



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

**REQUEST FOR QUALIFICATIONS #32701-04786
AMENDMENT # 2
FOR CUMBERLAND TRAIL CONSTRUCTION**

DATE: May 29, 2024

RFQ #32701-04786 IS AMENDED AS FOLLOWS:

1. This RFQ Schedule of Events updates and confirms scheduled RFQ dates. Any event, time, or date containing revised or new text is highlighted.

EVENT		TIME (Central Time Zone)	DATE (all dates are State business days)
1.	RFQ Issued		April 5, 2024
2.	Disability Accommodation Request Deadline	2:00 p.m.	April 10, 2024
3.	Pre-Response Conference	10:00a.m.	April 15, 2024
4.	Notice of Intent to Respond Deadline	2:00 p.m.	April 19, 2024
5.	Written "Questions & Comments" Deadline	2:00 p.m.	May 3, 2024
6.	State response to written "Questions & Comments"		May 29, 2024
7.	RFQ Response Deadline	2:00 p.m.	June 12, 2024
8.	RFQ Negotiations (if applicable)		June 27, 2024
9.	RFQ Cost Proposal Opened (ONLY for the apparent successful Respondents)		July 1, 2024
10.	State Notice of Intent to Award Released and RFQ Files Opened for Public Inspection		July 8, 2024
11.	End of Open File Period		July 15, 2024
12.	State sends contract to Contractor for signature		July 16, 2024
13.	Contractor Signature Deadline		July 23, 2024

2. State responses to questions and comments in the table below amend and clarify this RFQ.

Any restatement of RFQ text in the Question/Comment column shall NOT be construed as a change in the actual wording of the RFQ document.

RFQ SECTION	PAGE #	QUESTION / COMMENT	STATE RESPONSE
E.3-E.4 of Pro Forma	49- 52	1.How is the payment and performance bond working? Will	A Payment and Performance Bond will be required for each SOW, not

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		it be for the total 3 million dollars or for each SOW?	just one bond covering the entire contract. A Payment Bond will be required for each SOW exceeding \$100,000.00, while a Performance Bond will be required for every SOW, regardless of cost.
Section E.2 of Pro Forma	49	2. We have been exempt from the diversity commitment in past bids because no one owns our organization. Is that correct for this as well?	Although there are no "mandates" or "set-aside" requirements for diversity, all proposers must still address each question.
4.6, 4.9, 1.3	10-11, 12, 3	3.I am a trail builder; however, I do not have my GC license yet, I have acquired the help of another builder for this packet. Is it still possible for us to submit a packet despite being after the 19 th ?	If you will be the Prime Contractor on this bid, you must have your State of Tennessee Contractors License before the bid deadline. If you are the subcontractor for the other builder you referred to, they must have the required licenses before the bid deadline. The State reserves the right to refuse approval, at its sole discretion, of any subcontract. Yes, you may still submit a bid after April 19 th . The Notice of Intent to Respond is not required in order to submit a response.
3	5-8	4.Is the cost proposal due at the same time as the technical responses or is it due on June 20th after the technical responses have been reviewed?	Technical and Cost Proposals are due on the same day, June 12, 2024.
3.3.4	6-7	5.It says to turn in cost proposals via sealed package but wanted to confirm you said it could be turned in via a separate email, correct?	Correct. Cost Proposal and Technical Proposal shall be submitted as two separate documents if submitted via email.
		6.Is this a replacement of the bidding process or just a different form of a new bidding process? Or if our rates are just how they will keep bids in check and determine who gets first and second dibs on projects?	The RFQ process is replacing the ITB process. Instead of running an ITB for every individual section, the respondents on this RFQ who pass the evaluation phase will be able to bid on SOWs. The SOW process will be similar to the ITB process, but much quicker. This RFQ will result in a list of qualified respondents. TDEC will then send a SOW to everyone on this list to submit a proposal and each SOW will be awarded to the low respondent.

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		7. Is there a limit on how long a job can last?	Yes, the statement of work will include a timeframe for completion for that section of trail. The timeframe will vary and depend on the difficulty and accessibility of the terrain.
		8. If unforeseen circumstances increase our costs, will we have an opportunity to submit a revised proposal?	Any changes in scope or increased cost on each SOW would need to be approved by the Agency
		9. If our technical score puts us in the top position but our cost proposal is too high, will they move on to the next proposal without any negotiation?	If your technical response puts you in one of the top evaluated positions, you will be able to bid on any SOW that results from this Contact. The SOWs are awarded based on low cost among the qualified respondents.
Attachment F	28	10. Our organization has exclusively worked with the state by design to our mutual benefit. How are we to provide outside references? (Refer to Attachment F.) Is our "procuring" state agency different from our "referring" state agency? We believe they have been one and the same. We need clarification on this. What happens if we cannot meet the "reference" requirements because we have only worked with the state? Is our RFQ invalid?	Opportunity for Respondents to provide references is not a mandatory item. Item Ref A.5 in the mandatory requirements is referring to a credit reference, separate from the reference questionnaire attachment.
		11. Will the state award the job to the highest-rated respondent if the scope of work (SOW) is within budget, or will the lowest bidder be prioritized?	Please see the response to #9.
2	4	12. Regarding item 10 on the schedule of events, what is being awarded on June 24? Additionally, what contract is being awarded on July 2? Is it a general contract or specific to a particular section of the trail?	June 24 will be the start of the seven-day Open File Period, when a Notice of Intent to Award will be released. The Contract(s) being sent out on July 2 will be the general contract sent to the highest evaluated respondents. Respondents with this Contract will then be able to bid on SOWs for particular sections of the trail.

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		<p>13.What are the backgrounds and qualifications of the state's evaluation team? Who is the audience reviewing our responses—park rangers, accountants, engineers, etc.? Providing our answers for a technical audience versus a financial audience is a significant difference.</p>	<p>RFQs are evaluated from the Technical Responses. Cost is not evaluated. The evaluation team consists of park managers, park rangers, and park trail administrators. Each evaluator has had extensive training and experience in back country trail design, construction, and maintenance. They all have training and experience with the mechanized equipment pertaining to back country trail construction and have led large trail construction projects. In addition, the evaluators are all expert back packers and hikers.</p>
		<p>14.Could the state provide a "compare and contrast" list of the differences between the old process and this new process?</p>	<p>Please see response to question #6.</p>
Attachment D	24-25	<p>15.How can we provide accurate maximum cost estimates without knowing more specifics about the job to be performed, such as flat trail versus steep hills, section length, and time for completion? The maximum cost for a flat trail is vastly different from that of a steep trail of the same length.</p>	<p>The Line Items found in the Cost Proposal are hourly/ daily rates. Hourly/ daily costs should not change based on how flat or steep the hill is. Your costs in your Cost Proposal should reflect your max rates, which may lower depending on the difficulty of the project.</p> <p>While the hourly rates may not exceed the rates listed in the cost proposal, more difficult trail sections require more hours which will increase the cost of that section.</p>
		<p>16.The RFQ is valid for 120 days, plus the time on a contract if awarded. How can we commit to our terms when a section's completion date (or trail length) is unknown? What if it extends for a year? Expenses change over time. Perhaps an adjustment option at 180 days should be included. In other words, after a contract is awarded—with an expiration date that is unknown at the time we made our cost proposal—when can an RFQ cost proposal be adjusted for significant changes in market conditions after a contract is awarded? (Refer to Attachment E, 9.)</p>	<p>Awarded Suppliers will have a contract that is valid for 36 months, with options to extend up to 60 months. If costs increase at any point, then a formal amendment would need to be approved by both parties.</p>

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		17. We are a non-profit organization. Our executive director, other managers, and board chair are all women. Does this place us within the diversity protocols? (Refer to Attachment A, B.15.)	Non-Profit organizations currently cannot be certified as a diversity business with the Governor's Office of Diversity Business Enterprise. Non-Profits are operated for a collective, public or social benefit through a board of directors or trustees, rather than supporting any single member of ownership.
		18. Will all eight top respondents' cost proposals be opened simultaneously, or one at a time? The wording in section 5.3 was not fully clear.	All Cost Proposals will be opened on July 1, 2024
		19. In Attachment A, B.12, the state asks for detailed information on our workforce but does not provide assurances of how this information will be used. a) Will the information be held strictly confidential? b) Will the state refrain from approaching any of our workers with the intent to hire them away for any reason while an RFQ and contract are being negotiated or executed? If the state will not refrain from such activity, will the state allow a renegotiation of the RFQ at that time, as they may have altered our status through their own actions?	a) No, it will not. All files will be made open for public inspection in accordance with the Public Records Act. b) The purpose of including information on the workforce is for the State to evaluate the contractor's qualifications. The State plans to hire an independent contractor to perform the work.
Attachments A, B,C.	16-23	20. Regarding the shaded items at the top of Attachment A, do we need to cite the page numbers (and reference numbers) on which the stated information is located?	Page numbers are not necessary on the shaded items on Attachment A. Page numbers are appreciated but not required on Items A.1-A.5 of Attachment A and all of Attachments B and C in order to assist the State during the evaluation process.

3. Delete RFQ section 1.1 in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

The Justin P. Wilson Cumberland Trail State Park requires the construction of approximately fifty-one (51) miles of foot trail toward the completion of a 300-plus mile trail system authorized by legislation as the Cumberland Trail state scenic trail in the Tennessee Trails System Act, Tenn. Code Ann. § 11-11-106(2). Mileage may increase through the contract term based on additional land acquisition.

Construction will require handwork, as well as allow for some mechanized construction in steep terrain. Work may include rock work, tree removal, construction of trail tread, drainage features, and step ways.

The trail runs through the following Tennessee counties: Hamilton, Sequatchie, Marion, Rhea, Bledsoe, Cumberland, Morgan, Scott, Anderson, Campbell, and Claiborne.

The estimated budget will be three million dollars (\$3,000,000) total for the initial term.

This RFQ will result a list of up to eight (8) qualified Respondents that will each be awarded a contract. During this contract period, as each trail project is identified, a Statement of Work will be sent to all qualified Respondents. A purchase order will be submitted to the Respondent who submits the lowest cost in response to the Statement of Work.

4. Add the following as RFQ section Attachment A Item Ref A.6 and renumber any subsequent sections as necessary:

A.6 Provide a statement confirming that, if awarded a contract pursuant to this RFQ, the Respondent shall deliver a Performance Bond to the State in accordance with the requirements of this RFQ. The statement must be signed by an individual with legal authority to bind the Respondent to the provisions of this RFQ and any contract awarded pursuant to it.

5. Delete RFQ Pro Forma section E.3 in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

Payment Bond. The Contractor shall provide to the State a payment bond guaranteeing that the Contractor's subcontractors, laborers, and material suppliers will be paid for performance under this Contract with the additional obligation that such contractor shall promptly make payment of all taxes, licenses, assessments, contributions, penalties, and interest. The payment bond will be in an amount equal to twenty-five percent (25%) of the Maximum Liability ~~Written Dollar Amount (\$Number)~~ of the Statement of Work being awarded. The State reserves the right to review the bond amount and bonding requirements at any time during the Term. The Contractor shall submit the bond no later than the day immediately preceding the Effective Date of the Statement of Work and in the manner and form prescribed by the State. The bond shall be issued by a company licensed to issue such a bond in the State of Tennessee. The payment bond shall guarantee that the Contractor's subcontractors, laborers, and material suppliers will be paid for performance during the Term and all extensions or renewals of the Contract Failure to provide to the State the payment bond as required under this Contract may result in this Contract being terminated by the State. The payment bond required under this Contract shall not be reduced during the Term without the State of Tennessee Central Procurement Office's prior written approval.

6. Delete RFQ section E.4 in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

Performance Bond. The Contractor shall provide to the State a performance bond guaranteeing full and faithful performance of all undertakings and obligations under this Contract, specifically faithful performance of the work in accordance with the plans, specifications, and contract documents. The performance bond shall be in an amount equal to one hundred percent (100%) of the Maximum Liability ~~Written Dollar Amount (\$Number)~~ of the Statement of Work being awarded. The State reserves the right to review the bond amount and bonding requirements at any time during the Term. The Contractor shall submit the bond no later than the day immediately preceding the Effective Date of the Statement of Work and in the manner and form prescribed by the State at Attachment Reference. The bond shall be issued by a company licensed to issue such a bond in the state of Tennessee. The performance bond shall guarantee full and faithful performance of all undertakings and obligations for the Term, as the Contract is extended or renewed.

Failure to provide to the State the performance bond(s) as required under this Contract may result in this Contract being terminated by the State. The performance bond required under this Contract shall not be reduced during the Term without the State of Tennessee Central Procurement Office's prior written approval.

7. **RFQ Amendment Effective Date.** The revisions set forth herein shall be effective upon release. All other terms and conditions of this RFQ not expressly amended herein shall remain in full force and effect.