

FORM I – CLARIFICATION REQUEST FORM

Clarification/ Question No.	Date Question Submitted	RFQ Section	Question	Respondent (Team Name)
1.	February 23, 2018	Part A, Section 1.1	Please provide further clarity around the intended treatment of the unsolicited proposal that was recently accepted by the Commission including what procurement rules apply to this parallel evaluation process. Prospective bidding teams may find it extremely challenging to invest the necessary time and resources in a parallel RFQ/RFP process.	Skanska / John Laing
2.	February 23, 2018	Part A, Section 1.1	With the recent acceptance of the unsolicited proposal of Jan 2018 by the County Commission, additional team member internal approvals will be required in order submit a response to the RFQ Please extend the RFQ response deadline to Mon April 16 th , 6 pm.	Skanska / John Laing
3.	February 23, 2018	Part A, Section 1.1	We recommend that the O&M Term be triggered from the occupational readiness date (i.e. 30 years of concession as calculated from the Substantial Completion Date, including occupancy, which may or may not be impacted by certain Supervening Events).	Skanska / John Laing
4.	February 23, 2018	Part A, Section 1.3	For sake of clarity, we recommend add the following text in bold this section: “The County is particularly interested in Project Teams with demonstrated experience in the design, construction, financing and operation and maintenance of courthouses and High-rise Structures.”	Skanska / John Laing
5.	February 23, 2018	Part A, Section 1.3(f)	Please clarify the statement: ...“with revenue generated going towards paying down the availability payment”. Is the County’s intent to collect any food services/cafeteria excess concession fee or charge directly from the provider of such services?	Skanska / John Laing
6.	February 23, 2018	Part A, Section 1.5	Please provide further clarity on the intended conveyance of the site through ground lease, given that our understanding is the County already owns the applicable Site land.	Skanska / John Laing

7.	February 23, 2018	Part A, Section 2.1 (f)	Please provide further clarity regarding the Developer being responsible for the relocation of current occupants from the existing Miami-Dade County Courthouse and other Clerk of the Courts office buildings. Will Developer be expected to arrange for, and coordinate, the physical office moves of affected occupants, their equipment, and furniture (to the extent applicable), based on a relocation plan provided for by the County?	Skanska / John Laing
8.	February 23, 2018	Part A, Section 2.1	Please provide further clarity regarding the meaning of “by exception the County will provide all security personnel for the Courthouse during the building operation term”. Is the County expecting to share any responsibilities for security personnel with Developer?	Skanska / John Laing
9.	February 23, 2018	Part A, Section 2.3	<p>Please confirm if the existing Phase 1 and Phase 2 Environmental Site Assessments also cover the actual Site here in question (i.e. not only pertains to the Children’s Courthouse site). Also, kindly confirm if the County actually has Site data available from previous geotechnical investigations, as well as property and underground utilities surveys.</p> <p>To the extent that any additional Geotechnical and Hazardous Materials Testing (as necessary in order to develop a fixed price, date certain offer for the Project), we would strongly recommend that the County perform such testing on behalf of Shortlisted Respondents (vs each of the 2-3 Shortlisted Respondents performing their own Site due diligence, with corresponding site access logistics issues and incurrence of unnecessary duplicative costs).</p> <p>If preferred, any costs incurred by the County for such investigations and testing can be reimbursed to the County from proceeds obtained at Financial Close.</p>	Skanska / John Laing

10.	February 23, 2018	Part A, Section 4.2	Please confirm that only Respondents that have submitted a response to the RFQ shall be capable of being appointed as a Short Listed Respondent.	Skanska / John Laing
11.	February 23, 2018	Part A, Section 4.2	Please expand on what is meant by an "Interim Agreement." We would anticipate that a comprehensive RFP process that requires Short Listed Respondents to submit binding bids (including committed financing) should require minimal negotiation post-selection of the Preferred Proposer and short process leading directly to Commercial Close (execution of the Project Agreement and other project documents) and Financial Close.	Skanska / John Laing
12.	February 23, 2018	Part A, Section 4.2	In light of the unsolicited proposal of Jan 2018 having been accepted by the County Commission and now apparently being reviewed in parallel with this RFQ/RFP process, please define the stipend amount for those Shortlisted teams that submit compliant RFP responses.	Skanska / John Laing
13.	February 23, 2018	Part A, Section 4.5	Will the County please consider responding to all questions submitted, including those submitted via email and those that may be dismissed or rejected, and publically releasing them on BidSync? This will allow the teams to better understand and adhere to the County's objectives and reasoning behind changes made or disregarded in the Addendum.	Skanska / John Laing
14.	February 23, 2018	Part A, Section 4.5	If issuing subsequent Addendum, please consider issuing any changes within the RFQ Solicitation Packet as redline PDFs as well as clean PDFs and Word files.	Skanska / John Laing
15.	February 23, 2018	Part A, Section 6.3	Please provide further clarity regarding 'Responsibility' as it pertains to the RFQ response evaluation to be made by the County, since it appears it to be pass/fail criterion.	Skanska / John Laing

16.	February 23, 2018	Part A, Section 6.4	<p>Please provide the breakdown of maximum points allocated to each of the 7 sub-categories under the Technical Qualifications and Capability section, the 4 pertaining to the Financial Qualifications and Capability ditto, and the 6 sub-categories under Project Understanding Approach. If this is not available, please advise if the respective sub-categories are equally weighted or not.</p> <p>Please also confirm that there will be no pre-established pass/fail threshold with respect to any section/total points obtained.</p>	Skanska / John Laing
17.	February 23, 2018	Part A, Section 6.5	Please clarify what is meant by or including in “scores in clusters and/or maintaining clusters”.	Skanska / John Laing
18.	February 23, 2018	Part A, Section 6.5	<p>Please confirm that if the County chooses to conduct oral presentations that they will arrange presentations for all Project Teams who have submitted compliant responses to the RFQ.</p> <p>Alternatively, we suggest a two-step evaluation process that has proven to be successful on other local social projects. This process would involve first evaluating the electronic responses submitted by the RFQ deadline and scoring according to the RFQ evaluation criteria. Then, inviting the compliant and/or top scored Project Teams to conduct oral presentations. These presentations may lead to re-ranking of the evaluation criteria but we suggest that a definitive percentage (such as 20%) of the weighting of the oral presentation be established within the RFQ.</p>	Skanska / John Laing
19.	February 23, 2018	Part A, Section 7.5	Per Part A section 7.7, the team understands that all documents submitted will become the County’s property. However, will the County please provide guidelines for submitting confidential and proprietary trade secrets in order for this information to be remain protected under the Florida Sunshine Law. Should these be redacted within the submission or can a confidential and non-confidential file be submitted?	Skanska / John Laing

20.	February 23, 2018	Fillable Forms / General	<p>Please consider reissuing all Forms as Word Documents.</p> <p>Although BidSync shows that the fillable forms are in “.docx” format, whenever opening they only open as HTML which does not allow collaboration within files, duplication of forms for each Major Participant, as needed, and does not allow individuals to sign where required (ie- Form H1).</p> <p>When speaking with BidSync regarding this and they were not able to provide guidance on how to open the documents as Word files as they also only view the files in HTML format.</p>	Skanska / John Laing
21.	February 23, 2018	Fillable Forms / General	<p>Prior to placing an offer and submitting our response to the RFQ, we are required to complete and accept the fillable HTML forms posted within Addendum 1. However, these forms are also required to be included within our final submission in the order stated in Exhibit 2 of the RFQ.</p> <p>Please clarify if we should be submitting the required forms within our final SOQ file submission or independently through the HTML file provided on BidSync. If only required in the final submission, please advise on how to place an offer without completing the HTML forms.</p> <p>If submitting in the HTML format currently provided, please provide guidance on how a team may duplicate a form as needed or duplicate tables within a form as needed to be done in Form B, for example.</p>	Skanska / John Laing

22.	February 23, 2018	Part C, Exhibit 1 Part C, Form A Part C, Form K Part B, Volume 1, Section A-7	<p>We appreciate the County’s list of definitions including separate definitions for Respondent and Proposer but kindly request clarity on the definition and use of Respondent throughout the RFQ. As currently defined, the Respondent is any Team Member acting on behalf of the Project Team and must be a person or legal entity- meaning that if the Proposer LLC has not been formed, the Respondent may be a Major Participant. Is the County’s intent for the Respondent to be a Major Participant until the Proposer has legally been formed? If so, we kindly request a revision of the usage of Respondent as opposed to Project Team or Proposer throughout the RFQ, as appropriate.</p> <p>Currently it seems that the term Respondent, Proposer, and Project Team are sometimes used interchangeably which creates confusion when responding to the RFQ.</p> <ul style="list-style-type: none"> • Definition of Shortlisted <i>Respondent</i>- the Project Team is the consortium submitting the SOQ so we believe that the Project Team or the Proposer should be Shortlisted rather than just the single Respondent. • Form D and Form H1 ask for the role on the Respondent • Form I and H2: appear to be asking for a ‘team name’ when it comes to “Respondent”. In instances where the Respondent is a legal entity to be formed, the team name may differ from the Respondent. • Part A Section A-6 and A-7 have requirements for the Respondent that seem directed towards the Proposer or Project Team • Part A Section 5.4.5- Please revise to state that all “...expenses borne by the Respondent <u>Project Team.</u>” 	Skanska / John Laing
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23.	February 23, 2018	Part C, Form A, Form B, and Form K	If the Respondent is a JV, consortium, or an LLC to be formed, the Federal Tax ID and FEIN will not be established at the time of SOQ submission. Please confirm that this is not required during the SOQ phase.	Skanska / John Laing
24.	February 23, 2018	Part C, Form C	Please considering changing the Certification timeline to the past five (5) years instead of ten (10) years. This request is in line with industry practices on recent P3 Projects including: LAX APM P3, LAX ConRAC, and Howard County Circuit Courthouse.	Skanska / John Laing
25.	February 23, 2018	Part C, Form H1	Please consider removing the requirement of “Relevant Revenues” for Financially Responsible Parties as this is not a typical accounting breakdown for publicly traded companies. Alternatively, please consider changing the definition to be more consistent with the definition (ie- High Rise Structures) used throughout the RFQ.	Skanska / John Laing
26.	February 23, 2018	Part C, Form G1	Form G1 – Equity member experience. Please consider reducing the 15% threshold to 10% or adding a monetary cap. It can be the case for large P3 projects that an equity sponsor has a minority stake but still represents a substantial equity commitment and therefore considered relevant in terms of equity member experience.	Skanska / John Laing

As outlined in [RFQ Part A, Section 4.5](#), all questions regarding the Project must be submitted to the County Procurement Manager by the date and time specified in [RFQ Part A, Section 4.3](#) using this Clarification Request Form. Addenda to respond to questions will be posted at BidSync.