

Responses to Maintenance Services RFP Questions Received Prior to Close of Business August 23, 2017

<u>No.</u>	<u>Questions</u>
1	<p>Reference to Appendix Q – SBE Forms – Form 02 (SBE Calculation Form), the first section of this form utilizes totals I-A, I-B, I-C, I-D, and II-G from Appendix Q Cost Forms. Total I-E (Other) appears to have been inadvertently omitted from the calculation. Additionally, the referenced Cost Forms are now found in Appendix R, rather than Appendix Q.</p> <p>The text of App. Q Costs Items A, B, C, & D on SBE Form 02 will be corrected by Addendum to read “App. R. Cost Forms”, instead of “App. Q Cost Forms”.</p> <p>Line 1-E from App. R (T, B & S Other) is intentionally not included on SBE Form 02 from App. Q. Line 1-E from App. R will be used for price comparison only, not SBE participation compliance. Line 1-E from App. R is to include any other annual costs not contained in 1-A, 1-B, 1-C or 1-D. Examples might include special equipment not otherwise contained in Tables 1A and 2A. It is not to include mobilization (see Question # 4) or subcontracting costs.</p>
2	<p>Reference to Appendix Q – SBE Forms – Form 02 (SBE Calculation Form), Section E of the form (Subcontracting Work Items) is noted as not exhaustive;</p> <p>a. How would ACTA prefer bidders to enhance this section of the form with items not listed?</p> <p>SBE Form 02 Section E is not to be enhanced by proposers, and will be used to calculate SBE participation compliance for the proposal phase. The reference on page 2 of App. Q that the list “is not all inclusive” refers to the fact that there might be other special subcontracting needs during the course of the contract that would be accounted for in the negotiations of the annual budgets.</p> <p>b. Please explain how bidders are expected to determine SBE content of ‘illustrative and undefined’ work categories.</p> <p>Proposers are expected to demonstrate their commitment to SBE firms in the areas listed by finding and identifying SBE firms that the proposers would use for these services should they arise.</p> <p>Is the intent simply to select items of scope and ‘commit’ specific SBE subcontractors to an assumed (up to 100%) level (the SBE firm then being listed on the Form 03 Commitment Plan)?</p> <p>Yes.</p> <p>In the absence of defined scope, SBE firms will not be able to provide robust quotations to facilitate the calculation of SBE percentage.</p> <p>Hypothetical fixed annual amounts are provided for the purpose of this analysis and quotations are not expected from SBE firms. Proposers, by providing SBE information, are representing their commitment to use specific SBE firms to meet the participation requirements. Price quotations are not expected from the designated SBE firms until the annual budgets are negotiated.</p>

Responses to Maintenance Services RFP Questions Received Prior to Close of Business August 23, 2017

<u>No.</u>	<u>Questions</u>
3	<p>Reference to Appendix Q – SBE Forms – Form 02 (SBE Calculation Form), Section F of the form (Special Material Purchase) – for the assumed \$500k of ties and ballast, are bidders likewise required to ‘commit’ specific vendors for an anticipated level of supply (at 60 cents per \$)?</p> <p style="color: red;">Yes, if the proposer is planning to use an SBE firm for either or both of these items.</p>
4	<p>Reference to Appendix R – Cost Proposal Forms, please confirm, in accordance with the previous solicitation, that</p> <ul style="list-style-type: none"> i. Start-up costs are not required in the pricing, and will be negotiated with the recommended Contractor, and <p style="color: red;">Yes.</p> <ul style="list-style-type: none"> ii. Insurance premium costs should be included in overhead in the fully burdened rate. <p style="color: red;">Yes. Footnote 1 in Section I, II, & III of the App. R Cost Forms will be amended accordingly.</p>
5	<p>Reference to Appendix R – Cost Proposal Forms, please confirm that the cost proposal forms will be made available in Excel format via the ACTA website.</p> <p style="color: red;">Yes, forms will be made available by September 1st on ACTA’s website (Maintenance Services RFP information page).</p>
6	<p>Will ACTA provide special tours, other than the day of the Pre-Proposal Meeting, if requested?</p> <p style="color: red;">Yes, a proposer can request a special tour after August 30th. All proposers will be invited to attend the special tour, if they choose, and answers to any questions received on the tour will be posted on the website thereafter.</p>
7	<p>Reference to Draft Maintenance Agreement, Article 17 Insurance, sub-Article 17.15: Self-Insurance Requires Approval; Retentions.</p> <ul style="list-style-type: none"> i. Contractor’s policy has a \$500,000 Self Insured Retention (SIR). Procuring a policy with a One Hundred Thousand Dollar SIR will increase Contractor’s cost, said cost will increase Contractor’s pricing. <p style="color: red;">Proposers should assume a Self Insured Retention (SIR) of no greater than \$50,000 (and \$100,000 for Pollution Liability Insurance) as set forth in Section 17.15 of the draft Maintenance Agreement. Any deviation from these requirements may only be approved by ACTA in writing following selection of the Contractor.</p> <ul style="list-style-type: none"> ii. Will ACTA change One Hundred Thousand to Five Hundred Thousand? <p style="color: red;">No, unless otherwise approved by ACTA as described above, proposers must satisfy the SIR requirements set forth in Section 17.15 of the draft Maintenance Agreement.</p>

Responses to Maintenance Services RFP Questions Received Prior to Close of Business August 23, 2017

<u>No.</u>	<u>Questions</u>
8	<p>Reference to Appendix Q, Good Faith Effort, Pages 4, 5.3, if the 15% requirement for DBE subcontractors is met, is the Good Faith Effort required to be submitted?</p> <p>Note that the 15% requirement is for SBE subcontractors, not DBE subcontractors. No, if the 15% SBE requirement is met, Good Faith Efforts (GFE) documentation does not have to be submitted. Any SBE firms that are included in the proposal, but cannot be independently verified by ACTA, to be currently certified, will be removed from the SBE participation calculation.</p>
9	<p>Reference to RFP, Understanding and Approach to Services, Page 20, what Hi-Rail or yard equipment, if any, will the owner provide?</p> <p>None.</p>
10	<p>Reference to RFP, Staffing Plan 5.4, A, Page 17, in order to allow for an accurate cost proposal, and to eliminate any unfair advantage the current service provider may realize from this information, can you provide the current make-up of the maintenance services staff, including the number of full and part-time positions on average utilized during the current contract?</p> <p>The CY2017 will be posted on ACTA's website (Maintenance Services RFP information page) by September 1st.</p>
11	<p>Reference to RFP, 1.0, Page 1, the RFP states that any inconsistencies between the RFP and the final Agreement shall be resolved in the favor of whichever clause is more favorable toward ACTA. That will make final execution of the Agreement complicated as typically contractual terms control. Would ACTA consider revising that clause to clarify that the terms and provisions of the final Agreement will control?</p> <p>No, please refer also to Section 22.12 of the Agreement.</p>
12	<p>Reference to RFP, 3.1/Exhibit A, Page 3, The "Maintained Facilities" referenced here differ in some ways from the definition in Exhibit A. Which definition controls?</p> <p>See answer to No. 11. Note that Exhibit A should read Appendix A in the question.</p>
13	<p>Reference to RFP, 3.6.3, Page 7, does ACTA have a listing of the permits and approvals that will be necessary to perform the Services?</p> <p>ACTA has permits in place with regulatory agencies with regard to discharge from its trench pump stations. Access to ACTA facilities are governed by existing agreements with local municipalities and have not proved to be restrictive for routine maintenance. However, certain municipal permits (e.g. traffic control) or regulatory permits may be required from time-to-time for special maintenance activities.</p>

Responses to Maintenance Services RFP Questions Received Prior to Close of Business August 23, 2017

<u>No.</u>	<u>Questions</u>
14	<p>Reference to Exhibit A, Article 1, Page 2, Definition of “Contract Year”. This references the termination of the final Contract Year as April 14, 2022. Section 4.1, however, references a blank date in 2022 as being the end of the term. Will the Contract be for five years from the beginning of the Commencement Date?</p> <p>Note that Exhibit A should read Appendix A in the question. Yes, the contract will be for 5 years following the Commencement Date. The definition will be revised by addendum.</p>
15	<p>Exhibit A, Section 5.5, Page 13, references “additional funds, if any, paid directly by the Railroads to ACTA pursuant to the terms of the Operating Agreement and/or a separate agreement among ACTA, the Railroad(s) and the Owner”. Could ACTA provide some clarification as to what is meant by these “additional funds”?</p> <p>Note that Exhibit A should read Appendix A in the question.</p> <p>From time-to-time unexpected maintenance, emergencies or other unanticipated capital projects may occur which require additional Services to be provided by the Contractor. In some instances, these Services may not be included in the annual Approved Maintenance Plan then in effect. If ACTA requests the Contractor to perform such additional Services, authorization and funding for such work shall be documented and managed in accordance with the CTO process set forth in Section 5.9 of the draft Maintenance Agreement.</p>
16	<p>Reference to Appendix P, Pages AP-3, 4, 5,6, For the qualifications of key personnel for “Railroad Bridge Supervisor” and the “Railroad Track Supervisor”, both are missing requirements #5.</p> <p>Was this misnumbered, or is requirement #5 missing?</p> <p>Items are mis-numbered and will be corrected by addendum.</p>