



City of Miami

ADDENDUM NO. 3

October 27, 2009

REQUEST FOR PROPOSALS NO. 08-09-074

ENVIRONMENTAL ASSESSMENT & REMEDIATION OF VIRGINIA KEY LANDFILL

PROJECT NO. : B- 35002

TO: ALL PROSPECTIVE PROPOSERS:

The following changes, additions, clarifications, and/or deletions amend the above-captioned Request for Proposals, and shall become an integral part of the proposal responses and the Contract for the Environmental Assessment & Remediation of Virginia Key Landfill project (the "**Project**"). Please note the contents herein and affix same to the documents you have on hand.

All attachments (if any) are available on the CIP website and are part of this Addendum.

A. Revisions to the RFP

The following shall replace the Minimum Qualification Requirements contained in the RFP, as amended by Addendum 1, issued October 16, 2009:

3.5. Minimum Qualification Requirements

Proposer shall have a minimum of five (5) years experience under its current name and must have successfully completed at least three (3) that included the assessment and remediation of a landfill with a cost \geq \$30,000,000 ~~for the the actual physical remediation of the site. The \$30,000,000 does not include the costs for assessment and RAP costs.~~ environmental remediation projects each with a total project cost \geq \$30,000,000 including assessment and RAP costs. At least two (2) of the Proposer's qualifying projects must have involved the assessment and remediation of a landfill and at least one (1) of these qualifying landfill projects must have included costs \geq \$30,000,000 for the actual physical remediation component of the project (i.e. excluding all costs for assessment and RAP costs). The City will consider a Response as responsive where a Proposer has less than the stipulated minimum number of years of experience solely where the Proposer has undergone a name change and such change of name has been filed with the State of Florida or where the Proposer was a subsidiary of a larger firm and the Proposer's firm has been merged into the larger firm. Proposer must include documentation substantiating such name change as part of its Response for the City to consider crediting the years of experience from the Proposer under its previous name. Failure to include such documentation with the Response will result in a determination of non-

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responsive. For joint ventures, each of the firms comprising the joint venture must satisfy the minimum of five years experience requirement, but only the lead firm in the joint venture must meet the minimum requirement of having successfully completed at least three (3) projects with a cost \geq \$30,000,000, as stated above. Do not submit projects that have not been completed as they will not be considered. For a project to be considered complete the owner of the project must have issued a Certificate of Substantial Completion or the regulatory agency must have issues a Certificate of Completion or stated that that the project has met the minimum safe closure requirements. The Project Team shall possess all necessary licenses and permits to handle and transport regulated and hazardous materials to a permitted or licensed disposal site. The Team must also possess all required State of Florida and Miami-Dade County licenses and technical certifications as required by Florida Statute, the Florida Administrative Code, and Chapter 24 of the Code of Miami-Dade County. The Project Manager must possess a minimum of five (5) years experience as a Project Manager in environmental assessment and remediation and is expected to be assigned to this Project 100% of his/her time during both Phases IV of the Project, and the Construction Supervisor must possess a minimum of five (5) years experience as a Construction Supervisor in environmental assessment and remediation and is expected to be assigned to this pProject 100% of his/her time during Phase IV of this Project.

B. Revised Contractual Provisions

The following provision replaces provision 8. **Performance and Payment Bond** found in Section 1 – **General Terms and Conditions** of Exhibit B – **Contract for Environmental Assessment & Remediation of Virginia Key Landfill**:

8. Bid, Performance and Payment Bonds

A. Bid Bond

All Proposals shall be accompanied by either an original Bid bond executed by a Surety meeting the requirements of the City, or by cash, money order, certified check, cashier's check, Unconditional/Irrevocable Letter of Credit, treasurer's check or bank draft of any national (United States) or state bank in the amount of \$100,000, payable to the City of Miami, Florida, and conditioned upon the successful Bidder executing the Contract. The successful Bidder shall also provide the required Performance Bond and Payment Bond and evidence of required insurance within fifteen (15) calendar days after notification that its prepared and submitted Remedial Action Plan ("RAP") has been reviewed and approved by DERM and the City. The time for execution of the Contract and provision of the Performance Bond, Payment Bond and Certificate(s) of Insurance may be extended by the City's Capital Improvements Program at its sole discretion. Bid Securities of the unsuccessful Bidders will be returned after award of Contract. A PERSONAL CHECK OR A COMPANY CHECK OF A BIDDER SHALL NOT BE DEEMED A VALID BID SECURITY. Tendering a personal or company check will result in the Bid being deemed non-responsive. Security of the successful Bidder shall be forfeited to the City as liquidated damages, not as a penalty, for the cost and expense incurred should said Bidder fail to execute the Contract, and provide the required Performance Bond.

B. Performance and Payment Bonds

Contractor shall, within fifteen (15) calendar days of being notified that its RAP has been approved, furnish a Performance/Payment Bond ("Bond") containing all the provisions of the attached Performance/Payment forms.

Each Bond shall be in the amount of one hundred percent (100%) of the Contract value guaranteeing to City the completion and performance of the Work covered in the Contract Documents as well as full payment of all suppliers, laborers, or subcontractors employed pursuant to this Project(s). Each Bond shall be with a Surety, which is qualified pursuant to Article 9, Qualification of Surety.

Each Bond shall continue in effect for one year after Final Completion and acceptance of the Work with liability equal to one hundred percent (100%) of the Contract value, or an additional bond shall be conditioned that Contractor will, upon notification by City, correct any defective or faulty work or

materials which appear within one year after Final Completion of the Project(s).

The City must be listed as an Obligee.

Pursuant to the requirements of Section 255.05(1)(a), Florida Statutes, as amended from time to time, Contractor shall ensure that the Bond(s) referenced above shall be recorded in the public records and provide City with evidence of such recording.

Alternate Form of Security:

In lieu of a Performance/Payment Bond, Contractor may furnish alternate forms of security, which may be in the form of cash, money order, certified check, cashier's check or unconditional letter of credit in the form attached. Such alternate forms of security shall be subject to the prior approval of City and for same purpose and shall be subject to the same conditions as those applicable above and shall be held by City for one year after completion and acceptance of the Work.

C. Requests for Information – Since the issuance of Addendum 2 on Wednesday, October 21, 2009

The following information are responses to questions posed since the issuance of Addendum 2 on Wednesday, October 21, 2009.

Q1. Section 3.5 of the RFP requires the prime respondent to submit three (3) completed landfill assessment and remediation projects, each with a cost greater than or equal to \$30 million. Does this cost refer to the total project amount performed by the prime respondent? Or can it include cost performed by others? Example: the prime respondent is the Engineer of Record for a landfill project and performed \$10 million in assessment, remedial design, construction oversight, and post-monitoring, but the actual construction (say \$20 million) was performed by a separate construction firm under the direction of the engineer of record. Does this example meet your \$ 30 million project threshold criteria?

A1. Please see Section A. Revisions to the RFP , above, for the revised 3.5. Minimum Qualification Requirements.

Q2. What is the time period that the three (3) projects had to be completed within?

A2. The forms to provide the project experience for the Proposer request the experience of the firm within the last eight (8) years and requests that Proposers list no more than ten (10) projects. We have not set a time period during which the three qualifying projects had to have been completed.

Q3. Section 1.7 of the RFP requires a Payment and Performance bond for the full amount of the Agreement. Does this mean we need to procure a \$43 million bond for the duration of the project, which could last in excess of 10 years with monitoring. Performance Bonds for such a length and including multiple steps (assessment, design, construction, and monitoring) is almost impossible to procure. Is it acceptable to break the project down into several stages of bonding or separate bonds What is the time period that the three (3) projects had to be completed within?

A3. Please see Section B. Revised Contractual Provisions, above, for the revised provision 8. Performance and Payment Bond found in Section 1 – General Terms and Conditions of Exhibit B – Contract for Environmental Assessment & Remediation of Virginia Key Landfill

Q4. Section 3.4 of the RFP discusses Occupational License requirements. Does the prime respondent have to be established within the City of Miami to propose, or does this section refer to obtaining the maximum amount of points for firms that reside within the City of Miami?

- A4. Section 3.4 requires that each Proposer meet the local occupational license requirements of the jurisdiction where their office is located.
- Q5. The RFP requests that proposers print double sided page responses where applicable. It also has specific page requirements for responses. Does the City count a one page, double sided response as one page or two?
- A5. Each side of a page with a proposer's information shall be counted as one page.

THIS ADDENDUM IS AN ESSENTIAL PORTION OF THE CONTRACT DOCUMENT AND SHALL BE MADE A PART THEREOF.



Gary Fabrikant,
Assistant Director
Department of Capital Improvements Program

This addendum should be signed and dated by Bidder and submitted as proof of receipt with the submission of bids. The Bidder by identifying the addendum number in their bid proposal and by the signing and submission of their bid, shall serve as proof of receipt of this addendum.

NAME OF FIRM: _____

SIGNATURE: _____

DATE: _____