

**December 9, 2019**  
**BOARD OF COUNTY COMMISSIONERS**  
**ORANGE COUNTY, FLORIDA**  
**RFP Y20-903-JS/ADDENDUM #2**  
**FOR THE ORANGE COUNTY CONVENTION CENTER**  
**NORTH-SOUTH BUILDING IMPROVEMENTS COMMISSIONING SERVICES**

This addendum is intended to be incorporated into the bid documents of the project referenced above. The following items are clarifications, corrections, additions, deletions and/or revisions to and shall take precedence over the original documents. Underlining indicates additions, deletions are indicated by ~~strikethrough~~.

- A. The RFP due date remains December 17, 2019.
- B. The following are clarifications/questions/responses:

CLARIFICATIONS:

**8. MINORITY/WOMEN OWNED BUSINESS ENTERPRISE:**

- e. Proposers must submit signed Letter of Intent (Form M-1) with their Proposal for all **current Orange County certified M/WBE sub-consultants** identified on Form B. These Letters of Intent must indicate the scope of work to be performed by every M/WBE plus the percentage of the overall contract ~~fees~~ value for all years of the contract to be contracted to the listed sub-consultant. Letters of Intent must be signed by both the Proposer and the M/WBE sub-consultant.

The Consultant **must** include in the subcontract agreement:

1. ~~Prompt Payment Clause to the M/WBE sub-consultant to state: "payment will be made to the sub-consultant/suppliers within 72 hours of receipt of payment from the County."~~
1. Whereas the prime contractor is being paid in accordance with the Local Government Prompt Payment Act, consultant shall incorporate a 72-hour prompt payment assurance provision and payment schedule in all sub-contracts between the prime and sub-consultants.  
**Note:** The County reserves the right to verify that all sub-consultants are being paid within 72 hours of the County's remittance to the prime consultant.
2. The following statement: "It is the M/WBE's responsibility to submit the required payment verification reports to the prime consultant quarterly and the Final M/WBE payment verification form directly to Business Development Division."  
The M/WBE's failure to submit the required documents could negatively impact their M/WBE re-certification.
3. Termination clause to state: "The awarded prime consultant shall not substitute, replace or terminate any M/WBE firm without prior written authorization from the Business Development Manager, nor shall the prime reduce the scope of work or monetary value of the overall contract value or a sub-consultant without written authorization of the Business Development Division Manager."

~~The M/WBE's failure to submit the required documents could negatively impact their M/WBE certification.~~

f. The awarded prime consultant's responsibilities and requirements are itemized below:

- (1) File copies of all executed sub-consultant agreement/contracts between the prime and all M/WBE sub-consultants on the project to Orange County Business Development Division one time for the duration of the contract.
- (2) The awarded prime consultant shall furnish written documentation evidencing actual dollars paid to each sub-consultant utilized by the prime consultant on the project. This includes, but is not limited to: copies of cancelled checks, approved invoices, and signed affidavits certifying the accuracy of payments so that the County may determine actual participation achieved by the prime consultant prior to the issuance of final payment.
- (3) The sub-contract agreement shall include: (a) the percentage of the overall contract value to be sub-contracted; and (b) the dollar amount based on the percentage of the contract value to be sub-contracted (if available at time of sub-contract agreement).
- (4) The Prime Consultant shall submit an updated quarterly MWBE utilization report, Equal Opportunity Workforce Schedule and M/WBE payment verification forms for all professional service contracts. It is the responsibility of the Prime Consultant to submit the payment verification forms with the referenced reports. The required reports are to be submitted to the Business Development Division no later than the fifth day after end of reporting period. Payment applications, task authorizations and contract renewals may be delayed if these reports are not submitted every quarter in a timely manner until completion of project indicating final report. Failure of the M/WBE to comply with the submittal of the payment verification forms to the Prime consultant could negatively affect their re-certification.
- (5) The awarded prime consultant shall not substitute, replace or terminate any M/WBE firm without prior written authorization from the Business Development Manager, nor shall the prime reduce the scope of work or monetary value of a sub-consultant without written authorization of the Business Development Division.
- (6) Upon execution of any renewal or extension to this contract, the Prime Consultant shall execute renewals with all approved specified sub-consultants for the full duration of the contract. All sub-consultant agreements shall be contingent upon the term (whether terminated, renewed, or extended) of the Prime's contract with the County.
- (7) The prime consultant shall expeditiously advise all M/WBE's and the Business Development Division of all change orders, contract modifications, additions and deletions to any and all contracts issued to the M/WBE firm on their team.

QUESTIONS/RESPONSES:

**Question 1:** Is Envelope Commissioning included as part of the requested Scope of Services?

**Response 1:** Yes.

**Question 2:** The RFP states, "Similar projects must be a renovation or expansion (or for Project Type B "...or new construction...") on general assembly facility (airports, arenas, convention centers, university campus facilities, hotels, stadiums)...." Many large hospitals include conference centers, auditoriums, large assembly spaces, etc. Will you consider a large hospital as a general assembly facility to meet this requirement?

**Response 2:** Yes, a hospital facility will be considered provided that it meets all other "Similar Project" requirements.

**Question 3:** The RFP states, "Similar projects...has been defined as projects for which services have been successfully completed within the past ten (10) years, immediately preceding the due date of proposals..." Since there are not a large number of these types of facilities built in a decade, will you change the requirement to read, "...successfully completed within the past fifteen (15) years...?"

**Response 3:** Yes, see revised language for section 26. **SIMILAR PROJECTS:**

**26. SIMILAR PROJECTS**

Similar Projects for the proposed Commissioning Manager and Project Engineer for purpose of this Request for Proposals has been defined as projects for which services have been successfully completed within the past ~~ten (10) years~~ **fifteen (15) years**, ~~immediately preceding the month prior to the~~ due date of proposals in response to this Request for Proposals, of commercial/industrial building space, within the contiguous United States, Alaska and Hawaii.

**Question 4:** We understand that building codes and methods of construction are different in other areas of the world and we realize it is imperative for the A/E to be familiar with local codes and design this project to meet those codes. However, the RFP requires the CxA to "follow the commissioning process as described in the National Institute of Building Sciences (NIBS) Guideline 3-2012 and the American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) Guideline – 2016." Also, the RFP requires the CxA to follow the USGBC LEED commissioning process which is based on the ASHRAE commissioning process. Since the CxA will be required to strictly follow the NIBS and ASHRAE standards and since the CxA will not be designing the project nor performing code reviews; as long as similar projects which are not "within the contiguous United States, Alaska and Hawaii," were commissioned in accordance with the NIBS 3-2012 and ASHRAE Guideline-2016, and if they were commissioned in accordance with the LEED commissioning process and received LEED certification, will you accept these projects as similar projects in addition to projects "within the contiguous United States, Alaska and Hawaii"?

**Response 4:** No, the project must be within the contiguous United States, Alaska and Hawaii.

**Question 5:** Some owners build large assembly facilities and convention spaces; and while they hire CxA's who provide Cx services as described in NIBS Guideline 3-2012 and ASHRAE Guideline-2016 (which is the process the USGBC LEED commissioning process follows), the owners of these large assembly facilities and convention spaces do not pursue LEED certification, which precludes them from being used as similar projects for this submittal. We understand LEED certification is imperative to the Orange County Convention Center, however will you relax the requirements to not mandate that all of the similar projects must be LEED certified?

**Response 5: See revised language for element 1 in section 26. SIMILAR PROJECTS:**

Each Similar Project shall include descriptions of the proposed Commissioning Manager and/or Project Engineer's roles in the following Project Elements.

Project Elements

1. Management of whole building commissioning ~~for a LEED-certified Project~~ **which included Enhanced Commissioning Services with LEED project requirements**

**Question 6:** Exhibit "A" of the pre-bid document, first paragraph states that the OCCC N/S expansion project is outlined in the "County's Capital Improvement Program (CIP)." Is this description in the CIP available to bidders?

**Response 6: The County's Capital Improvement Program (CIP) is a department at the Orange County Convention Center. This is a CIP project. The description outlined in Exhibit A is the only project description.**

**Question 7:** Is a copy of the preliminary LEED scorecard available to bidders?

**Response 7: The preliminary LEED scorecard has not yet been finalized and will be available during the Pre-Commissioning phase.**

**Question 8:** Is envelope commissioning required as part of this RFP's scope of services or will that be a separate bid/service?

**Response 8: Yes, please reference Question 1 above.**

**Question 9:** Will the LEED credit – "Monitoring based commissioning" be pursued under this scope of service?

**Response 9: No, Measurement and Verification (M&V) is not included in this scope of work.**

**Question 10:** The procurement documents for this project which include: Bid, Add1, & Prebid Attendees. The Contract and SOW activity is very clear and follows standard Cx requirements.

As a Professional Engineering Service, labor is estimated from a number of project metrics. Unfortunately, I did not note information such as budget, schedule, or planned equipment in the summary.

Are there more project details available that would help Commissioning firms better estimate the requirements? Project Charter, Concept requirements/drawings, Equipment Basis of Design, etc.

**Response 10: The only information currently available has been included with the RFP document.**

**Question 11:** We are currently on the Owner's Representative team as a subconsultant providing a Contract Specialist position and cost estimating services until Dec. 31, 2019. Effective January 1, 2020, these positions will be transferred to another firm and we will no longer be working on any OCCC project. This RFP is currently being advertised and we understand the selection will be in mid to late January. Because selection will be completed after our work has ended at OCCC, are we able to submit even though we are currently working on the project.

**Response 11: Proposers or its sub-consultants may not be on any active, existing contracts related to this Orange County Convention Center North/South Building Improvements project at the time of the RFP proposal due date. Reference the Award Restriction in Addendum 1 for additional information.**

**Question 12:** I was reviewing the Y20-903: Orange County Convention Center North/South Building Improvements Commissioning Services RFP and I was trying to distinguish whether this is for purely for Construction (i.e., building the structure from the ground up) or whether this could be for Design Services (i.e., Interior Design). In addition, I was wondering if "improvements" would include Interior Finishes like furniture & flooring (carpet, ceramic tile, porcelain tile and/or wall tile). Could you clarify a bit of what they are looking for on the RFQ? We are mainly Divisions 9 and 12: Design, Furniture & Finishes.

**Response 12: This project will be for Enhanced Commissioning, which includes design reviews. The improvements will include finishes for the new additions. There is no commissioning for Design Services or interior finishes.**

**Question 13:** Can you please provide the latest Project Schedule?

**Response 13: The schedule provided with the RFP is to be the basis of the response.**

**Question 14:** Will the ASHRAE BCxP certification (Building Commissioning Professional Certification) be accepted? It appears ASHRAE is converting its CPMP certification that is approved in this RFP to their BCxP and they are no longer renewing the CPMP certification.

**Response 14: Provided all other qualifications are met, either the ASHRAE CPMP or the ASHRAE BCxP certification will be accepted.**

- C. All other terms and conditions of the RFP remain the same.
- D. The Proposer shall acknowledge receipt of this addendum by completing the applicable section in the solicitation or by completion of the acknowledgement information on the addendum. Either form of acknowledgement must be completed and returned not later than the date and time for receipt of the proposal.

**Receipt acknowledged by:**

\_\_\_\_\_  
**Authorized Signature**

\_\_\_\_\_  
**Date Signed**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Name of Firm**