

**Klamath River Renewal Project
Request for Qualifications Dam Removal Design-Build Contract**

10/10/18

Question and Response Log

No.	Question	Response	Published
1	Do local tribal members qualify as local tribal businesses?	Yes, local tribal members qualify as 'tribal participation'. RFQ Section 7.4.1 has been updated accordingly, and the word 'subcontracting' is replaced with 'participation' in two places.	10/10/18
2	RFQ Section 4.4 Table 4-1 states the submittal of the SOQ is due October 19, 2018. RFQ Section 5.1 Submittal Date and Method states they are due October 18, 2018.	Submittal of Statement of Qualifications is due 5:00pm Pacific Time on October 19, 2018. RFQ Section 5.1 has been updated accordingly.	10/10/18
3	RFQ Section 3.1 - Phase 1 Services, bullet points 2 & 3, provide that scope will include: Collection of native seed in the project site vicinity and propagation of native seed already collected. Do the scopes of work identified above overlap the separate RFP the KRRC issued to complete seed collection and a potential seed propagation RFP KRRC currently has scheduled for release in October 2018? We would like to understand if those scopes are to be completed in their entirety by the design-builder or if portions of seed collection and propagation will be directly contracted to KRRC.	<p>Seed collection performed in 2018 will be by a separate KRRC contractor. Project Company shall be responsible for all other seed collection work required for the project, commencing in Phase 1.</p> <p>KRRC will establish a separate seed propagation contract with a scope of work which will be complete in approximately April 2019. As part of the proposals for the seed propagation contract the respondents will provide competitive pricing for additional optional periods of performance which span the entirety of the project.</p> <p>Selection of KRRC's seed propagation contractor is expected to be made in early December 2018, at which time this information (including the competitive pricing for additional optional periods of performance) will be shared with the Design-Build proposers.</p> <p>Project Company shall be responsible for all remaining seed propagation work required for the project, commencing in Phase 1. Project Company may propose any seed propagation contractor of their choosing, and will be requested to inspect and accept the work performed by KRRC's seed propagation contractor.</p> <p>RFQ Section 2.3 has been updated accordingly.</p>	10/10/18
4	RFQ page 15, under the definition of Project Agreement, provides that "Phase 1 services will be a time and materials, not to exceed contract." Exhibit D, page D-3, Compensation - Phase 1 Work, provides that work will be paid as a fixed lump sum. Please clarify.	Phase 1 services will be a time and materials, not to exceed contract. RFQ Exhibit D has been updated accordingly.	10/10/18
5	RFQ Section 5.3.4, page 42 - Channel Restoration Construction Contractor seeks proposers to list at least two projects greater than \$5 million in contract value. Our experience with river restoration projects is that they are typically grant funded and work is often released in smaller contracts, restoring reaches of river in pieces over time. As such, individual river restoration contracts exceeding \$5 million are not common. We request this criteria be adjusted to "at least two (2) projects with a construction cost each in excess of \$2 million."	Criteria to be adjusted as proposed. RFQ Section 5.3.4 has been updated accordingly.	10/10/18
6	RFQ section 5.2 requires proposers to use eleven point aerial font at 1.5 line spacing for text in proposals. The KRRC has asked for proposers to provide a great deal of information and description of their intentions throughout the RFQ. We request the line spacing narrowed to single or 1.15 spacing to allow for proposers to address all points required within the page limits provided.	Criteria adjusted to allow 1.15 line spacing. Line spacing restrictions do not apply to tables, graphics and captions. RFQ Section 5.2 has been updated accordingly.	10/10/18
7	RFQ Section 2.1 states the KRRC filed an application with FEREC to surrender the license for the Lower Klamath Project (LKP), including removal of the facilities. This application is still pending. What is the status and will this delay the project?	The surrender order is pending, and the current schedule assumes the surrender order will be granted in 2019 in order to begin construction activities in 2020. KRRC will be prepared to discuss schedule and cost implications resulting from a delayed surrender order with the Project Company.	10/10/18

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8	RFQ Section 5.3.6 Part 5- Key Personnel list the 12 Key Personnel that the SOQ should include and restricts the pages allowed for Key Personnel to 15 total pages. RFQ Article 6.3.3. i. states that an additional five (5) positions may be listed. That is a potential 17 Key Personnel on a limit of 15 pages. Given the importance of these Key Personnel and the 30 points of evaluation criteria based on these Key Personnel may we increase the allotted size of these Key personnel resumes to 2 pages per individual when necessary? These two pages per resume will then also be the same space allotted for Project Profiles. Key Personnel will be easier to portray experiences and histories with two pages each.	Criteria adjusted to restrict pages allowed for Key Personnel to 34 pages. RFQ Section 5.3.6 Part 5 has been updated accordingly.	10/10/18
9	RFQ Section 5.2 states the SOQ format is to be in eleven-point Arial font with 1.5 line spacing. May we put the report in 1.0 line spacing? This spacing decrease would be especially helpful to portray Part 2 - Company Profiles, Part 3 - Project Profiles, Part 6 - Project Approach. In addition, does this spacing apply to tables, graphics, and captions?	Please refer to the response to #6.	10/10/18
10	RFQ Section 5.3.5 Part 4- Project References states that the KRRC intends to contact those individuals and firms used as references and that if a reference cannot be located the KRRC will not consider the listed project. Would the KRRC please provide date and time ranges so that we can alert the references of the incoming reference verification? It can, at times, be very difficult for the references to be available at any moment. Having a narrowed down range by providing a date and time for them to expect a call for reference would be greatly appreciated.	KRRC will endeavor to contact references between 10/22/18 and 11/2/18 during normal business hours. KRRC plans to notify references in advance by email of the proposed date and time of the call.	10/10/18
11	RFQ Section 2.3 Item 1. Construction Access Improvements and 2. Bridge and Culvert Improvements. a. Will these required access, bridge and culvert permits be requested during Phase 1? b. Will KRRC or The Project Company apply for these required permits? These permits typically require a 90% design with hydrology study. Per RFQ, Project Company is responsible for design. Timeline for permits can be 1 year.	The breakdown of responsibilities on permitting is provided in Section 2.7. For permits under the responsibility of the Project Company (Section 2.7.2), the KRRC will look to the Project Company to develop an approach to complete the design and obtain the required permits on a timeframe that meets the anticipated project construction schedule. For long-lead time permits, the approach will include early coordination and frequent updates with permitting agencies to increase efficiency in review and processing time.	10/10/18
12	RFQ Section 2.3 Item 3. Downstream flood control. Calls for design and construction of flood improvement or protection action at up to 36 habitable structures completed prior to Iron Gate Reservoir drawdown. a. What sort of coordination efforts have already been made with the property owners? b. What agreements are in place with these landowners? c. Who is responsible for future landowner coordination, KRRC or Project Company? d. Which entity is responsible for legal challenges, if the landowner refuses to cooperate?	(a) Coordination with affected property owners is underway. The KRRC will strive to complete initial outreach, data collection, and determine preferred engineering concept(s) at each property prior to execution of the Project Agreement. (b) No agreements are in place at this time. (c) Project Company will take over landowner coordination after execution of the Project Agreement. (d) Project Company is responsible for legal challenges if the landowner refuses to cooperate. Issues relating to the impact of flood improvement or protective actions and Project Company responsibility will be further addressed in the Project Agreement, including the Phase 1 services requirements.	10/10/18
13	RFQ Section 5.3.4 Project Profiles. Will KRRC consider Construction Manager At Risk (CMAR) alternate projects as references in addition to Design Build and Progressive Design Build projects?	Yes, insofar as the methods and projects are similar.	10/10/18
14	Question about additional ineligible parties.	(a) Stillwater Sciences was added to the list of prohibited participants in 7.1 Ineligible Parties. See updated RFQ on KRRC website. (b) Subcontractors to listed ineligible parties who are/have been involved in preparation of documents used as part of the RFQ or RFP, CEQA, NEPA, agency approval, permitting processes and in an advisory capacity to KRRC are also considered ineligible. RFQ Section 7.1 has been updated accordingly.	10/10/18
15	Can the Project Team include project profiles from team members that are not identified as the Lead? For example, may we include two river restoration project profiles from the lead consultant and one for another team member?	Respondents can include project profiles from team members that are not identified as the Lead, to the extent that page number restrictions are not exceeded.	10/10/18

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16	Does the River Restoration Design Lead need to be licensed in both states, as long as the design documents are signed, dated, and sealed by individuals licensed in CA and OR, as necessary?	The RFQ requests that the Respondant provide evidence of "knowledge of California and Oregon regulatory requirements", which should include describing how licensing requirements will be met.	10/10/18
17	RFQ Section 2.4 identifies additional elements of the project and related work. The language of this section states that the Project Company will be required to implement the Agency Approval and Permitting Plan. Can you clarify the role of KRRC or its consultants in the implementation of the Agency Approval and Permitting Plan?	RFQ Section 2.7 Regulatory Overview describes the roles of KRRC and Project Company with regard to agency approvals and permitting. RFQ Section 3.1 Phase 1 Services describes Project Company's responsibilities to the Agency Approval and Permitting Plan and, as stated in RFQ Section 2.4, the Project Company will implement the plan.	10/10/18
18	Does the River Restoration Design Lead need to be employed by the Lead Firm for River Restoration?	The River Restoration Design Lead does not need to be employed by the Lead Firm for River Restoration.	10/10/18
19	Section 2.7.1 of the RFQ states that KRRC is responsible for obtaining the listed permits, other than the construction permits listed in Section 2.7.2. Is KRRC obtaining all such listed permits a condition to the completion of Phase I? Or will the Project Agreement shift the responsibility for obtaining certain permits, other than the construction permits listed in Section 2.7.2, to the Project Company?	Responsibility for obtaining permits will be as described in RFQ Section 2.7 - which states KRRC will obtain federal, state and local resource agency permits if required, and Project Company will be required to obtain all construction permits as needed to complete the work. RFQ Section 3.1 Phase 1 Services describes the Project Company's responsibilities as to the Agency Approval and Permitting Plan including responsibility for identification of all necessary permits, and ensuring that they are in place.	10/10/18
20	Does KRRC have any guidance on what would constitute "sufficient capitalization" for the Liability Transfer Corporation?	For the RFQ process, the KRRC is requesting Respondents to develop their approach to meet the requirements of Appendix L, along with appropriate capitalization that they feel is adequate.	10/10/18
21	Will additional environmental tests be performed on the reservoir sediment or otherwise? If not, would the discovery of an environmental issue related to the sediment, other than what is specifically and explicitly described in the available documentation, be considered an Uncontrollable Circumstance?	Current environmental tests are deemed adequate for regulatory compliance and for RFQ and RFP. KRRC reserves the right in the RFP to require the Project Company to undertake additional environmental tests prior to submission of GMP. The RFQ, including Exhibit D, Differing Site Conditions, describes the approach that will be used to address site conditions such as sediment.	10/10/18
22	Will KRRC make available to the Project Company a summary of any pending or threatened litigation, as well as summaries of any agreements or discussions with project stakeholders (including the parties to the KHSA)?	KRRC will make available to the Project Company as it arises, a summary of any pending or threatened litigation, as well as summaries of any agreements or discussions with project stakeholders (including the parties to the KHSA).	10/10/18
23	If the Liability Transfer Corporation is a separate entity from the Project Company, would the provisions in Exhibit D to the RFQ related to Uncontrollable Circumstances apply in respect of the indemnity obligations of the Liability Transfer Corporation?	As described in Exhibit D Project Agreement Term Sheet under the definition for Indemnification Act, Event or Circumstance: "The KRRC Indemnity shall be applicable irrespective of cause, fault, responsibility or the legal liability of any person in connection with the occurrence of the Indemnification Act, Event or Circumstance, including causes constituting Force Majeure Events or other Uncontrollable Circumstances.	10/10/18
24	5.3.4 Part 3 – Project Profiles, Habitat Restoration Design Lead, Page 41. On page 41, the RFQ requests that the habitat restoration design team include a "registered Landscape Architect with a minimum of 15 years of proven experience in ecological restoration or natural habitats and/or must hold a landscape contractor license in both States." 1. Is it required that the Habitat Restoration Design Lead hold this registration and meet the years of experience or just a member of the habitat restoration design team? 2. Would KRRC consider broadening the qualification to be able to be met by a biologists/ecologists with the same level of experience, as the revegetation will require multiple disciplines to be successful? Allowing the qualification to be met by a Landscape Architect, Landscape Contractor, Ecologist, or Biologist is consistent with revegetation teams on other dam removal projects, including the Elwha. 3. If the registration is requirement for a member of the habitat restoration design team, does that person need to be registered in both Oregon and California? It is unclear if the "both States" applies to both the registered Landscape Architect and/or the Landscape Contractor or just the Landscape Contractor.	Habitat Restoration Design Lead must have a minimum of 15 years of proven experience in ecological restoration or natural habitats as a Landscape Architect, Landscape Contractor, Ecologist or Biologist. Restoration design team must include a registered Landscape Architect who will sign and stamp the design. RFQ Section 5.3.4 has been updated accordingly.	10/10/18
25	4.4 Procurement Schedule, Page 32 / 5.1, Submittal Date and Method, Page 34. SOQ Due Date is listed as October 19, 2018 / SOQ Deadline listed as 5:00pm Pacific on October 18, 2018. Please verify deadline date and time.	Please refer to the response to #2.	10/10/18

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26	4.3 Communications with KRRC, Page 32 / 5.3.5 Part 4 – Project References, Page 43. Section 4.3: "...Respondents... shall not contact, discuss with, or inquire of any... PacifiCorp employee... relating to this procurement process.". Section 5.3.5: "It is the Respondent's responsibility to verify that all references listed can be reached by telephone and email.". Please provide direction on the appropriate course of action to verify a reference can be listed for a project if that reference is currently an employee of PacifiCorp.	Respondent can reach out to a PacifiCorp employee to request a reference, as long as no other aspects of the project or procurement process are discussed.	10/10/18
27	The last paragraph of RFQ section 5.3.8 requires the Respondent to submit a declaration of compliance with sections 7.13, 7.14(E), and Appendix L of the KHSR. We are unable to locate sections 7.13 and 7.14(E), and assume this is intended to be 7.1.3 and 7.1.4(E). Please confirm the sections which Respondents are to cite in this declaration.	The correct references are to 7.1.3 and 7.1.4(E) and as referenced in the first paragraph of RFQ Section 5.3.8. RFQ Section 5.3.8 has been updated accordingly.	10/10/18

END