

Addendum No. 1

Issue Date: 08/29/2024
Project Name: ART Comprehensive Operational Analysis
Project Number: 298-RFP-ARTCOA-FY25

TO: Prospective Applicants

This addendum forms part of the **Request for Proposals** and modifies the original project Number **298-RFP-ARTCOA-FY25** only to the extent specifically noted below. Failure to acknowledge this addendum in the submittal may result in the submitter being deemed non-responsive.

This Addendum is posted on the City procurement website at www.ashevollenc.gov/bids. This is *the official source* of this addendum. All addenda and attachments shall be published to the same location.

This Addendum consists of 4 pages in total.

This Addendum is to address Clarifications and Responses to Questions.

Clarification

In section 3. Evaluation Criteria, number 2. Project Understanding and Approach, criteria D and F are not required and should be disregarded.

Answers to Questions

1. **Question regarding this statute. “The duty to defend is prohibited in design services contracts in North Carolina (House Bill 871 (S.L. 2019-92)). An indemnification or hold-harmless provision in a construction or design services contract cannot require a contractor or design professional to indemnify a local government unless fault on the part of the contractor or design professional is a proximate cause of damages or losses suffered by the local government. Will revisions be allowed to the indemnification based upon the statute shown above?**

Response: There are statutory limits with the inclusion of these types of indemnification provisions for design professionals. The City is open to amending those provisions, consistent with statutory guidelines.

2. **Indemnification Language- Is there an opportunity to make slight modifications to the indemnification language?**

Response: There are statutory limits with the inclusion of these types of indemnification provisions for design professionals. The City is open to amending those provisions, consistent with statutory guidelines.

3. **The indemnity provision located in section 10, page 15 of the Proposal Terms and Condition has a paragraph that imposes indemnity obligations on the Contractor even where the Contractor is not at fault (negligence, recklessness, wrongful misconduct, etc.). This provision also contains a contractual defense obligation. Both of these items make this indemnity provision uninsurable under professional liability insurance. Additionally, this provision may not align with N.C. Gen. Stat. § 22B-1. Would the City of Asheville be open to revising or negotiating the Indemnity provision?**

Response: There are statutory limits with the inclusion of these types of indemnification provisions for design professionals. The City is open to amending those provisions, consistent with statutory guidelines.

4. **On page 8 under Project Understanding and Approach**
 1. **Criterion d: Can you please clarify what you are looking for in reference to a training program?**

Response: Please disregard.

5. **On page 8, under Project Understanding and Approach**
 2. **Criterion f: can you please clarify what you are looking for in reference to a service level agreement?**

Response: Please disregard.

6. **Statistically Valid Survey- Given the cost-intensiveness of conducting a statistically valid onboard survey, what would the City think of a more cost-efficient data gathering method that supported sound service planning decisions, and included some onboard survey work, an analysis of Census Journey to work data, and a big data analysis of anonymous cell phone location data of Asheville transit users?"**

Response: We are requesting a statistically valid on-board and non-rider survey. We would consider a proposal that would utilize other sources of data in addition to the on-board and non-rider survey component.

7. Project Duration- Is there any flexibility in the proposed 10-month project timeframe?

Response: The City aims for a 10-12 month timeframe; however, we recognize the importance of accommodating strong proposals. Therefore, there is some flexibility if a slightly adjusted timeline would enhance the quality or outcomes of the project.

8. Has a date or date range for interviews been identified? Will they be virtual or in person?

Response: A date has not been established. Interviews will be conducted in-person or virtual depending on the needs of the interviewee.

9. When does the City expect to issue a Notice to Proceed?

Response: This is unknown at this time.

10. Does the scope of work include the presentation of the final report by the consultant?

Response: Yes, this would be included in the Final Report deliverable.

11. Has the City defined who will be considered a stakeholder for this engagement?

Response: Stakeholders have been identified but will be discussed at the kick-off meeting.

12. Has ART selected a low/no emission fleet option?

Response: No, currently the City has a quantity of twelve (12) 30' hybrids and five (5) first generation 35' Proterras in the fleet. In addition to reliability issues, the Proterras cannot be utilized on a majority of the routes due to vehicle size and turning radius. The City is looking for alternatives to the route network to accommodate larger vehicles to allow for additional low-no vehicle options for the ART fleet.

13. Are references limited to the three categories shown on page 9 of the RFP?

Response: The City will allow references outside the state of North Carolina.

14. Must MWBE subcontractors be certified in North Carolina?

Response: No, the MWBE subcontractor does not need to be certified by North Carolina.

15. If the vendor is in the city's MWBE is that sufficient to fulfill the goal?

Response: If the vendor is certified in the City's MWBE program, it will fulfill the goal.

16. MB Certification- If a potential sub is in the process of becoming a certified MB/WB contractor when the proposal is submitted, would they still be considered for credit?

Response: If the potential MWBE business has already submitted its application, this would be considered for credit.

17. What is the proposed budget for the COA?

Response: The budget for this project has not been finalized. The city encourages all potential bidders to submit competitive proposals that reflect both the scope of work and the value they can provide.

ABI FORMS REMINDER:

NOTE: Please review ABI forms and refer to pre-bid meeting notes for more information on ABI forms. Each submitted proposal needs to have ABI forms included. An ABI form needs to be included in the proposer bid for it to be a responsive bid. Proposals that do not include the ABI forms will be deemed non-responsive.

I understand that failure to confirm the receipt of addenda may be cause for rejection of this Proposal.

Authorized Signature

Company

Date

- End -