

MIAMIBEACH

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PROCUREMENT DEPARTMENT
Tel: 305-673-7490 Fax: 786-394-4002

ADDENDUM NO. 7
PROPOSAL REQUIREMENTS DOCUMENT (PRD) 2016-071-KB
Notice of Receipt of Unsolicited Proposal and
Request for Alternative Proposals for
Light Rail/Modern Streetcar Project in Miami Beach
April 15, 2016

This Addendum to the above-referenced PRD is issued in response to questions from prospective proposers, or other clarifications and revisions issued by the City. The PRD is amended in the following particulars only (deletions are shown by strikethrough and additions are underlined).

I. ANSWERS TO QUESTIONS BY PROSPECTIVE PROPOSERS.

Q1: Tab 1.2. Do the cover letter, table of contents, or pages in required in Appendix A count towards the page count, and may they be located in appendices?

A1: The page number limits apply to individual sections as outlined in the PRD Section 0300. Tab 1 of this Section includes the cover letter, table of contents and forms/pages required in Appendix A. The page limit is directed to the Executive Summary and would not apply to these other areas.

Q2: Tab 2.G. Do the Experience Modification Rate (EMR) or OSHA 300/300a forms count towards the page count, and may they be located in appendices?

A2: The Experience Modification Rate and OSHA 300/300a forms may be included in the appendices and do not count toward the page limit shown in Section 0300, Tab 2. However, please note these items at a summary level in the narrative that is part of the page count for Tab 2.

Q3: Tab 3. May the financial statements be located in appendices?

A3: Yes.

Q4: Tab 3: In the instance where a firm, which is identified as a Lead Investor, does not produce audited financials, can you confirm that submitting the financials from the entity that is providing financial support to that entity as its parent guarantor will suffice?

A4: If the Lead Investor is a new entity that does not have a financial history it is acceptable and preferred that audited financial statements be provided for all parent guarantor(s).

Q5: Tab 3: In the situation that the Lead Contract is a Joint Venture, it is unusual to create the legal entity prior to the short-listing of the bidders. In that case, please verify that submission of the financials for each of the members of that Joint Venture will

satisfy the requirements of this section.

A5: In the case where the Lead Contractor entity has not yet been created please briefly outline the plan proposed for the Joint Venture in Tab 3 and it is acceptable and preferred that audited financial statements be provided for each member of the proposed Joint Venture.

Q6: Item 3, 4th paragraph, Page 4 – Scope: In the situation whereby the Lead Contractor is a Joint Venture, and that the legal entity will not be created prior to short-listing, please confirm that the Joint Venture does not have to be fully licensed as a general contractor in Florida until Financial Close.

A6: At least one major member of the proposed Lead Contractor Joint Venture should be a fully licensed general contractor in Florida at the time of proposal. All members of the Lead Contractor Joint Venture shall be licensed as a general contractor in Florida prior to creation of the Joint Venture for this Project, which shall occur prior to execution of the Comprehensive Agreement with the Lead Investor.

Q7: Item 4.A.(5) on Page 5 – Minimum Eligibility Requirements: In the situation whereby the Lead Contractor is a Joint Venture comprised of 2 or more entities, we are assuming that each member of the Joint Venture provide their pro rata share of the \$300 million bonding capacity with a separate letter from their particular Surety Company in the amount they are responsible for? In this situation, the total capacity of all the letters would equate to the \$300 million.

A7: Each member of the proposed Joint Venture shall provide a letter from their Surety Company that outlines their bond capacity as of the time of the proposal for the Project. The collective amount of the bond capacity for the members of the proposed Joint Venture must meet or exceed \$300 million.

Q8: Could the City release the weighting and scoring criteria for each of the RFAP's requirements, to clarify how proposers will be ranked/shortlisted?

A8: See answers to Q2 and Q4 in Section II of Addendum 6

Q9: Could the City confirm if it has applied (or plans to apply) for any federal funding, and if the environmental/procurement process and timeline will be affected?

A9: The City of Miami Beach does not plan to apply for Federal funding for the Project. The current environmental analysis and report are under the requirements of the State of Florida.

Q0: Could the City confirm how it plans to appropriate funds for the project's availability payments?

A10: Subject to the City Commission's approval of the Project funding plan, it is the Administration's intent that the annual amount for the Project availability payment will be budgeted and appropriated on an annual basis, in accordance with applicable laws. The City is currently preparing a Project Funding Plan that will identify specific funding sources and amounts for the Project that will be

outlined in draft at the time of the Interim Agreement, subject to City Commission approval.

Q11: Should any team member's 2015 audited financial statements with auditor's notes not be available at the time of submitting the response to the RFAP, please clarify the term "reviewed" in Tab 3 and what 2015 information should be submitted., if any, or will 2014 financials suffice.

A11: The latest audited financial statements available should be provided and if 2015 audited financial statements are not available, unaudited financial statements should be provided for 2015 that are signed by the Chief Financial Officer of the company for which the unaudited financial statements are provided. Audited 2015 financial statements should be provided to the City's procurement lead for the PRD as soon as available, even if after the proposal due date.

The City reserves the right to require any other information it deems necessary to evaluate financial capacity.

Q12: Can you please specifically define what is meant by the "Proposer's Vehicle/Systems Technology" and "systems technology suppliers." For example, is this limited to the type of vehicles and the technology to power them, or does it also include items such a payment systems and/or ticket vending machines?"

A12: The Proposers Vehicle/Systems Technology should include the vehicles, power systems and technology/systems required to operate the vehicles efficiently and safely. As discussed further in A13 below, the payment and/or ticket vending systems should be identified for each past Project experience listed in Tab 2 – Experience and Qualifications of Proposing Team. Proposers should include the cost of these payment and/or ticket vending systems on past projects, and such costs can be included as part of the overall operation costs or identified separately as a per revenue mile cost or similar metric.

Q13: "Should the fare payment systems for riders and ticket sales be included in the Phase I of this procurement process, or is Miami Beach expecting this to be part of Phase II of the procurement process?" In other words, will the winning bidder from Phase I be responsible for picking a fare Collection Vendor as a partner in the Phase II procurement?"

A13: The City of Miami Beach is interested in a turn-key P3 Project. Accordingly, the private partner is anticipated to provide fare collection systems are part of their overall system. The fare collection system is not a Lead Participant for the proposal and may be left to the Lead Proposer or Lead Operator. Please identify options for consideration as part of Tab 4 – Approach and Methodology, as the City does anticipate fares for the Project. The Proposer may identify a preferred approach as part of their proposal or identify options for consideration later in the procurement process.

Q14: Could the city provide a definition to "Prime Respondent" used in Section 0300 under TAB 1. As most of the Proposers are going to be Consortium formed by more than one company this concept is important to have it defined?

A14: Please see answer to Q1 in Section II of Addendum 6.

Q15: Based on the minimum requirements related to passenger capacity under Criterion #6, we ask that the City stipulate a standard measure (from AW0 to AW4) to all prospective teams in order to maintain a consistent result to be used by all respondents for calculating their proposed vehicle capacity. Otherwise, one or more teams could skew the results in their favor by using a load rating advantageous to them.

A15: For the proposal, vehicle weight will be based on a ready-to-run vehicle, complete in all respects with all equipment, materials and fluids. The weight of each vehicle, including passengers at 70 kg (154 lbs) each, shall be defined as follows:

- **AW0 Empty vehicle operating weight**
- **AW1 Full seated load (passengers plus operator), plus AW0**
- **AW2 Standees at 4 persons per m² of suitable standing space per passenger, plus AW1**
- **AW3 Standees at 6 persons per m² of suitable standing space per passenger, plus AW1**
- **AW4 Standees at 8 persons per m² of suitable standing space per passenger, plus AW1**

Suitable standing space shall include areas of the aisles where it is possible for passengers to stand.

Q16: Please clarify "Independent Quality Manager (Section 300 paragraph 4 (TAB 2))?"

A16: The Independent Quality Manager (IQM) may work directly for the Lead Contractor under the direct supervision of the Project Manager. The position must be independent of the actual design and construction and will be assigned to the Project full time. The IAQ has the authority to stop any and all work, including construction that does not meet the standards, specifications, or criteria established for the Project.

Q17: Please confirm that "Prime Constructor" is "Lead Contractor" (Section 300 Paragraph 4 - Tab 2)?

A17: Yes, "Prime Constructor" in Section 0300, Paragraph 4, Tab 2(1)(g) refers to the Lead Contractor. Please submit the information requested for the Lead Contractor.

Q18: Please confirm that team to submit a Proposal is to explicitly be composed of Lead Contractor, Lead Operator, Lead Engineer, Lead Maintenance Entity, Lead Investor and Vehicle/System supplier. (Section 0200 paragraph Scope)

A18: The Proposer is the Prime Respondent as outlined in Addendum 6, Section II, A1. The others are Lead Team Participants to be specifically identified in the Proposal, as set forth in the PRD.

Q19: Addendum 5 to the PRD, dated March 17, 2016 requires on page 6, paragraph 4 (a) (7) that the "Lead Contractor" demonstrate a bonding capacity of not less than \$300MM. Following the selection of the preferred Proposer, please confirm the Owner

will allow for the negotiated Project performance security to be provided by either the Lead Contractor or a joint venture between the Lead Contractor and Lead Vehicle & System Supplier, as appropriate? (Section 0200)

A19: The Proposal must demonstrate a bond capacity of \$300MM from the Lead Contractor. The Lead Contractor may be proposed as Joint Venture and if so this should be summarized in the Proposal and the bond capacity of the members of the proposed Joint Venture must meet or exceed \$300MM at the time of the Proposal.

Q20: Proposers should prepare their submittal on 8.5 x 11 paper. You have confirmed the use of 11x17 for the org charts. May we use 11x17 pages in other sections? There are several tables (such as the project experience tables in Tab 2) we anticipate using that will be easier for you to read on 11x17.

A20: Yes, this is acceptable provided the use of 11X17 pages is very limited.

Q21: Proposers shall submit one (1) original Proposal (preferably in 3-ring binder) in an opaque, sealed envelope or container on or before the due date established for the receipt of Proposals, ten (10) bound copies and one (1) electronic format (CD or USB format) to be submitted. For the 10 bound copies, do you have a preference between 3-ring binder or spiral binding?

A21: This is up to the Proposer.

Q22: The recommended number of pages the City desires for each submittal item is indicated below. These are recommendations only and actual pages may exceed the recommendation. Please confirm whether we will lose points on our evaluation if we go over the recommended page count.

A22: Please see answer to Q3 in Section II of Addendum 6.

Q23: Section 200, #. Scope - The supplier of the streetcar vehicle and the supplier of the systems may be different entities. Under the section 3. Scope it is suggested it would be 1 entity. Please clarify that there can be "Vehicle Supplier" and a "System Supplier" and that the proposer team as a whole need to meet the Minimum Requirements.

A23: The City will look to the Prime Respondent for the overall delivery of the Project. If the proposer's "Vehicle/Systems Supplier" consists of more than one entity, then please identify each entity separately and its respective role. In providing information with respect to the Vehicle/Systems Supplier (including but not limited to Section 0300, Tab 2 – Experience and Qualifications of Proposing Team, and Tab 4, Section 5 – Approach to Vehicle Systems Technology), provide separate responses for each entity, as applicable (i.e. provide prior project experience for each entity, prior service history for each entity, etc.).

If the Proposer's Vehicle/Systems Supplier is comprised of more than one entity, Proposer should specifically address how it will integrate the work of each entity as part of Proposer's response to Section 0300, Tab 4(1)(a) – Methodology for Integrating the Proposer and Lead Team Participants and Their Respective Areas of Expertise.

Q24: Section 0200, 33. Modification/Withdrawals of proposals. Please confirm that the 360 calendar day's period in the second paragraph of this section applies from the end of July 2016, the month during which the City anticipates ranking the Proposers.

A24: Yes; confirmed.

Q25: Appendix A Proposer Certification: Is it acceptable to notarize the Proposer Certification with a Notary Public certified in another state other than Florida?

A25: Yes.

Q26: 0200 4. A. 1. Minimum Eligibility Requirements: Is it acceptable for the vehicle to deploy a catenary when charging the vehicle batteries or supercapacitors at passenger stops along the route?

A26: Yes, provided the technology meets the requirements outlined in the Amended and Restated PRD (Addendum 5).

Q27: 0200 3. Scope: Does the City intend to share development costs with the Preferred, Proposer during the development period following execution of an interim agreement?

A27: The City has not outlined the elements for the Interim Agreement at this time. The Proposal should outline any major requirements such as sharing and/or payment of development cost required by the Prime Respondent for the Interim Agreement as part of Tab 4, Section 6 – Approach to Process for Developing Comprehensive Agreement.

Q28: 0200 9. Negotiations: What is the purpose and nature of an interim agreement given that the City has made clear that the only binding agreement between parties will be the comprehensive agreement?

A28: In accordance with Florida Statute 287.05712(8), the Interim Agreement will outline more detail on the Project, identify pre-development activities to be performed by the successful Proposer or City, as applicable, and provide guidance, commitments and limitations for both the City and the Prime Respondent including key steps and a schedule to reach the Comprehensive Agreement.

Q29: 0300 TAB 2 1.f. Key Personnel and Level of Commitment: Will or has a similar requirement been applied to the unsolicited proposal received by the City?

A29: Yes.

Q30: TAB1.3. Minimum Requirements; Submit verifiable information documenting compliance with each of the Minimum Requirements in Section 0200, Pages 3-4. Please confirm minimum requirements for the above mentioned section comes from the list noted on page 5, not pages 3-4.

A30: Yes, the Minimum Requirements are listed on page 5 of the Amended and

Restated PRD (Addendum 5).

Q31: Does the position of Independent Quality Manager need to be a third party, or can this person be employed by our proposing team? Please define the position.

A31: See answer in A16 above.

Q32: Should the application fee come from the proposing team or can an individual partner pay it?

A32: That is up to the Proposal Team.

Q33: Does Appendix A (proposal certification, questionnaire) need to be completed by each proposing team member?

A33: Appendix A should be completed by the Prime Respondent. See Addendum 6, Section II, A1..

Q34: TAB 1 is a four page limit. Please confirm Appendix A (6 pages) is not included in the page count for TAB 1.

A34: This is confirmed.

Q35: Who is responsible for public information? Our proposing team or the City?

A35: The Proposer should be prepared to address public information associated with the Project for elements under the responsibility of the Prime Respondent/Concessionaire. The City is prepared to provide public information for the Project environmental review and funding plan.

Q36: Are we allowed to use 11 x 17 pages for the organization chart and other large scale pieces, and if so, do they still count as one sheet?

A36: Please see answer to Q20 above.

Q37: TAB 3. Financial Capacity We typically provide three years of financial statements when submitting proposals and only one copy due to confidentiality. Please confirm this is acceptable.

A37: You may provide the financial statements in a enclosed file marked confidential, but the same number of copies should be provided as the Proposal. Records that are confidential and exempt under the Florida Public Records Act (Chapter 119, Fla. Stat.), or other provisions of Florida law, will be withheld from public records disclosure to the extent authorized by law.

Any questions regarding this Addendum should be submitted **in writing** to the Procurement Department to the attention of the individual named below, with a copy to the City Clerk's Office at RafaelGranado@miamibeachfl.gov.

Procurement Contact: Kristy Bada	Telephone: 305-673-7000, ext. 6218	Email: KristyBada@miamibeachfl.gov
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Proposers are reminded to acknowledge receipt of this addendum as part of your PRD submission.

Sincerely,



Alex Denis
Procurement Director