June 18, 2008

Request for Qualifications Questions & Answers

1. In RFQ **Section 5.1 Format** we can read:

   Each Proposer shall submit one (1) hard copy original, stamped as "Signed Original;" containing the original signature in blue ink of the authorized representative(s) of the Proposer, along with fifteen (15) hard copies of its fully signed SOQ (for a total of sixteen (16» in loose-leaf three ring binders and one (1) electronic copy in "PDF" format.
   The SOQ shall consist of the following components: front cover / Tab 1 / Tabs 2 – 5 / Tab 6

   Could you please confirm whether it would be acceptable to NTCA to consider the following submission format:
   - One sealed package including the original copy of the SOQ.
   - One sealed package including the 15 hard copies of "tab 1" and "tab 2 to tab 5"
   - One sealed package including the 15 hard copies of "tab 6"

   That way, NCTA will just receive three main boxes which will facilitate the revision and the manageability of the proposers submission

   Answer: This format is acceptable.

2. In RFQ **Section 5.2.2.C** we can read "*Include the name, address and telephone number of a specific contact person for at least two public entities for which the Proposer or **the primary members of the Proposer** have completed a development project, public private partnership project or relevant design-build project. Include the name, address and telephone number of a specific contact person for each project described in Section 5.2.2(b) regarding community outreach*"

   Could the NCTA please clarify who the "primary members of the proposer" are?

   Answer: "Primary members of the proposer" include the Lead Contractor, Lead Engineering Firm, Lead Operations and Maintenance Firm, and the lead financing entity. Any Equity Member or Major Non-Equity Member and Major Subcontractor should be included. Each of these capitalized terms is defined in Section 2 of the RFQ - "Certain Definitions.

3. RFQ **Section 5.2.3.a** reads "*Describe the Proposer's general approach to advancing the Project development in a manner **consistent with the preferred alternative***"

   In addition, section **3.2 Environmental Status** says that the "Draft EIS and Preferred Alternative Recommendation" is expected in August 2008

Could the NCTA provide information about which solution, C1 or C2, will be the preferred alternative? Does the NCTA want the different prospective proposers to give advice on the preferred option? Or do you prefer a general approach for both options?

Answer: At this point in the NEPA process NCTA has not identified the preferred alternative. We do desire that that the Proposer describe the general approach to advancing the project with all alternatives being studied in detail.

4. In SQ-1: "Information Regarding Principal Participants". The second point of the SQ-1 asks for "*NC Contractor License (s) #*"

   Please clarify that the license will be required prior to commencement of construction and will not be required for the predevelopment phase.

   Answer: A North Carolina contractor's license will be required prior to beginning construction but is not required at this stage of procurement or in the PreDevelopment phase.

5. What level or percentage of DBE participation is the NCTA expecting (if any) for the SOQ stage of the procurement

   Answer: DBE goals have not yet been set for this project. DBE goals and related project requirements will be set forth in the RFP and the Pre-Development Agreement.

6. Section 5.2.1 SOQ requires that we submit Form SOQ -1 and asks that the "Proposer" submit this form.

   a. Is the "Proposer" the name of the group of the Team; or is it the lead Developer; or is it the DBJV lead; or is it all of the above?

      Answer: Each entity of the proposing team is expected to complete the information in SOQ-1. The definition of "Proposers" in the RFQ is "companies, teams, joint ventures, partnerships or consortia submitting SOQs in response to this RFQ."

   b. And if it is all of the above how do we fill out this form? Individually with copy from each entity?

      Answer: Individually with a copy from each entity.

   c. And if it is the Developer; they do not yet have NC Contractors license

numbers or bonding capacity in the same terms as normally required from Design Build Group.

Answer: See answer to Question 4. Additionally, the Proposer must demonstrate the ability to provide surety coverage for the project.

d. As this form appears to be designed to request information from DBJV, please clarify in this case of the PPP proposal, what information and from whom this information must come.

Answer: Under "Business Organization," if the member of Proposer is a joint venture or partnership, then it must provide the information in Sections A – E. See also answer to Question 6(a) above.

7. Section 5.2.1e - SOQ states "good standing certification" be provided by Equity and Non-Equity Members of the Proposer.

We ask the following clarifications:

a. Does the NCTA expect entities not currently registered in the State of North Carolina to register prior to submission of SOQ?

b. **Answer: No – but the expectation is that the Proposer will be registered prior to submission of a final Proposal.**

c. And if so is "Proof" considered to be an Updated Certificate of Authorization from the Department of the Secretary of State?

d. **Answer: Yes - This would be adequate proof of certification.**

e. And if both are required would just a newly registered certificate be acceptable from newly registered entities?

Answer: Yes – a newly registered certificate would be acceptable.

8. Section 4.2 Procurement Schedule: The scope of information requested by NCTA in the RFQ is more extensive than what would normally be required at this stage. Specifically, a substantial amount of the information requested is project specific proposed solutions and concept type information, hence what our team would consider as normally being required in the RFP stage and not at RFQ stage. In order to properly analyze and respond in a productive manner to NCTA

in regards to the information requested in this RFQ, we request that the SOQ due date be extended by 30 days.

Answer: Information should be included at a conceptual level only to demonstrate the Proposer's understanding of the Project and critical issues, including financing issues. Additional details will be required to be submitted in response to the RFP. 30 days is sufficient to provide the level of detail sought at this stage of procurement.

9. Section 5.2.1 (g): Please confirm that it is only the Proposer (and not Equity Member unless one and the same) that is required to show evidence authorizing execution and delivery of the SOQ and, if under a power of attorney, provide and certified copy of the corresponding corporate resolution (or other lawful evidence) authorizing said power of attorney.

   Answer: The resolution, operating agreement or other evidence which authorizes the person to execute the SOQ on behalf of the Proposer must be provided.

10. Section 5.2.2 (a): This section requests information on meeting DBE goals. It is our understanding that the State of North Carolina is moving away from the use of DBE goals to the use of SPSF goals. Will the goals on this project be for DBE certified firms or SPSF firms?

    Answer: The North Carolina SPSF guidelines are based on the federal Small Business Administration rules. The SPSF program was created for professional services type contracts (i.e. consultants) – not contractors. Additionally, see answer to Question 5 above.

11. Section 5.2.2(d): Will professional service firms be required to be prequalified in areas of expertise and capability?

    Answer: Yes – prequalification must be complete prior to the time of submission of a response to the Request for Proposals.

12. Form 1: This form is to be executed by all partnership members, but does not contain a signature block. Is that something the Proposer can add themselves? Is it NCTA's intent to have this Form executed by all Principal Participants or just the authorized representative on behalf of the Proposer?

Answer: a signature on each completed SOQ-1 is not necessary. See answer to Question 9 above.

13. Private Company Financial Statements: Parsons Transportation Group (PTG) - Lead Engineering Firm; is a Global Business Unit (GBU) of a private company. The financial statements of the GBU are unaudited. Are the unaudited financial statements for the prior three years "comparable documentation acceptable to NCTA in the case of an entity that is a private company"?

    Answer: Proposers without audited financials may submit unaudited financial statements certified by the Chief Financial Officer of the company.

14. The RFQ requires submission of 16 copies of our financial statements for the last three years for all Major Equity and Non-Equity members which could be 5 or more teams. This will be a large group of documents. Does the NCTA really want that many copies and if so can they be in separate binders/boxes?

    Answer: 2 copies of financials are all that is needed.

15. Section 5.1, 5.2.2(e): A Major Non-Equity Member is a privately-held company whose financial documents are deemed confidential and can only be viewed by NCTA. To protect confidentiality, can this specific company submit <u>only</u> hard copies of its financial documents in sealed envelopes? And instead of including an electronic copy of its financial documents, provide a statement indicating that the documents are confidential and have been provided as hard copies in sealed envelopes?

    Answer: Hard copies in a sealed envelope are satisfactory. A statement of confidentiality with the hard copies is acceptable. Financial statements will be returned to the providing entity after review if so desired.