

VVTA RFP 2023-04 CONSTRUCTION MANAGER – HYDROGEN FUELING STATION ADDENDUM NO. 3

Thursday, August 31, 2023

This addendum is provided to all known prospective proposers for clarification of the subject Request for Proposal (RFP).

The following includes questions that have been received by prospective proposers prior to the deadline for question on Friday, August 25, 2023, and answers provided by VVTA Staff:

Q1: Please comment if VVTA has a designer consultant on-board to address possible questions or inquiries from the Design-Build (DB) team regarding the approved design versus any proposed revisions.

A1: VVTA does not have a Design consultant, VVTA hopes the awarded Construction Manager will be able to assist with this task.

Q2: “If VVTA has selected the Design Build (DB) contractor, is it possible to obtain a copy of the draft DB contract to be utilized?”

A2: The Contract was awarded to Trillium Energy and is currently with VVTA’s Counsel for review. This will be shared with the awarded CM.

Q3: “Please indicate the current anticipated timeline for Award of Contract and the anticipated date Notice to Proceed will be issued to the DB.”

A3: VVTA intends to complete the Contract Negotiation process with Trillium in the next week or two. The Notice to Proceed will be provided shortly thereafter.

Q4: “Please indicate the current anticipated timeline for selection of the CM consultant, the date of interviews, the date of award, and NTP.”

A4: The evaluation committee will be meeting mid-September. If interviews are needed, they will likely be scheduled after the evaluation committee meeting. The recommendation for award will likely go to the Board of Directors October 16, 2023, with a Notice to Proceed shortly thereafter.

Q5: “Will the DB contractor be provided “bone yard” space adjacent the project site for their use as office space and/or as a laydown yard outside of the project site limits?”

A5: VVTA assumes so but will not have definitive answer until the contract with the DB is in place and a kickoff meeting is scheduled.

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Q6: “Will the selected CM consultant be provided space for a field office trailer where field office meetings may be held?”

A6: Yes.

Q7: “If VVTA has selected the DB contractor, where is their nearest local corporate office located?”

A7: Currently, Houston TX. Once the contract is in place, we should have a better answer.

Q8: “As currently written, Section 18 “Indemnification” is not insurable under professional service’s insurance policies and is not in compliance with California Civil Code, specifically section 2782.8. Please advise if VVTA is open to negotiating Section 18 to ensure it is insurable and in compliance with current laws.”

A8: The Indemnification language was included as per our County Counsel assigned to VVTA and our Insurance Provider – Public Entity Risk Management Agency. If changes need to be made, they will have to be approved by these two representatives.

Q9: “With respect to the list of required additional insured parties included in Sections 19(C)(1), 19(C)(1)(a), and 19(H)(1), terms such as “agents and volunteers” are typically not insurable as they are vague, overbroad, and ambiguous. Please advise if VVTA is open to removing “agents and volunteers” from the list of additional insured parties so that the new list reads as “VVTA, its officers, officials, and employees.”

A9: See A 8 Above.

Q10: “With respect to Section 19(F), please advise if VVTA is open to modifying the language so that lower-tier subcontractors hired to assist in the scope of work are only required to mirror the coverages and limits included in Section 19(K) to the extent the coverage and limits are applicable to the scope of work and trade of the lower-tier subcontractor. The concern is that while the Prime Contractor may be able to meet VVTA’s \$2,000,000 per occurrence limit for General Liability and Automobile Liability, lower-tier subcontractors whose scopes of work are much smaller may not carry these limits as they are higher than the industry standard for their trade. Ideally, any lower-tier subcontractor hired would only be required to carry insurance and insurance limits as is applicable to their scope and trade rather than being required to purchase additional insurance coverage in order to work on a small portion of the overall project.

A10: The language states: **F. Subcontractors**

Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

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VVTA's interpretation is that the Contractor includes the subcontracts within their policies.

Q11: "Typically, bonds are not required for professional services. Will bond(s) be required from just the Prime Contractor/Consultant or will bonds also be required from lower-tier subcontractor and subconsultants.

A11: Only from the Prime Contractor/Consultant

The Due Date for Proposals remains as 3:00 PM, Thursday, September 7, 2023. All other terms and conditions of the RFP remain the same.

As stated in the RFP, all addenda must be acknowledged. Please use Attachment E included in the RFP package to acknowledge receipt of this addendum. Failure to acknowledge any addenda to this RFP may be a cause to deem Potential Proposer as "non-Responsive."

***** End of Addendum No. 3 *****