

WORCESTER, MASSACHUSETTS

CBOC

SFO VA-101-15-R-0158

SFO AMENDMENT No. 3

Questions and Answers Round #2

1. The Lessor is required to show a comparison of the RFP program vs proposed submitted program per the SFO. To better understand what is needed in the VA clinic space we have been looking closely into the programming document referenced in the RFP. We have identified a discrepancy between three different approaches as shown within the attachment labeled "2012040 160427 VA program-analysis-RFP only". It is a side by side program comparison of the differing versions of program that we have found for this facility within the RFP:
 - **Conceptual Plan Program:** The conceptual plan which accompanied the RFP contained two sets of square footage numbers: "Room Area" and "Program Area". The numbers in these columns reflect the "Program Areas" as printed on the conceptual plan. Please note that many of the rooms on the plans had this number identified as "0" which results in a much lower net square footage number.
 - **Conceptual Plan Actual:** The numbers in these columns reflect the "Room Areas" as printed on the conceptual plan and in one or two cases where areas were not printed estimated based off a take-off.
 - **Schedule E: Room Finish, Door, and Hardware Schedule:** This is the closest thing that we could find to a written program in the RFP as it contains the room areas. This almost matches up to the Conceptual Plan, however there are a few rooms that show on the plan that do not show on this schedule.
 - The grossing factor of 1.5 is called out in the VA planning guide.

Item 1 Questions for VA requiring clarification include:

- a. Which of the attached programmed analysis/methods should be used for the basis of design.

RESPONSE:

Offerors should plan to the SF number on the left without parentheses in each room of the plan. These numbers correlate to the SF numbers contained in column E of the REVISED Schedule E – SFO Amendment No. 3.

- b. Is there a written functional space program available for the teams to use as a basis of design – as the plan, spaces within the plan and Schedule E all differ. Follow Schedule E and plan layout for size and proportions of rooms.

RESPONSE:

See response 1.a. above.

- c. Is the VA open to a reduced number of exam rooms and clinical space in order to meet the identified maximum square footage? Perhaps following the program requirements for a PACT 2 instead of a PACT 3?

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RESPONSE:

No.

2. It was noted in the RFP Floor plan (sheets A102 and A103) a series of spaces/rooms that are included within the overall NUSF. However the rooms themselves indicate a SF number of (0 sf). Per this afternoon's conference call we understood that the intention is to **INCLUDE** it within the program. **VA to confirm if this is a correct understanding.**

RESPONSE:

Offerors should plan utilizing the SF number on the left in accordance with response to Question 1.a.

3. *Refer to PDF attachment labeled "2 Area Plan Markup".* Is the VA aware of the discrepancy between the programmed area of NUSF and the definition of NUSF identified in the SFO? Example – in review of sheet A001 – it identifies the green space as the NUSF of **39174 SF**. It excludes the connecting corridors within shown in grey. If the space is a single story building occupied single tenant on the floor – wouldn't the majority of the grey corridors be part of the NUSF – particular as there is no other tenants on the floor? If so – then by definition the NUSF would include all the greyed out corridors and the NUSF will increase to approximately 52,000 NUSF. Areas highlighted in yellow are assumed to be excluded from the NUSF by definition as they are mechanical shafts and elevators. **VA to confirm if this is a correct understanding. If not – please clarify why if this is not considered correct.**

RESPONSE:

VA calculates NUSF in accordance with the SFO. All offers must be submitted in accordance with VA's methodology. In accordance with SFO 4.2.3, D. Public Corridors and Entrance Lobbies: "Lessor shall provide building entrance lobby as shown on conceptual plans. Lessor shall provide public corridors as necessary to common areas. VA will pay no rent for this space." The corridors referred to above are considered public corridors as they provide access to building exits from more than one suite.

4. Follow up to question 3 above – if there are multiple tenants in a building either vertically or horizontally – spaces related to such shared connection and/or use would NOT be included in the NUSF calculation by definition. **VA to confirm if this is a correct understanding. If not – please clarify why if this is not considered correct.**

RESPONSE:

See response to Question 3.

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5. Section 2.5, Competitive Range, (p. 31): This Section notes that the Government reserves the right to limit the number of proposals under consideration if there are too many offers in the competitive range. What happens if the inverse occurs? What if only one Offeror submits a proposal? Will the sole offer be allowed to stand, or would the lease solicitation process be reopened, perhaps with different search criteria?

RESPONSE:

If only one offer is received from a responsible Offeror, that offer could still constitute competition, under the following circumstances:

- **There was a reasonable expectation, that two or more responsible Offerors, competing independently, would submit priced offers in response to the solicitation's requirement,**
 - **The Offeror believed that at least one other Offeror was capable of submitting a meaningful offer,**
 - **The Offeror had no reason to believe that other potential Offerors did not intend to submit an offer, and**
 - **The offered terms were determined to be fair and reasonable and compliant with the SFO, applicable Prospectus and scoring limitations.**
6. SFO Amendment #2, Item #1, (p. 2): This response (issued on 4/21/16) notes that structured parking is an acceptable solution for the Worcester VA facility. Does the VA have any further technical criteria to be used for the design and construction of a parking garage? If the parking garage requires an elevator(s), does the VA have any further technical criteria to be used for the acquisition, design, and construction of elevators?

RESPONSE:

Please refer to the VA til.

7. Must the Offeror's General Contractor be VA certified for construction?

RESPONSE:

No.

8. Section 2.2.4, Small Business Classification Code, (pp. 27-29): We would like to get some clarification on how we would receive credit for a Small Business Classification as a Joint Venture (JV). As we are sure you aware, many real estate ownership JVs take the shape of a purpose-formed Limited Liability Company (LLC), formed with the intent of developing and managing a

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specific property. That is our team's intent relative to the Worcester CBOC; the developer and property owner would form a property-specific LLC to develop and manage the new facility.

- a. We are aware that the Small Business size standard for the Worcester project is \$38.5 million. In Section 2.2.4, the last two sentences on page 27, regarding meeting the Small Business Classification, read that "Under this classification, a concern is considered a small business if its average annual receipts for its preceding three (3) fiscal years do not exceed the size standard reflected. Prime and Joint Ventures submitting a proposal in response to this solicitation must meet the small business size standard." As the three-year requirement relates to a newly constituted joint venture, does this mean that the average annual receipts for each of the JV partners will be added together in order to determine whether the JV, as a whole, meets the Small Business requirements?

RESPONSE:

Recommend contacting the SBA regarding interpretations of SBA language and application of their rules at <https://www.sba.gov>. It is the responsibility of the offeror to ensure they meet small business requirements, if they represent themselves as such.

- b. It also appears, per pages 28 and 29, that an Offeror may submit a proposal as a joint venture only if it is an existing JV with a DUNS Number registered on the www.SAM.gov website. However, in order to prove that the JV meets Small Business size requirements, each JV partner must be registered on the SAM.GOV website, have its own corresponding DUNS Number, and provide a SAM.GOV print-out verifying each entity's status for NAICS Code 531190. We just want to confirm that there are two layers of compliance required here: the JV registered as a unique entity, and each JV partner registered as separate entities.

RESPONSE:

Under 13 CFR 121.103(h)(2), concerns submitting offers on a particular procurement or property sale as joint venturers are affiliated with each other with regard to the performance of that contract. However, a joint venture of two or more business concerns may submit an offer as a small business for a Federal procurement without regard to affiliation under 121.103(h) so long as each concern is small under the size standard corresponding to the NAICS code assigned to the contract, provided: The procurement qualifies as a bundled or consolidated requirement, at any dollar value, within the meaning of 13 CFR 125.2(d); or for a procurement having a receipts based size standard, the dollar value of the procurement, including options, exceeds half the size standard corresponding to the NAICS code assigned to the contract.