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Addendum 3
Solicitation 24-4403
RFP for Construction Mgr at Risk for Air Traffic Control Tower and Base Building

This addendum serves to notify all bidders of the following changes to the solicitation documents:

1. Please see the attached information for this Addendum 3.

Please acknowledge receipt of this Addendum within the submitted proposal.

Posted: **January 25, 2024**

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ADDENDUM NO. 3
Janaury 25, 2024

RFP for Construction Mgr at Risk for Air Traffic Control Tower and Base Building
24-4403
Dululth Airport Authority

From: City of Duluth – Purchasing Office

To: Document Holders

DOCUMENT HOLDERS on the above-named project are hereby notified that this document shall be appended to, take precedence over and become part of the original bidding documents dated January 4, 2024 for this work. Proposals submitted for the construction of this work shall conform to this document.

This addendum consists of two pages.

Questions and subsequent answers asked during the formal inquiry period:

1. Q: Can an Umbrella policy be used to supplement current coverage limits to achieve the requested $3 million annual aggregate limit on the Auto Liability?

   A: Yes, an umbrella policy with a “following form” provision is acceptable if written verification is provided that the underlying policy names the Duluth Airport Authority as an additional insured.

2. Q: When is the Builder’s Risk to be implemented. Some Federal Government Agencies require it beginning at date of contract while others require it at start of actual construction.

   A: The Builder’s Risk Insurance is required the date construction contracted field work (actual construction) is initiated.

3. Q: Please elaborate on the public bid requirement. Are we required to select the low bidder or are we able to award on a best value approach (similar to how you are selecting the CMaR) due to the specialized nature of the project.

   A: Public bids and acceptance of lowest, responsible/responsive bidder will be used per FAA procurement rules noted in FAA Order 5100.38D and 2 CFR part 200 Sections 317-326 . Bid packages will be developed with the design team and the construction manager to require necessary qualifications in the bid requirements/specifications.

4. Q: Who is responsible for contracting a Commissioning Agent (Cx)? I ask because if it is the CMaR then it would need to be included in our Preconstruction Fee and not as part of the GMP. This is because to maximize LEED points, the Cx needs to be involved from the early beginning of the design process. Also, will this be Fundamental or Enhanced Commissioning?

   A: The construction manager will not be responsible for hiring the Commissioning Agent but is responsible for following the LEED and other commissioning components identified in the specifications. The Sponsor has not determined if enhanced commissioning will be required for the project. Pricing should reflect fundamental commissioning by the construction manager.

5. Q: Please provide clarity on how the points for fee will be awarded. For example, does low bid receive 30 points and 1 point is deducted for every 1% over that bid? Does low get 30 points, second low 29, third low 28, etc..?

   A: The scoring criteria for the Construction Management Fees will include review and comparison of overall rates for staff proposed and for the construction management fee percentage. The fees will be

evaluated with the scope of work provided to ensure the fees are equitable between proposals. The proposals will be ranked based on this information, and awarded a corresponding number of points.

6. Q: Are subsistence and travel expenses considered fee or cost of the work?

   A: Subsistence and travel would be considered part of the construction management fee for the scheduled duration of the project.

7. Q: Can you clarify the process for receiving and/or acknowledging addendum?

   A: Addendums shall be acknowledged in the submittal document, preferably on the table of contents or introductory page.

Note: Receipt of this Addendum No. 3, dated Janaury 25, 2024 shall be acknowledged in the submitted proposal. Failure to do so may subject Bidder to disqualification.

END OF ADDENDUM