price Proposal Form. The sample price proposal form is unclear on what PRDE is asking the proposer to provide and how the pricing will be scored. FEMA requires that fees for project management contracts be paid on a time and materials basis in order to maximize reimbursement. Typically, proposals for project management services only include position types and related hourly rates. Since the scale of the program and the scope of services has not been clearly defined and will evolve over the life of the program, there is no way to determine the number of personnel needed nor the hours that will be expended. Will the PRDE consider issuing a new price proposal form that includes only positions and hourly rates without a total cost provided?

Page 9 of 93 provides a conceptual organization desired by the PRDE. The potential proposer should provide fees, on a time and materials structure, for the personnel it anticipates the PMO will need during the different phases of the program.

2. Page 56 of 93, Proposal Submittal Form 2 – Sample Price Proposal Form. If a total cost amount is required, please answer the following questions so that proposals can be evaluated equally and fairly:
 - a. Will PRDE provide a standard list of anticipated positions for which rates are desired?
No. Please refer to answer provided under question number 4.
 - b. Will PRDE provide a total number of each position required for the program?
No. Please refer to answer provided under question number 4.
 - c. Will PRDE provide the number of hours or a weighting figure for each of those positions?

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No. Please refer to answer provided under question number 4.

- d. Is the total cost proposal to be based on one year, three years, or the full life of the recovery which could be 10-15 years?

The cost proposal should be based on the initial term of the contract, which is three years, which the term optional extensions.

- e. Will PRDE provide a complete list of projects and grants to be managed?

The projects to be managed by the PMO include FEMA Category B and Category E work. At this time, there is no list of projects as it is premature because the relevant agencies are still evaluating the damages to the PRDE schools and facilities.

3. Page 66 of 93, Proposal Submittal Form 7 - Certificate of Insurance Coverage. The form clearly states that coverage shall be either in place or will be provided in one of two methods. The two methods described include either a certification of insurance coverage or an actual certificate of insurance. The certification statement included on the form on page 66 states that the proposer "has the following insurance coverage", and in addition, the form is written as though the insurance has already been obtained. Please clarify how the PRDE would like to receive certification that the proposer is prepared to provide the required insurance coverage upon selection. Will a new form be issued with the certification language changed to "will provide" in lieu of "has" the following insurance?

Yes.

4. Page 66 of 93, Proposal Submittal Form 7: Certificate of Insurance Coverage. The certification form on page 66 includes the bond requirements. See questions below requesting removal of this requirement for a professional services contract. If the bond requirements are removed, will this form also be updated?

Previously clarified.

5. Tab 6: The correct solution to mitigate risk for a Program Management contract is not the same as in performance of the construction work (via a surety bond) but rather through professional liability insurance. Requiring a bond for the PM will significantly and unnecessarily increase the cost of services and the overall program to PRDE. For this reason, we ask PRDE to consider that it would be practical and far more cost effective to remove the bid and performance and payment bond requirements for the PM. It is not industry standard to provide a bid or performance and payment bond for this type of professional service. Will the PRDE remove the Bond requirements for the professional service that this contract covers?

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The only bonds applicable under this RFP are the bid bond and the payment bond.

6. Tab 6: If PRDE continues to include a bid bond as a requirement of this proposal response, please provide the following information required to secure a bond:
- a. Amount of the requested bond since the total amount of fee is yet to be determined.

The bid bond should be based on the contract total based on the cost proposal which is to be presented in a time and materials framework with “not to exceed amount” for the term of the contract.

- b. The obligees of the bond. Will they be the same as the additional insured from the insurance section?

Yes.

- c. Expected warranty period.

The bid bond can be terminated upon execution of the contract with PRDE.

- d. The term of the bond. Is the bond required for year one amount or the entire duration of the program?

The bid bond is required until the selected proposer has executed the contract. The payment bond is required for the duration of the program.

- e. The preferred and required bond form from PRDE.

The bond may be issued by a surety company authorized to do business in the Government of Puerto Rico and included in the latest Federal Register (Circular 570) as accepted by the Federal Government. The Bid Bond may also be in the form of an Irrevocable Letter of Credit issued by a financial institution authorized to do business in the Government of Puerto Rico, or a money order, cashier’s or certified check issued to the Puerto Rico Secretary of the Treasury.

7. Tab 8 requires Proposer References, however, in paragraph 1 the request is for 3 references within the past 5 years, and the last paragraph states within the past 3 years. Which is correct, 5 years or 3 years?

The last sentence of the third paragraph under Tab 8 on page 36 of 93 shall read: References outside the ten (10) years will also receive a score of zero (0) points.

8. Tab 10: In addition to the submitting entity, are joint venture partners of the entity required to submit Form 7 – Certificate of Insurance Coverage?

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All members must submit the insurance requirements, unless the joint venture has formed a separate legal entity.

9. Tab 10: Are subconsultants required to submit Form 7 – Certificate of Insurance Coverage?

At the time of the proposal, no. While rendering services, yes.

10. Tab 12: In addition to the submitting entity, do joint venture partners of the entity need to disclose recent legal actions?

Yes.

11. Tab 12: Do subconsultants need to disclose recent legal actions?

Yes.

12. Tab 17: Do subconsultants need to submit audited financials?

No.