

**ADDENDUM ONE TO RFP NUMBER 119245 03
QUESTIONS AND ANSWERS**

Date: July 31, 2024
 To: All Bidders
 From: Lori A. Cole, Buyer
 Nebraska Department of Economic Development
 RE: Addendum for RFP Number 119245 03,
 to be opened August 14, 2024, at 2:00 p.m. CST

Questions and Answers

Following are the questions submitted and answers provided for the above-mentioned solicitation. The questions and answers are to be considered as part of the solicitation. It is the responsibility of bidders to check the State Purchasing Bureau website for all addenda or amendments.

<u>Question Number</u>	<u>RFP Section Reference</u>	<u>RFP Page Number</u>	<u>Question</u>	<u>State Response</u>
1.	V. Project Description and Scope of Work.	29B	Are we correct to interpret that the scope of work involves evaluation of existing industrial properties, rather than identification of new properties?	Yes, the site evaluation will be of existing industrial sites in the state.
2.	V. Project Description and Scope of Work.	29B	Does the state intend to collect the long list of sites for us to evaluate in Phase 1, or is it anticipated that the contractor will generate the list?	Yes, the state will collect the list of sites from community or regional economic developers.
3.	V. Project Description and Scope of Work.	29B	When will the communities submit their 75+ acre sites? Before the start of this scope of work (i.e., before September 22)?	Yes, the communities will submit their 75+ acre sites before the start of the scope of work.
4.	V. Project Description and Scope of Work.	29B	Does the state have an estimated number of sites that are anticipated for the Phase 1 desktop evaluation?	The state anticipates that NDED will receive 40 to 50 industrial sites of 75 or greater acres.

5.	V. Project Description and Scope of Work.	29B	Will the contractor have the ability to craft the RFI/provide input into the data gathering process, or will a pre-determined method facilitated by NDED be used?	The state has created a site questionnaire that requests information on the site from the community such as current utility capacities, distance of utilities from site, highways, area population, aerial map of site, etc. - so it is a pre-determined method. However, not every question may be known/answered by the community, and we expect that the contractor may need to verify some information or utilize their own datasets and expertise to provide a scored evaluation of each site.
6.	V. Project Description and Scope of Work.	29B	Does NDED intend for the contractor to issue a site questionnaire that collects site submissions from communities across the state as part of the process, or will NDED issue this prior to the contractor starting work?	Please see responses to questions 5 and 7.
7.	V. Project Description and Scope of Work.	29B	What marketing has been done to promote the program to Nebraska communities? Do you anticipate that communities will be prepared to participate, or will the contractor need to generate interest in participating?	The site questionnaire is being emailed by NDED to all Nebraska local and regional economic developers from encouraging participation if they want their 75+ acre site(s) to be considered for the interim study. Based on the responses received, we expect completed site information forms on 40 to 50 industrial sites.
8.	V. Project Description and Scope of Work.	29B	Do sites have to be on an existing database or "known" by NDED to be eligible for participation?	While NDED has sites listed in the state LOIS system, the EDO may submit sites that are not currently on LOIS as long as they complete the site questionnaire.

9.	V. Project Description and Scope of Work.	29B	Is public ownership/control a requirement for participation in the program?	The questionnaire asks if the site is owned by the community/EDO, optioned, or privately owned. The state is accepting sites that are privately owned if the community has an established relationship and agreement with the owner. Certainly ownership/control can be taken into consideration in the scoring levels created by the contractor.
10.	V. Project Description and Scope of Work.	29B	<p>The RFP states sites shall be greater than 75 acres but the cost proposal states between 500 and 1000 acres or mega sites that are more than 1000 acres.</p> <ul style="list-style-type: none"> • What is the required acreage for the project? • Are there a certain number of sites required to be within each size range in the final results? For instance, two sites between 100-500 acres, two sites greater than 1,000 acres, etc. 	While the language in LB644 states that “the study shall include consideration of supersites that encompass between 500 and 1,000 acres...” it does not state that <i>only</i> sites of 500-1,000 and 1,000+ acres can be studied. Therefore, the required acreage is a minimum of 75 acres. There is not a certain number of sites required within size ranges as a component of the contractor’s evaluation and scoring. It is the responsibility of the NDED-appointed Advisory Committee of EDO’s (equal number from each congressional district) and NDED to select the finalist sites for additional due diligence after reviewing the contractor’s evaluated and scored sites based on the site information forms and the contractor’s expertise. Acreage size may be a component considered by the Advisory Committee/ NDED in their finalist selections.

11.	V. Project Description and Scope of Work.	29B	<p>Besides the 75+ acreage requirement, are there any other rigid site characteristics NDED seeks to leverage in this program? Examples below:</p> <ul style="list-style-type: none"> • Mix of rural vs. urban sites • Rail vs. non-rail • Distance to interstate • Newly identified sites vs. those in similar programs (BNSF Certified Sites, etc.) 	<p>No, there are no rigid site characteristics that must be met for the contractor's desktop site evaluation of the submitted site information forms. NDED expects that the contractor will create a scoring system and utilize their expertise on specific site characteristics that may justify higher scoring on each attribute, which may include the examples listed in your question. LB644 does require that one finalist site must be west of the 100th meridian, but the Advisory Committee/NDED will ensure that at least one site meets that criteria for final due diligence, that is not the contractor's responsibility.</p>
12.	V. Project Description and Scope of Work.	29B	Who will determine if sites are selected for this process?	Please also see the response to question 10 – the NDED appointed Advisory Committee and NDED will select the finalist sites for due diligence.
13.	V. Project Description and Scope of Work.	29B	<p>Please clarify the selection process: Will NDED select 10 or fewer sites for detailed evaluation based on the preliminary site assessments and scores we provide? Are we responsible for both the preliminary site assessments and the detailed evaluations?</p>	<p>Please also see the response to question 10 – the NDED appointed Advisory Committee and NDED will select the finalist sites for due diligence. The contractor is responsible for both the preliminary site assessments and the detailed due diligence evaluations on the finalist sites. The contractor is welcome to sub-contract with another company if that company provides specific expertise that is not within the contractor's expertise, but that subcontracting arrangement needs to be</p>

				specified in the proposal, and the cost must be incorporated within the contractor's final pricing proposal.
14.	V. Project Description and Scope of Work.	29C	Can the site due diligence reports (a. Phase 1 Environmental Site Assessment, b. Geotechnical Conditions, c. Threatened and Endangered Species, d. Wetlands Assessment) be done as a desktop review?	Yes. Because NDED anticipates that many of the sites being assessed will not be under the ownership of the city or EDO, physical access to the property for on-site due diligence may not be feasible, especially if the site is currently being farmed. Therefore, all contractor's pricing proposals for the due diligence report deliverables outlined in the RFP should be for a desktop review and not for an on-site review.
15.	V. Project Description and Scope of Work.	29C	In regard to pricing, can the lump sum cost be different for a desktop-reviewed site vs in-market site assessment? Is it expected that the detailed site assessment includes an in-market site assessment?	Please also see the response to question 14; the due diligence report deliverables outlined in the RFP should be priced as desktop review only.
16.	V. Project Description and Scope of Work.	29C	Due diligence reports are listed as deliverables. Three questions: <ul style="list-style-type: none"> • Pricing for these reports can vary wildly depending on the site size, program requirements, and conditions. Is the expectation that these reports be provided for up to 10 sites as part of the quoted project cost? • Are desktop reviews acceptable 	Please also see the response to question 14; the due diligence report deliverables outlined in the RFP should be priced as desktop review only. Yes, it is expected that these reports be provided as part of the quoted project cost, but as desktop reviews. Yes, the due diligence report deliverables need to be completed by December 15, 2024, as part of the final report, as required by LB644.

			<p>for each of these studies?</p> <ul style="list-style-type: none"> Do Due Diligence studies need to be completed by December 15th, and the results incorporated into the final report? 	
17.	V. Project Description and Scope of Work.	29C	Industry experience suggests that the timeline will not allow for more expansive due diligence reports other than desktop reviews. Will NDED consider the work complete with only desktop review or will NDED consider expanding the timeline and potentially budget to have more comprehensive due diligence studies completed?	Please also see the response to question 14; the due diligence report deliverables outlined in the RFP should be priced as desktop review only. NDED is not able to expand the timeline of December 15, 2024, per the requirements of LB644.
18.	V. Project Description and Scope of Work.	29C	Will access be provided to parcels within each site?	Please also see the response to question 14; the due diligence report deliverables outlined in the RFP should be priced as desktop review only. Access to the parcels is not necessary.
19.	V. Project Description and Scope of Work.	29C	Will UTVs (Utility Terrain Vehicles) be granted access to parcels with each site?	Please also see the response to question 14; the due diligence report deliverables outlined in the RFP should be priced as desktop review only. Access to the parcels is not necessary.
20.	V. Project Description and Scope of Work.	29C	Should the consultant include the scope and fee for potential crop damage in our proposal, or will NDED handle this directly with landowners?	Please also see the response to question 14; the due diligence report deliverables outlined in the RFP should be priced as desktop review only. Access to the parcels is not necessary.

21.	V. Project Description and Scope of Work.	29C	How will access to the properties be provided to the consultant?	Please also see the response to question 14; the due diligence report deliverables outlined in the RFP should be priced as desktop review only. Access to the parcels is not necessary.
22.	V. Project Description and Scope of Work.	29C	Will the selected sites/properties be under control through purchase agreements, options, ownership or other means? If not, will it be the consultant's responsibility to obtain access permissions from property owners as part of the scope of work?	As also addressed in the response to question 9, the submitted sites may be owned by the city/EDO, optioned, or privately owned. Please also see the response to question 14; the due diligence report deliverables outlined in the RFP should be priced as desktop review only. Access to the parcels is not necessary.
23.	V. Project Description and Scope of Work.	29C	Should the site surveys be conducted as desktop surveys or traditional on-site surveys?	Please also see the response to question 14; the due diligence report deliverables outlined in the RFP should be priced as desktop review only.
24.	V. Project Description and Scope of Work.	29C	Regarding "Geotechnical Conditions" for site selection. Is NDED requesting a specific deliverable, such as a geotechnical desktop study or a preliminary geotechnical investigation for each site?	Please also see the response to question 14; NDED is requesting a geotechnical desktop study.
25.	V. Project Description and Scope of Work.	29C	For a preliminary geotechnical investigation, including fieldwork, will site access be provided by NDED before fieldwork begins?	Please also see the response to question 14; the due diligence report deliverables outlined in the RFP should be priced as desktop review only. Access to the parcels is not necessary.
26.	V. Project Description and Scope of Work.	29C	Are desktop reviews and planning acceptable methods to meet the scope timeframe and reduce costs?	Yes, desktop reviews and planning are acceptable methods to meet the scope timeframe and reduce costs.

27.	V. Project Description and Scope of Work.	29C	Is a complete Phase I Environmental Site Assessment (ESA) required? Note: Phase I ESAs are valid for 180 days for transactions, can be updated within 6 to 12 months, and expire after 365 days/1 year.	As per the response to question 14, the due diligence report deliverable is an Environmental Desktop Review and Report rather than a complete Phase 1 ESA that requires on-site access.
28.	V. Project Description and Scope of Work.	29C	Regarding the request to include a Phase I ESA for the top sites- Is a standard Phase 1 Environmental Site Assessment ASTM Standard report adequate or are there additional components of a Phase I beyond ASTM requirements that the state would like to see?	As per the response to question 14, the due diligence report deliverable is an Environmental Desktop Review and Report rather than a complete Phase 1 ESA that requires on-site access.
29.	V. Project Description and Scope of Work.	29C	Will a current title commitment be provided by NDED, or should we include the cost of conducting a title search in our fees?	No, current title commitments will not be provided by NDED. If a current title search is needed, that cost should be included in the fees for the study.
30.	V. Project Description and Scope of Work.	29C	If an older title commitment is provided, will it be updated by NDED, or will the consultant need to perform additional research to bring it current?	No, if an older title commitment is provided, it will not be updated by NDED. If necessary, the consultant will need to perform the additional research to bring it current.
31.	V. Project Description and Scope of Work.	29C	Is a comprehensive ALTA survey required that includes information on adjacent owners, zoning, setbacks, legal descriptions, wetlands, etc.?	No, a comprehensive ALTA survey that includes information on adjacent owners, zoning, setbacks, legal descriptions, wetlands, etc., is not required, but the contractor may submit a cost for an ALTA survey as an optional deliverable which may be considered if budget allows.

32.	V. Project Description and Scope of Work.	30E	Is submitting a lump sum cost per site an appropriate response to this RFP?	Yes, submitting a lump sum cost per site for Site Evaluation, and a lump sum cost per site for Site Due Diligence, plus a breakdown of the cost of each deliverable in the report, is an appropriate response to this RFP.
33.	II. Terms and Conditions	9	We have interest in providing a proposal but believe the legal terms provided are not congruent to the professional services agreement but rather seem to align to a full engineering design or construction project. Is it possible to adjust these to fit the scope and scale of the proposed contract?	It is not possible for NDED to adjust the legal terms provided. However, bidders are free to "redline" language or sections and may mark exceptions to specific items. If there are any items the bidder takes exception to, those items should be marked accordingly in the appropriate response box for that item, and alternative language or terms provided/proposed if necessary. There will be an opportunity to negotiate final contract terms once a successful bidder is selected and awarded.
34.	VI. Proposal Instructions	33	<p>The RFP states: "the technical approach section of the Technical Proposal should consist of the following sub-sections."</p> <p>Can NDED provide further descriptions of the requirements for each section listed for the Technical Approach?</p>	All information that can be provided has been provided at this time. There will be an opportunity to negotiate final contract terms once a successful bidder is selected and awarded.
35.	I. Procurement Procedure	1	Will the contractor be allowed to ask for additional clarity or information related to the State's responses to written questions?	No. No further questions for clarity or information related will be allowed. There will be an opportunity to negotiate final contract terms once a successful bidder is selected and awarded.

36.	II. Terms and Conditions	9	Will award of this contract preclude the contractor or subcontractor from bidding on future contracts with NDED or community partners for the respective sites evaluated as part of this contract?	No, an award of this contract will not preclude the contractor or subcontractor from bidding on future contracts with NDED or community partners for the respective sites evaluated as part of the contract.
37.	V. Project Description and Scope of Work.	30E	<p>The RFP States: "Site Evaluation: Provide a lump sum cost for each site evaluated and scored".</p> <p>Will NDED accept an alternative pricing structure that sets a fixed minimum fee for a fixed amount of sites and then provides incremental pricing per site beyond the minimum?</p>	No, there must be a lump sum cost for each site evaluated and scored for Site Evaluation, and a lump sum cost per site for Site Due Diligence, plus a breakdown of the cost of each deliverable in the report. An alternative pricing structure that sets a fixed minimum fee for a fixed amount of sites and then provides incremental pricing per site beyond the minimum will not be accepted.
38.	V. Project Description and Scope of Work.	29A	Who will be the Project Manager or the main point of contact from NDED for this project?	The Project Manager or main point of contact from NDED for this project will be provided to the awarded bidder at the time of contracting.

This addendum will be incorporated into the solicitation.