



UNIVERSITY OF CALIFORNIA, MERCED
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June 12, 2013

TO: ALL BIDDERS

RE: UNIVERSITY OF CALIFORNIA, REQUEST FOR PROPOSAL # UCM1056CD

Addendum "2" is hereby expressly incorporated and made part of the University of California, RFP# UCM1056CD dated May 17, 2013.

ADDENDUM 2

This Addendum provides answers to prospective proposing firm's questions and modification to the RFP as follows:

A. Questions and Answers

1. Re: 4.1.6 Provide a copy of your audited financial statements for the last two years. (Note that this is only required with the "original" hard copy of your proposal.)
Will compiled financial statements be accepted?
Answer: Yes, if they have been audited.
2. Could you please elaborate on the preclusion clause - is there a legal precedent in place regarding UC public-private partnerships that dictates all firms involved in the pre-design contract are precluded from participating in privately funded design phase services?
Answer: Here is a link to the specific section of the California Contract Code that addresses/prohibits follow on contracts: California Public Contract Code - SB1467, Section 10515: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pcc&group=10001-11000&file=10515-10518>
3. Can you please share the names of the selection committee members, the organizations they represent and the methodology they will use to evaluate submissions? Cumulative point totals, point totals by phase, cost per point (dividing technical score by price), ranking, etc?
Answer: We are not sharing this information.
4. Is the University considering bond financing?
Answer: Yes
5. If a different scope of work is proposed for the first phase will the proposal be considered non-compliant?
Answer: We are asking for responses to the scope presented. If you would like to also include an alternative approach based on your experience please feel free to do so in addition to addressing the scope presented.

6. Per item 4.2.3, what types of data sets is the University interested in?
 Answer: Data sets that are relevant to any component of the scope of the services requested in each of the Phases as well as the 2020 project such as current trends and practices in the design, construction and financing of academic, research, student housing and student services facilities including life cycle cost and sustainability considerations.
7. Per item 4.1.6, if we plan to submit a joint proposal, do both proposing firms need to submit audited financial statements? Or, is that the responsibility of the "Primary Proposing Firm" only?
 Answer: We are asking for the financials of the primary proposing firm only.
8. Please expound on the second bullet under section 3.1.1 which states that the DSC will need to develop "project concepts".
 Answer: The 'project concepts' of the 2020 Project is based on the policy direction from the Long Range Development Plan (LRDP) and the Physical Design Framework. The 2020 Project envisions mixed-use development for the campus that incorporates a pedestrian-oriented, sustainable landscape, and a multi-modal transit network. The DSC will work with the campus to refine project concepts that are consistent with policy and provide development guidance for the 2020 Project.
9. Per item 4.2.11, could you please explain the need at this time for demonstrating experience developing and financing renewable energy systems and/or wastewater treatment systems?
 Answer: One of the core values and long-term objectives of UCM is to achieve a zero net energy, zero waste, zero net emissions campus (i.e., "Triple Zero Commitment" or "Triple Net Zero"). As campus energy demand grows, a progressively expanding portfolio of onsite renewable energy will be a critical element in achieving the zero net energy goal. As such, experience in this area will be an essential item to be covered in the RFQ/RFP for the master developer for the project. The experience that the DSC has in this area will be important to demonstrate for the 2020 Project.

The campus currently sends its sewage to a City of Merced treatment plant in the southwest corner of the city at substantial cost. As such, the campus is interested in investigating the cost-savings potential for innovative, best practices, and onsite treatment systems.

In addition, the existing campus has a purple pipe infrastructure system that can potentially utilize non-potable water for the campus irrigation system. However, the operation of the system has not yet begun. The 2020 Project is a potential opportunity to utilize and expand the existing system.

10. RFP sections 4.1.5 & 9, pp. 15 & 24 references items a. through e., with item d. to be inserted in section 4.1.5.
- a. Where would the University prefer the insertion of item a.?
 Answer: Please include it as part of your Section 4.1 submittal.
 - b. Would the University require acknowledgement of items b., c., or e.?
 Answer Yes, reference Section 2.8, item# 4; particularly in reference to item 5.1.
11. RFP section 7, p. 22 references a "Cost Sheet." Might the University confirm proposers may address the requested specifications in a narrative in our response and that no "Cost Sheet" document shall be provided by the University?
 Answer: A cost sheet is required as part of the proposal submittal per Section 2.8, item #6 as amended.
12. RFP section 4.2.2, p. 15 requests the contact person for current and previous college and university engagements. Might the University provide the minimum required number of contact persons to comply?
 Answer: Please provide as many as you think are relevant and which can substantiate your expertise with colleges and universities. If you have none, then please indicate none.

13. RFP section 4.3.3 p. 16 requests the Owner name and contact person for each project. Might the University provide the minimum required number of Owner names and contact persons to comply?
Answer: Please provide as many as you think are relevant and which can substantiate your expertise with projects of the scope and scale of the UCM 2020 project. If you have none then please indicate none.
14. RFP section 4.4 p. 17 requests professional licenses the team members and/or subconsultants hold. Might the University confirm that due to the requested page restriction for this section that proposer may state the licenses held by the key team members in the narrative and may provide the evidence of licenses upon request under separate cover?
Answer: We do not require a copy of the license; just the name of the team member and the type of license(s) that they hold.
15. RFP section 3.1.2, p. 12: Might the University confirm proposers are not precluded from competition under the Master Developer RFP?
Answer: They will not be precluded from participating unless they are awarded a contract under this RFP process.
16. Would UC Merced consider extending the deadline by one week in order to enable teams to better coordinate and prepare their best possible responses?
Answer: We have decided that we will not extend the proposal deadline. Please endeavor to provide a complete/quality proposal in the amount of time provided.
17. Will UC Merced be honoring site visit requests from potential proposers in advance of proposal submission? RFP is unclear on this point.
Answer: No, we will not be hosting any “formal” site visits prior to proposal submission, but you are welcome to visit the campus at any time.
18. Will UC Merced consider making changes to certain aspects of the Terms and Conditions shown in Section 5? Section 5.7 references the University’s right to negotiate for purposes of obtaining the best possible offer. Also, member of our proposed team have been parties to professional service agreements with the University of California reflecting modified terms that were mutually satisfactory to Contractor and University.
Answer: Yes, the University may consider some modifications.
19. If the University is willing to negotiate some changes to Terms and Conditions, when will Proposers need to identify those provisions for which changes would be desired?
Answer: Please identify any requested modifications in your proposal submission, per Section 2.8, item # 4.
20. Among the categories for which negotiation of changes to Terms and Conditions may be in the mutual best interest of the University and Contractor, we have identified the following:
- XI. Contractor’s Liability and Insurance Requirements
Suggested modifications would include, but not be limited to, addition of a limitation on liability commensurate with the Contractor’s compensation received in connection with the Phase of work for which the incident giving rise to a liability relates.
- No Third Party Use Permitted
Suggestion to add provisions that make clear that the work of Contractor is for the benefit of the University and no third party may have any rights to use or rely on such work.
- Answer: Proposing firms may suggest modification of University terms and conditions. Please note that any proposed modifications will be taken into consideration as part of the overall proposal evaluation process.**

21. The RFP and form of PSA, when read together, create ambiguity about whether Contractor will be entitled to reimbursement of expenses. It would make sense to us to exclude estimates of such reimbursable expenses from the figures included in the Proposal, especially as they relate to later Phases of work, but it is not clear if the University would actually allow reimbursement of such expenses upon proper approval and subject to standard University limitations. We believe the University should allow for such reimbursement under mutually agreed arrangements. Failure to do so would require Contractor to increase its hourly rates to cover such costs, the extent of which are highly unpredictable at this point, especially for later Phases of Work.
Answer: Reimbursable expenses will be part of the contract per the University standard limitations. We do not request that you include those in your cost proposal.
22. Please explain the role that University personnel will play in providing any data to Contractor as needed for the various analysis in Phase 1. In particular, will any University personnel or third parties engaged directly by the University be the source of information such as project space requirements, estimated costs, demand, revenues, funding sources, etc.?
Answer: University personnel and/or third parties will be the source of some of the information necessary to perform the analysis asked for in Phase 1. However we are expecting the DSC to lead the analysis and bring their experience and data to that analysis relating to estimated costs, demand revenues, funding sources, etc.
23. Due to the multidisciplinary nature of the RFP, would the University of California consider a one week extension to the proposal response deadline of June 21, 2013?
Answer: We have decided that we will not extend the proposal deadline. Please endeavor to provide a complete/quality proposal in the amount of time provided.
24. In terms of evaluation, as referenced in Section 6 of the proposal, could the University of California provide a breakdown of point allocation based on required sections of the proposal response?
Answer: We are not providing this information.
25. In reference to Section 7, Item 7.1.1 and Item 7.1.2, the prior paragraph states pricing should exclude reimbursable expenses; however, Item 7.1.1 ask for pricing for Materials, which are considered a reimbursable expense. Item 7.1.2 asks for a "Total Cost Not to Exceed". Please clarify that materials or reimbursable expenses should be excluded from the pricing and rates for these two Items.
Answer: Please exclude reimbursable expenses from your cost proposal.
26. In reference to Item 4.2.11, is this intent of this question solely focused on waste-based energy systems?
Answer: The intent is to highlight UCM's interest in demonstrated excellence in the entire portfolio of renewable energy expertise, which includes the potential for waste to energy systems, in addition to solar and other sources. In UCM's zero net energy environment, the advantage of generating clean, dispatchable waste-to-energy power is that it could be used to supplement fluctuating solar or wind power system. For example, since 2009, UC Merced researchers have been testing a pilot plasma gasification system on campus using a portion of the campus biomass. Exceptional projects within the 2020 Project have the potential to build on this ongoing work.
27. In reference to Item 4.2.11, please clarify that UC Merced is seeking experience with developing and/or financing for renewable energy systems including, but not limited to, waste water treatment systems.
Answer: One of the core values and long-term objectives of UCM is to achieve a zero net energy, zero waste, zero net emissions campus (i.e., "Triple Zero Commitment" or "Triple Net Zero"). The intent is to highlight UCM's interest in demonstrated excellence in the entire portfolio of renewable energy and water reuse solutions.

28. Scope of Services section 3.1.4, Phase 4 includes “Program, project, and construction management of the ongoing 2020 Project including the budgeting and scheduling of the project.”

Will this scope of services include construction inspection (including civil inspections related to grading, utility installations, parking areas), building inspections (including mechanical, electrical, plumbing, framing, and other related building inspection items), special inspections in accordance with the applicable ICC Building Code and required construction materials testing related to soils, foundations, cast-in-place concrete, structural steel fabrication (including shop welding, field erection of structural steel including welding, and non-destructive testing), fireproofing, masonry, and other applicable structural elements?

Answer: No, the UCM campus has a Design and Construction division that manages construction inspection services. This division works on site with contractors and design professionals for construction and building inspections, plan review and permit issuance under the campus architect and chief building official. However, for larger projects or specialized inspection, UCM resources may be supplemented by consultants under the direction of the Campus. UCM also has a Fire Marshall on staff. The Fire Marshall has the authority to plan check and make inspections for all fire, life safety codes and regulations. The Fire Marshall, together with the campus building official, issues fire clearance and signed certificates of occupancy.

29. With respect to the cost proposal: 1) Can you expand further on the following statement in section 7.1 the cost proposal? "The University shall consider proposed pricing as a basis for further negotiation towards an outcome-based fee structure." 2) Is it acceptable for the fixed fee cost proposal for Section 7.1.2 to include caveats, to the extent the work scope could change? 3) Likewise, the work scope for later phases could be difficult to determine without presuming the outcome of earlier phases? or otherwise could bias the earlier phases.

(See answer below next question)

30. In reference to Section 7, Item 7.1.2, please clarify that UC Merced is requesting a Total Cost Not to Exceed fee per phase. Note that a “Fixed Fee” refers to a lump sum amount that is paid regardless of the amount of time taken to provide the work product per Phase. A “Total Cost Not to Exceed” refers to a fee that paid on a time and materials basis and invoiced monthly, but has an agreed upon maximum expenditure limit, allowing the Owner to save monies should the work product be delivered under budget.

Answer: Fees will be determined through negotiation with the preferred bidder and will be based upon the contracted services. Should the scope of the project and the contracted services change after a contract is executed the University will advise the DSC of the change with the expectation that the DSC may propose/require changes to the fee structure because of the impact the scope change has to the agreed upon fee structure.

While the University remains open to the establishment of time and materials, fixed cost or fixed rate “not to exceed” fee proposal, the University prefers an “outcome” based fee structure which may include milestone payments and/or a success fee.

The University recognizes that the work called for in Phases 1-3 will take place well in advance of the build out of the project and may need to be compensated for with a fixed cost, fixed rate “not to exceed”, time and materials or some other creative method of compensation. Whatever the method agreed upon by the DSC and the University, the University prefers a structure that incorporates the fee structure for Phases 1-3 into an outcome based fee structure for the entire project.

B. RFP Amendment

1. RFP Section 7.1.2 – Delete “Fixed Fee; Total Cost not To Exceed, per Phase” and replace with “a) Fixed Fee (lump sum) per Phase; or b) Total Cost Not to Exceed per Phase (based on fixed rate). You may propose one or both options. “

[All other specifications remain unchanged.](#)

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