



**CITY OF DRIPPING SPRINGS  
TAX INCREMENT REINVESTMENT ZONE  
(TIRZ) #1 and #2**

**P 3 A D V I S O R - R F Q**

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**“REQUESTS FOR CLARIFICATION” / RESPONSES (RED TEXT)**

**POSTING #3- 4/23/18**

1. ATTACHMENT A of the aforementioned RFP requires the proposer to carry “Statutory Workers Compensation insurance as required by state law.” According to Texas law, Workers Compensation insurance is optional. For professional services businesses of a certain size, such as sole proprietorships or LLC type entities where the only employee is the owner, this type of insurance is not necessarily prudent to obtain.

The scope of work outlined in this RFP is that of a professional services agreement and would almost never put a consultant in harm’s way. It is the opinion of our team that this requirement may place an unnecessary financial burden on some proposers and would ultimately lead to a higher cost for services. If it is the desire of the City to not be held responsible for any harm or injury incurred by the consultant while on site or in the City’s facilities, our team feels this can be accomplished through an indemnity clause in the professional services contract. This would serve the same legal purpose yet not incur a cost for such sole proprietorships or LLC type entities that are proposers to this RFP.

We respectfully request that you consider deleting this requirement from the RFP for sole proprietorships or LLC type entities with small numbers of employees

- A. IF THE ENTITY IS NOT STATUTORILY REQUIRED TO CARRY WORKERS COMPENSATION INSURANCE THEN THAT SHOULD BE STATED IN THE STATEMENT OF QUALIFICATIONS. IF THE ENTITY HAS AN ALTERNATE METHOD FOR HANDLING THIS ISSUE, THEN THAT SHOULD ALSO BE NOTED IN THE STATEMENT OF QUALIFICATIONS.**
2. Please confirm if the City plans to require the P3 Financial Advisor to be an SEC and MSRB Registered Municipal Advisor with Series 50 License.
  - A. THAT IS NOT A REQUIREMENT, BUT ANY QUALIFICATIONS RELATED TO THIS SHOULD BE NOTED IN THE STATEMENT OF QUALIFICATIONS.**

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3. With regard to legal questions that may arise during the performance of the consultant's scope of work, does the City/TIRZ Board anticipate retaining counsel with experience in P3 type transactions with whom the consultant will be coordinating their efforts? If not, is it the City's/TIRZ Board desire that the consultant have this type of legal expertise on their team?
  - A. **THE TIRZ BOARD HAS NOT EVALUATED THIS ISSUE YET. IF THE ENTITY DOES HAVE LEGAL EXPERTISE IN THIS AREA THEN THAT SHOULD BE NOTED IN ITS STATEMENT OF QUALIFICATIONS.**
  
4. Statements of Qualifications are due at 4 p.m. on April 30, 2018. This is very tight timeline to respond to this RFQ. It may be advantageous to the TIRZ Committee and Project Manager to delay the submission of this RFQ until the Market Study, that is underway, is made available. Having that evaluation will assist in the RFQ response submittal Project Understanding and Approach.
  - A. **SEE POSTING #2 BELOW, REGARDING TIMELINE FOR RFQ. PLEASE NOTE THE PROJECT SCHEDULE ANTICIPATES A STAGGERED APPROACH TO THE "NOTICE TO PROCEED" FOR THE P3 ADVISOR SERVICES TO ALLOW PRELIMINARY MARKET STUDY FINDINGS TO BE DEVELOPED AND INFORM THE EFFORTS.**
  
5. Within item No. 1 Requests for Statement of Qualifications: .....“the Applicant,” which have ten (10) years or more of comprehensive experience in providing professional services as outlined in the SCOPE OF SERVICES section of this request. To List and/or categorize 10 (Ten) years for comprehensive experience within the P3 arena with be difficult. The concept through implementation and completion of these type of projects are only 3 to 5, years old in this State and predominately transportation projects.
  - A. **PLEASE PROVIDE THE APPLICANT'S RECORD AND EXTENT OF COMPREHENSIVE EXPERIENCE WITH COMPARABLE PROFESSIONAL SERVICES IN THE STATEMENT OF QUALIFICATIONS.**
  
6. Type of Contract Type and Amount of Insurance: It is not typical for Consulting Firms that are in to carry: Automobile Liability with a minimum of \$500,000 Dollars combined single limit.
  - A. **AUTOMOTIVE LIABILITY LIMITS: COVERAGE REQUIREMENTS ARE DUE TO NEED FOR CONSULTANT TO DRIVE TO AND FROM CITY HALL, PROJECT SITES & ASSOCIATED CITY ACTIVITIES. MAY BE SATISFIED BY LIKE, SIMILAR OR ALTERNATIVE COVERAGE(S), OR BE PART OF NEGOTIATIONS WITH MOST QUALIFIED APPLICANT. OTHERWISE, PLEASE STATE ANY PROPOSED EXCEPTIONS/EXCLUSIONS IN STATEMENT OF QUALIFICATIONS.**
  
7. Work Product: ....schematics, exhibits, drawings, maps,...suggests that the “Firm” would be producing these elements, that will be required after the formation of the P3 entity if not an element within the Master Developer Prospectus and Request for Qualifications Submittal(s). Additionally that would add significant Fee to the Firms proposals.
  - A. **IT IS ANTICIPATED THAT THE WORK PRODUCTS OF THE P3 ADVISOR WITH CONSIST PRIMARILY OF CONSULTING ADVICE WITH DOCUMENTED RECOMMENDATIONS, MEETING NOTES, WORK PLANS AND WRITTEN REPORTS.**

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**POSTING #2- 4/20/18**

1. "This is a pretty quick turnaround, is there a possibility of a 10 day extension?"

A. WE APOLOGIZE FOR THE QUICK TURNAROUND, WHICH IS DRIVEN BY THE OVERALL PROJECT SCHEDULE AND HARD DATES IN THE RECENTLY EXECUTED INTERLOCAL AGREEMENT BETWEEN THE STAKEHOLDERS, WHICH PROVIDES: "...P3 STUDY WILL BE CONTRACTED FOR BY MAY 16, 2018..." (RE: ILA @ ART. 2.1.d-f - ATTACHED TO RFQ). PLEASE MAKE BEST EFFORTS TO PREPARE STATEMENTS OF QUALIFICATION PER THE RFQ TIMELINE AND WE WILL BE PLEASED TO RECEIVE & CONSIDER THEM. ADDITIONALLY, THE SELECTION COMMITTEE WILL BE COUNSELED TO CONDEMN THE COMPRESSED RFQ PROCESS IN THEIR DELIBERATIONS AND EVALUATIONS. THANKS.

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**POSTING #1- 4/19/18**

1. "Typically, an RFQ focuses on the past experience of the consultants rather than a formal proposal for how the consultant would approach the present assignment, including specific tasks and budgets. In your RFQ, you indicate that "Project Understanding and Approach" will be weighted with 20 points in the evaluation. Since that term is not really defined anywhere in the RFQ, I want to be certain I understand that this is meant to be a general expression of our understanding of the main thrust and some of the nuances of your situation, the type of consulting services required, and our general approach to projects of this sort and thoughts on the particulars for Dripping Springs, but not necessarily a task-by-task work plan and associated budget. Please confirm or re-direct my thinking as necessary."

A. YES, YOUR THINKING IS CORRECT. PER SECTION 6A / (3, 5) - 'SELECTION CRITERIA' WE ARE LOOKING FOR SPECIFIC INFORMATION TO BE INCLUDED IN THE SOQ WHICH DEMONSTRATES "RELEVANT EXPERIENCE," AN "UNDERSTANDING AND APPROACH" TO THIS TYPE OF PROJECT, AND A FUNDAMENTAL GRASP OF SOME OF THE COMPLEXITIES AND CHALLENGES FACING THIS PARTICULAR PROJECT. AS AN RFQ, WE ARE NOT SEEKING A DETAILED WORK PLAN, TASK BUDGET NOR A FEE PROPOSAL AT THIS TIME. THOSE WILL BE NEGOTIATED WITH THE "MOST QUALIFIED" APPLICANT, AS IDENTIFIED BY THE SELECTION COMMITTEE. THANKS.

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