

University of Louisville
DEPARTMENT OF PROCUREMENT SERVICES
LOUISVILLE, KENTUCKY

Invitation No: RP-026-22
Title: Utility System Concessionaire
Addendum No. Four (4)

Date: February 16, 2022

The following shall clarify and/or modify the original bid document(s) as issued by the University of Louisville.

- Add answers to questions received in writing by the deadline specified. See below.

Bidder must acknowledge receipt of this and any addenda either with bid or by separate letter. Acknowledgement must be received in the Department of Procurement Services, Service Complex Building, University of Louisville no later than **February 28, 2022 at 2:00 PM, EST**. If by separate letter, the following information must be placed in the lower left-hand corner of the envelope:

Invitation No: RP-026-22
Title: Utility System Concessionaire
Due Date: February 28, 2022 at 2:00 PM, EST

BY: _____
Authorized Purchasing Officer

Receipt Acknowledged: _____
FIRM

BY: _____

1. Based on recent P3 Utility System processes, we have seen a period of 60-90 days to submit a statement of qualifications from the RFQ release date. Therefore, we kindly request the University to provide an extension of 60 days as teaming agreements are in progress requiring additional time to be completed and produce the submission.
UNIVERSITY RESPONSE: We will not be extending the due date for submission of the Statement of Qualifications at this time. They will be due on February 28, 2022 at 2:00 PM, EST per the bid documents.
2. Reference: 8. SOQ Submission Timing and Additional Submission Details
Question: Will the University please consider removing the requirement for hard copies and accept electronic copies only? Or if the University requires hard copies, can they be submitted a couple days after the electronic version is submitted?
UNIVERSITY RESPONSE: We will remove the requirement for hard copies. Electronic copies sent via email must be received on February 28, 2022 at 2:00 PM, EST per the bid documents.
3. Reference: 8. SOQ Submission Timing and Additional Submission Details
Question: The RFP states that the hard copies must be delivered by mail / courier. Will the University accept hand-delivered submissions from Respondents? We do not feel comfortable relying on USPS, FedEx, or UPS to submit our response on time.
UNIVERSITY RESPONSE: Yes, we will accept hand-delivered submissions from Respondents. Please deliver them to the address indicated in the bid documents.
4. Reference: 4.4.1.d Key Staff
Question: This section is limited to 3 pages, but requires Respondent's to include resumes, an org chart, and a narrative. Are resumes excluded from this page limit? If not, will the University please consider increasing the page limit for this section to 10 pages?
UNIVERSITY RESPONSE: Resumes are excluded from the page limit.
5. Reference: 4.3 Page Limits
Question: The RFP states that page limits exclude charts and other graphics which may be included as supporting attachments. Are the organizational charts required in 4.4.1.b and 4.4.1.d considered to be excluded from the page count?
UNIVERSITY RESPONSE: Organizational charts are excluded from the page limit.
6. Reference: 4.2 Evaluation Factors and Relative Weighting
Question: Two sections of the submittal contents are not referenced in the scoring criteria; are sections 4.4.1.b and 4.4.3 not going to be evaluated?
UNIVERSITY RESPONSE: This is correct. The responses to sections 4.4.1.b and 4.4.3 will not be evaluated. The University is seeking this information from Respondents as part of the RFP-Phase I process.
7. Reference: 4.4.1.g.iii
Question: can you please confirm whether this section is limited to a maximum of four projects per Equity Provider or four projects in total across all Equity Providers'?'
UNIVERSITY RESPONSE: Please provide a maximum of four projects per Equity Provider.
8. Reference: 12 Confidentiality
When does the University intend to make information which is not marked as confidential available to the public under the Open Records Act?
UNIVERSITY RESPONSE: All documents related to this RFP will be available to the public under the Kentucky Open Records Act ONLY after a contract is awarded and fully executed.

9. Stipend:

Does the University intend to offer bidders a stipend for participation in RFP Phase 2? This is extremely important for bidders to know in advance as participation in RFP Phase 1 will be dependent on whether a stipend will be made available in Phase 2.

UNIVERSITY RESPONSE: At this time, the University does not intend to offer bidders a stipend for participation in Phase 2. Our position may be reassessed depending on the level of engineering / design development required of the Respondents as part of Phase 2.

10. . RE: Section 8 – SOQ Submission Timing and Addition Submission Details – We request the University accept only digital submissions be required by 2pm on February 28, 2022.

The challenges of submitting an SOQ in-person over the past two years have become increasingly difficult due to travel restrictions, CDC guidelines, and internal company travel policies. Although the pandemic has improved, it continues to fluctuate and we are very much still restricted in terms of what is both safe and permitted under company travel policies, for example congregating in groups or inside an office which would be required to submit the SOQ. Our experience over the past two year has been that agencies accept electronic submissions, whether it is the SOQ or RFP submission, and the quality of the submission for the owner has not deteriorated.

UNIVERSITY RESPONSE: We will remove the requirement for hard copies. Electronic copies sent via email must be received on February 28, 2022 at 2:00 PM, EST per the bid documents.

11. RE: Section 8 – SOQ Submission Timing and Addition Submission Details – If the University continues to require “ten (10) hard copies” of the SOQ be submitted, we request an extension of at least three (3) weeks to the Submission Deadline.

UNIVERSITY RESPONSE: We will not be extending the due date for submission of the Statement of Qualifications at this time. They will be due on February 28, 2022 at 2:00 PM, EST per the bid documents.

12. Regarding the existing University staff, would the University please share an organization chart of the roles and reporting, to better respond to the RFP.

UNIVERSITY RESPONSE: We do not have an organizational chart to provide but below is a list of the positions.

Position Description
S & C Water Plant Foreman
Plant Operator
Plant Operator
Plant Operator
Plant Operator Asst
Plant Operator Asst
Plant Operator Asst
Plant Operator
Plant Operator Asst

13. Will the University consider accepting electronic submissions only for the SOQ recognizing the current limitations to timely deliveries affected by COVID and extreme weather conditions? If no, are in-person deliveries allowed at the address in Section 8 or will hard copied still be accepted late if the electronic submittal is received by 2pm on February 28, 2022?

UNIVERSITY RESPONSE: We will remove the requirement for hard copies. Electronic copies sent via email must be received on February 28, 2022 at 2:00 PM, EST per the bid documents.

14. Is the University requesting 10 separate flash drives?

UNIVERSITY RESPONSE: The requirement for flash drives is no longer applicable.

15. If the University does want 10 hard copies of the SOQ, will the University consider an electronic copy only or at least no more than one (1) hard copy of the financial statements required under the SOQ? We have found that agencies prefer to have the financials in electronic format only to minimize the printed paper and make their review more efficient.

UNIVERSITY RESPONSE: The requirement for hard copies is no longer applicable.

16. Will potential bidders be allowed to visit the site before 2/28?

UNIVERSITY RESPONSE: Any company that has an interest in visiting the site can make arrangements through Amber Horn (amber.horn@louisville.edu). Visits will only be allowed during the regular work week and normal business hours.

17. Is there a Utility Master plan or Utilities' conditions assessment report available for review and/or are there target replacement years for the Deferred Maintenance and Capital Projects identified in the Scope of Work?

UNIVERSITY RESPONSE: There is currently no utility master plan available to share.

18. Please confirm that our response for the RFP Phase I should only address ECMs for the utility system. There are several references to building ECMs in the SOW but our understanding from the call on 2/7 was that the building scope is not part of Phase I but may be added in Phase II.

UNIVERSITY RESPONSE: Responses to RFP-Phase I may include approaches to ECM for both the utility system as well as the buildings. At this time, the University anticipates the Concessionaire will be responsible for O&M and capital work for the utility system; however, the University understands that certain ECM work will require capital work to be done within the buildings the utility system serves. Responding Teams are therefore encouraged to summarize how they would approach this role given this dynamic as part of their response to 4.4.1.f "Summary of operational strategy and approach".

19. Please elaborate on the timing, expectations and approval of the projects identified on page 32 of the SOW recognizing that some may not have any associated cost savings.

UNIVERSITY RESPONSE: No specific timing, expectations, approvals, or cost savings have been identified yet. Additional information for deferred maintenance and capital projects will be provided within the RFP Phase II package.

20. What progress has been made toward achieving carbon neutrality by 2050 as detailed in your 2008 "Carbon Commitment" and 2010 Climate Action plans. What are the anticipated intermediate goals between now and then?

UNIVERSITY RESPONSE: Additional details will be provided in the Phase 2 documents.

21. Is the Physical Plant staffed 24/7? Confirm plant operators also perform field maintenance as indicated in the Scope of Work.

UNIVERSITY RESPONSE: Yes, the Physical Plant is staffed 24/7 for continuous operation and the plant staff does perform maintenance within the plant and distribution system in tunnels. Plant staff seek vendor support for field maintenance as or when needed.

22. Do plant/field staff currently self-perform small repairs/troubleshooting that also include excavation?

UNIVERSITY RESPONSE: Yes, plant staff does perform repairs/troubleshooting and excavation. Plant staff seek vendor support for field maintenance as or when needed.

23. Is the Electrical Distribution System O&M in the Concessionaire's scope? No current electrical staff are being transferred. Why?

UNIVERSITY RESPONSE: There is no dedicated electrical staff that is currently part of the plant staff. Electrical work is performed by the electrical shop. O&M for the electrical distribution system as described in the Scope of Work is included in the Concessionaire's scope.

24. Is the steam plant BMS tied into an existing SCADA system?

UNIVERSITY RESPONSE: Yes, it is tied into the Schneider Electric IA system.

25. Is it presumed that the Concessionaire will be operating on its own dedicated IT network or will the Concessionaire be able to utilize any of the existing IT infrastructure?

UNIVERSITY RESPONSE: Currently utilizing IT infrastructure. Concessionaire will need to acquire IT approval. Additional information for IT systems will be provided within the RFP Phase II package.

26. Will specific cybersecurity protocols/standards that the Concessionaire must follow be provided in the Phase II documents?

UNIVERSITY RESPONSE: Yes, additional details will be provided in Phase 2 documents.

27. Would the University consider a Transition Period as a contract item, between contract award and contract start date?

UNIVERSITY RESPONSE: The University will detail the timing in Phase 2 documents.

28. Could the University please extend the deadline to submit questions?

UNIVERSITY RESPONSE: Due to an error in the posted documents we will accept questions until February 15, 2022 at 3:00 PM, EST.

29. Section 4.4.1.g.(iii) "Please provide a description of each Equity Provider's relevant experience in securing debt and equity finance for a maximum of four similar projects...[...]" Can each Equity Provider provide up to four similar projects or is it four projects in the aggregate (considering all Equity Providers)?

UNIVERSITY RESPONSE: Please provide a maximum of four projects per Equity Provider.

30. Could the University please provide a condition assessment of the existing conditions of the steam and chilled water plant along with the electric and tunnel distribution systems?

UNIVERSITY RESPONSE: There is no current condition assessment information available to share.

31. Could the University please provide more information about the evaluation process as well as the composition of the evaluation committee selected to review and evaluate all SOQs?

UNIVERSITY RESPONSE: Each phase of the RFP will be evaluated by various academic groups, operations and administration. The committee will have the necessary background and expertise to score according to the various elements of the criteria stated on the RFP.

32. Section 8 of the RFQ reads as follows: "Please submit your SOQ for Phase I in written form, via an attachment to an e-mail and by sending ten (10) hard copies plus USB flash drives by mail/courier (FedEx or UPS), to the contact listed below no later than 2:00 PM, Eastern Standard Time on February 28, 2022."

We kindly request electronic submission firm and hard copies shortly thereafter, as follows:

"Please submit your SOQ for Phase I in written form, via an attachment to an e-mail no later than 2:00 pm Eastern Time on February 28, 2022 and by sending ten (10) hard copies plus USB flash drives by mail / courier (FedEx or UPS), to the contact listed below no later than 2:00 pm Eastern Standard Time on March 2, 2022"

UNIVERSITY RESPONSE: The requirement for hard copies and flash drives is no longer applicable.

33. The requirements state we must submit the SOQ in written form “by sending ten (10) hard copies plus USB flash drives by mail. Would the University please clarify regarding the type of binding preferred? (e.g., double-sided printed pages enclosed in labeled binders, etc.).

UNIVERSITY RESPONSE: The requirement for hard copies / flash drives is no longer applicable.

34. The requirements state we must provide “a letter of financial support from each Responding Team Member’s Chief Financial Officer, or equivalent, identifying any material adverse financial events that have impacted the Responding Team Member since the issuance of the last set of audited financial statements.” Could the University provide a template for this letter or confirm if the letter needs to be provided if no material adverse events need to be notated?

UNIVERSITY RESPONSE: The University will not provide a template for this letter. If a Responding Team Member has no material adverse events to summarize – then please provide a letter stating as much signed by the CFO or equivalent.

35. Per company policies and procedures, our audited financials are non-public confidential information that can only be sent directly from our central accounting group. Can the University please confirm that the submission of confidential financial statements can be separate from the rest of the SOQ as long as the, otherwise complete, SOQ properly identifies the redacted section and indicates that it will be delivered under separate cover to the address and using the package labeling criteria in Section 8?

UNIVERSITY RESPONSE: Submission of audited financials may be submitted separately from the SOQ but must be received by the due date specified in the bid documents.

36. i. Can the University provide a more detailed breakdown of the weighting points assigned to the individual criteria elements of the Scoring Criteria? ii. Are the weighting points evenly distributed amongst the criteria within the Scoring Criteria?

UNIVERSITY RESPONSE: The University does not intend to provide additional detail regarding the weightings.

37. The Scope of Work presentation includes a timeline listing the question submittal deadline date as February 15, 2022, but the RFP Document states questions are to be submitted by 2 pm ET on February 11, 2022. Can questions be submitted until February 15?

UNIVERSITY RESPONSE: Due to an error in the posted documents we will accept questions until February 15, 2022 at 3:00 PM, EST.

38. In lieu of lender support letters, would it be acceptable to the University if credit ratings and credit reports for an ultimate parent entity instead of the Responding Team Member are provided?

UNIVERSITY RESPONSE: A credit rating and report from an ultimate parent entity would be acceptable if the ultimate parent entity provides an explicit guarantee to support the respective Responding Team Member’s ability to either deliver its technical scope required under the concession (i.e., an “Operator” Responding Team Member) or its ability to secure the required debt and/or equity assigned to the entity (i.e., an “Equity Provider” Responding Team Member).

39. Can the University consider it acceptable to submit Responding Team Member confidential financial information in only hard copy if the Responding Team Member's policies and procedures do not permit email of confidential financial information?

UNIVERSITY RESPONSE: Confidential financial information can be submitted by hard copy by the due date specified in the bid documents.

40. If USBs are required, is it acceptable to submit electronic information that is encrypted / password protected for files that contain confidential information?
UNIVERSITY RESPONSE: The requirement for hard copies / flash drives is no longer applicable.
41. Can the University please confirm that all required signatures may be electronic
UNIVERSITY RESPONSE: Electronic signatures are acceptable.
42. Could the University provide more details regarding its supplier diversity goals?
UNIVERSITY RESPONSE: Please see details of our Small, Minority and Women-Owned Business goals [here](#).
43. We would like to ask if the University would be willing to extend the SOQ deadline by one week?
UNIVERSITY RESPONSE: We will not be extending the due date for submission of the Statement of Qualifications at this time. They will be due on February 28, 2022 at 2:00 PM, EST per the bid documents.
44. Please clarify if the SOQ hard copies are also due by 2:00 PM EST on February 28, 2022, or if the e-mail copy only is due at that time with hard copies following immediately thereafter. This would allow for more time to complete the SOQ.
UNIVERSITY RESPONSE: The requirement for hard copies / flash drives is no longer applicable.
45. Please clarify if the requirement for hard copies also includes the audited financial statements, as these can be very voluminous.
UNIVERSITY RESPONSE: The requirement for hard copies is no longer applicable.
46. Please clarify the definition of Responding Team Member. I.e., does it include entities beyond the Equity Provider(s) and the Operator?
UNIVERSITY RESPONSE: Responding Teams are encouraged to put forward the most complete and compelling team as part of their SOQ submission and will evaluate the relevant technical experience of the Responding Team Member's subcontractors as part of the evaluation of the Responding Team Member. However, the University intends only to evaluate the financial capacity of the Responding Team Members (defined as Equity Provider(s) and the Operator).
47. On page 2 of the RFP, item 1 under the section titled **"AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION AND NON-CONFLICT OF INTEREST"** states, "That I am an officer or employee of the Responding Team Member having authority to sign on its behalf". However, we note the highlighted section below. Please confirm that no further evidence of signature authority is needed if the SOQ is signed by a duly authorized officer of the Responding Team Member.
UNIVERSITY RESPONSE: No further evidence of signature authority is needed if signed by a duly authorized officer of the Responding Team Member.
48. Will you please clarify what is intended by this section of the signature blocks on page 2 of the RFP? Does the University fill this section out? Payment Terms do not apply in this case.
UNIVERSITY RESPONSE: A duly authorized member of the Responding Team should complete and sign page 2 (Authentication of Bid and Statement of Non-Collusion and Non-Conflict of Interest). N/A can be inserted for anything that is not applicable.
49. Are "wet" signatures required for the hard copies, or are electronic signatures (DocuSign, or equivalent) acceptable?
UNIVERSITY RESPONSE: Electronic signatures are acceptable.

50. The Key Staff section is limited to 3 pages total, but it asks for an organization chart, resumes, and applicable licenses. Please confirm if the resumes can be submitted as an appendix not subject to the page limit for this section.

UNIVERSITY RESPONSE: Resumes can be submitted as an appendix and are excluded from the page limit.

51. Please confirm that the organization chart, resumes and applicable operator or maintenance licenses required for section 4.4.1d Key Staff are excluded from the 3-page page limit.

(d) Key staff (3 pages)

- (i) Please describe the experience and capabilities of the Operator's key staff who will be assigned to the Concession. Please submit an organization chart, resumes, and applicable operator or maintenance licenses for key staff. Describe how existing utilities staff will be integrated with the key staff to leverage experience with the existing Utility System

UNIVERSITY RESPONSE: Resumes are excluded from the page limit.

52. Please clarify the number of USB flash drives required for this submission.

Please submit your SOQ for Phase I in written form, via an attachment to an e-mail and by sending ten (10) hard copies plus USB flash drives by mail / courier (FedEx or UPS), to the contact listed below **no later than 2:00 pm Eastern Standard Time on February 28, 2022.**

UNIVERSITY RESPONSE: The requirement for flash drives is no longer applicable.

53. The SOQ form requires certification by each Responding Team Member which, as currently written, includes certification in respect of activities of other team members. Each Responding Team Member can only attest to its own authority and activities (and not those of other Responding Team Members). Please consider modifying the form as follows:

- a. clarify that each Responding Team Member is signing the form exclusively on behalf of itself, individually, and (if required) an authorized representative of the Responding Team is signing on behalf of the Responding Team collectively. Under this approach, all instances of the wording "the Responding Team Member and the Responding Team" should be amended to "the Responding Team Member or the Responding Team (as applicable)". Please also amend affirmation 1 to refer to "officer, employee or authorized signatory of the Responding Team Member or Responding Team (as applicable)"; or remove all references to the "Responding Team".

UNIVERSITY RESPONSE: The University accepts the suggestion to modify as provided above.

54. Sections 4.4.2 (*Required Approvals and Timing*) and 4.4.3 (*University Questions and Additional Information*) are not included the sections that will be used to score either Technical or Financial Capability as evaluation factors; please clarify how the information in these sections will be used in evaluating responses.

UNIVERSITY RESPONSE: Section 4.4.2 (Required Approvals and Timing) is included in Scoring Criteria under both the Technical Capability and Financial Capability sections. Section 4.4.3 will not be scored as part of the evaluation but will be used by the University to inform the RFP Phase II process.

55. Section 4.2 Was the response to Sections 4.4.1 (b) – regarding Team Description and Roles - omitted intentionally? Will it be considered in evaluating Technical Capability?

UNIVERSITY RESPONSE: The response to sections 4.4.1.b will not be evaluated.

56. Section 4.2 It is unclear how sections d (*Key Staff*) and h (*References*) relate to financial capability, and they are already referenced as factors for Technical Capability. Please clarify how these factors will be used to evaluate Financial Capability.
UNIVERSITY RESPONSE: Key staff will not be evaluated as part of the Financial Capability section. However, references will be evaluated as part of Financial Capability in reference to the Equity Provider(s)' experience in obtaining debt and equity for similar projects.
57. Section 4.2 This date does not match the deadline for submission of questions in the Scope of Work document (the Proposed timetable - slide #36 - shows a February 15th submittal date); please clarify.
UNIVERSITY RESPONSE: Due to an error in the posted documents we will accept questions until February 15, 2022 at 3:00 PM, EST.
58. Sections 4.4.1.d and 4.4.1.f.iii Would the University consider combining these two sections, in the interest of clarity and brevity?
UNIVERSITY RESPONSE: Yes, these 2 sections may be combined in your response.
59. Section 5 Would the University consider a stipend for costs associated with preparation of the BPS?
UNIVERSITY RESPONSE: At this time, the University does not intend to offer bidders a stipend for participation in Phase 2.
60. Section 8 Would the University consider extending the deadline for hardcopy and flash drive submissions, to allow for delivery times beyond the deadline for electronic (e-mail) submissions?
UNIVERSITY RESPONSE: The requirement for hard copies and flash drives is no longer applicable.
61. Section 14 *In evaluating proposals, the University will apply a reciprocal preference against a Responding Team submitting a proposal from a state that grants residency preference equal to the preference given by the state of the nonresident Responding Team.* Can the University please clarify how this process works, perhaps with an example?
UNIVERSITY RESPONSE: The reciprocal preference rules are governed by each state and determine how it is applied in KY. Please see details [here](#).
62. Please clarify whether engineering and/or construction firms can be part of multiple Responding Teams, or whether an engineering and/or construction firm can only participate as a member of one Responding Team.
UNIVERSITY RESPONSE: The Equity Provider(s) and the Operator shall only participate as members of one Responding Team. The University does not require that engineering or construction firms be exclusive to a single Responding Team. However, where the same construction firm is included on multiple Responding Teams the University expects to carefully evaluate how the Responding Team intends to demonstrate good value in the delivery of construction and engineering services as part of its proposal to Phase II of the RFP.
63. On Section 4.4.G, could you please confirm that the 8-page limit does not apply to (i) each letter from the Responding Team Member's Chief Financial Officer, or equivalent, identifying any material adverse financial events; or (ii) any other third-party verification of credit worthiness such as a lender's letter of support?
UNIVERSITY RESPONSE: Section 4.4.G is excluded from the page limit.