

**CITY OF PHOENIX, ARIZONA
WATER SERVICES DEPARTMENT**

APRIL 25, 2001

**LAKE PLEASANT WATER TREATMENT PLANT
DESIGN-BUILD-OPERATE PROJECT - WS85350004
REQUEST FOR QUALIFICATIONS**

ADDENDUM NO. 4

ATTENTION POTENTIAL RESPONDENTS

The following revisions to the above-referenced Request for Qualifications (RFQ), dated November 2000, shall become a part of the RFQ. This Addendum contains a cover page and 8 pages of written text, 0 sketches and 0 drawings. Respondents shall acknowledge receipt of this Addendum No. 4 in the Transmittal Letter to their SOQ.

Assistant Water Services Director

Date

NOTICE

Respondents are advised that on April 23, 2001 the Governor signed into law House Bill 2425 which amends certain provisions of the Enabling Law pursuant to which this procurement is authorized. As indicated in the RFQ, the procurement process is subject to the Enabling Law as amended from time to time. Accordingly, this Addendum No. 4 implements those provisions of House Bill 2425 that effect the City's procurement process for the Project.

This Addendum No.4 also provides additional detail on the amount of the letter of credit required for the Company's design, construction and acceptance testing obligations under the Service Agreement.

In response to this Addendum No. 4, each Respondent is required to resubmit the transmittal letter to its SOQ (including Attachment 1) in the revised form attached hereto. All information required to be provided in the revised transmittal letter shall be identical to that contained in the original transmittal letter, except as otherwise permitted by this Addendum No. 4. The transmittal letter is to be executed by the party or parties who executed the transmittal letter to the original SOQ.

In addition, the City will permit Respondents to submit supplemental information to their SOQs to the extent this Addendum No. 4 materially effects any information previously submitted to the City. All supplemental information submitted by a Respondent shall be in the form and substance required of such information by the RFQ. Respondents are advised that the City will only consider supplemental SOQ information that a Respondent demonstrates is directly related to the changes made to the RFQ in this Addendum No. 4.

Responses to this Addendum No. 4 must be submitted to the Project Manager, Madeline Goddard, by no later than 4 pm, MST, on May 11, 2001, at:

Water Services Department
Phoenix City Hall, Eighth Floor
200 West Washington Street
Phoenix, Arizona 85003
Phone: (602) 534-3887
Fax: (602) 495-5843

Any responses received after this deadline will not be considered.

Any questions regarding this Addendum No. 4 should be referred to the Project Manager via either the telephone number or facsimile number provided above or by email to mgoddard@ci.phoenix.az.us.

Notice is hereby given that the RFQ is revised as follows:

1. **Amend Section 2.2 as modified by Addendum No. 2, "City's Consultant Support Team" on page 9, by adding the following firm to the Consultant Support Team:**

- Carollo Engineers

2. **Amend Section 2.2 as modified by Addendum No. 2, "City's Consultant Support Team" on page 9, by replacing the second paragraph (under the list of names) with the following:**

The City may from time to time add additional members to its Consultant Support Team for the Project and will identify any new members if and when a member is added. Respondents are advised that in no event shall a Respondent include any person or firm listed above as part of its team for the Project.

3. **Amend Section 2.3 as modified by Addendum No. 2, "Selection Committee" on page 10, by replacing the second sentence with the following:**

The Selection Committee consists of six City staff representing the City Auditor, Engineering and Architectural Services, Finance and Water Services Departments and a senior management employee of Malcolm Pirnie, Inc., an Arizona licensed contractor.

4. **Delete Section 2.4 in its entirety.**

5. **Amend Section 3.5.2, "Security for Performance" on page 21, by replacing the last sentence of the first paragraph with the following:**

The letter of credit shall be in an amount equal to \$20 million. The terms, conditions and form of each of the foregoing security instruments will be provided in the RFP.

6. **Amend Section 4.5, "SOQ Evaluation" on page 28, by adding the following new paragraph to the end of the section:**

If a Respondent on the short-list withdraws or is removed from the selection process and it is in the best interests of the City, the Selection Committee may replace that Respondent with another Respondent that is selected by the Selection Committee.

7. **Amend Section 4.7 as modified by Addendum No. 1, "Proposal Security Requirements" on page 29, by replacing the third sentence in the section with the following:**

The City will return the cash, certified check, cashier's check or surety bond to each Proposer whose Proposal is not accepted, and to the Selected Proposer on the execution of the Service Agreement and the receipt of satisfactory payment and performance bonds, letter of credit and insurance as required by the Service Agreement.

8. **Amend Section 4.10 as modified by Addendum No. 1, "Procurement Schedule" on page 31, by replacing the fifth through seventh dates and activities in table with the following:**

| | |
|----------------------|--|
| July 11 and 12, 2001 | Interviews with up to five invited Respondents |
| July 20, 2001 | Determination of Short-listed Respondents to the RFQ |
| August 29, 2001 | City Council Approval of RFP Issuance |

9. **Amend Section 4.13, "Information Disclosure To Third Parties" on page 33, by replacing the second sentence in the first paragraph with the following:**

Pursuant to ARS §34-603(G), until award and execution of the Service Agreement by the City, only the name of each Short-listed Respondent and its list of Project team members (Attachment 4 to the SOQ Transmittal Letter) may be made available to the public.

10. **Amend Attachment G, "Transmittal Letter" by replacing the form of transmittal letter (including Attachment 1) with the revised form attached hereto. The form of transmittal letter was revised to delete former item 13 therein pertaining to Section 2.4 of the RFQ (which is deleted hereunder). The resubmittal of the revised transmittal letter by each Respondent, as indicated in page 1 of this Addendum No. 4, will constitute each such Respondent's acknowledgment of the receipt of this Addendum No. 4.**

Attachment G

CITY OF PHOENIX
Phoenix, Arizona
Lake Pleasant Water Treatment Plant DBO Project
Project No. WS85350004

TRANSMITTAL LETTER

(To be typed on Respondent's Letterhead)

[Date]

City Engineer c/o
Engineering and Architectural Services Department
Central Records Counter
Phoenix City Hall, Second Floor
200 West Washington Street
Phoenix, Arizona 85003

Re: Statement of Qualifications for Lake Pleasant Water Treatment Plant DBO Project
Project No. WS85350004

_____ (the "Respondent") hereby submits its statement of qualifications (SOQ) in response to the Request for Qualifications for the Lake Pleasant Water Treatment Plant DBO Project (RFQ) issued by the City of Phoenix, Arizona (the City) on November 16, 2000.

As a duly authorized representative of the Respondent, I hereby certify, represent and warrant as follows in connection with the SOQ:

1. The Respondent acknowledges receipt of the RFQ and the following addenda:

| <u>No.</u> | <u>Date</u> |
|------------|-------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

2. The submittal of the SOQ has been duly authorized by, and in all respects is binding upon, the Respondent. The Certificate of Authorization submitted as Attachment 1 to this Transmittal Letter evidences my authority to submit the SOQ and bind the Respondent.

3. The Respondent has completely reviewed and understands and agrees to be bound by the requirements of the RFQ.

4. The Respondent has read the legal disclaimer in Attachment D to the RFQ and understands that this disclaimer applies to all background documents provided whether in hard copy or electronic form, including information posted on the Project website.

5. The Respondent's obligations under the Service Agreement will be guaranteed irrevocably, absolutely and unconditionally by, as evidenced by the Guarantor Acknowledgment certificate submitted as Attachment 2 to this Transmittal Letter. The Certificate of Authorization submitted as Attachment 3 to this Transmittal Letter evidences the authority of the individual(s) executing the Guarantor Acknowledgment to submit that document and bind the Guarantor.

6. The firms that will be members of the Respondent's Project team, including the Significant Subcontractors, include as follows (describe role for each member):

A listing of all currently identified members of the Respondent's Project team is provided as Attachment 4 to this Transmittal Letter.

7. Attachment 5 to this Transmittal Letter provides copies of the professional engineering and construction licenses and certificates of registration required pursuant to Section 5.2.1 of the RFQ.

8. The Respondent, the Guarantor and each of the Significant Subcontractors have submitted certain information required by the RFQ by completing Submittal Forms 1 through 4, when applicable. To the best knowledge of the Respondent all such information is correct and complete.

9. All information and statements contained in the SOQ are current, correct and

complete, and are made with full knowledge that the City will rely on such information and statements in short-listing the Respondents.

10. The SOQ has been prepared and is submitted without collusion, fraud or any other action taken in restraint of free and open competition for the services contemplated by the RFQ.

11. The Respondent will comply with the City's Equal Opportunity Requirements set forth in Section 3.7 of the RFQ.

12. Neither the Respondent, the Guarantor nor any Significant Subcontractor is currently suspended or debarred from doing business with any governmental entity.

13. No person or selling agency has been employed or retained to solicit the award of the Service Agreement under an arrangement for a commission, percentage, brokerage or contingency fee or on any other success fee basis, except bona fide employees of the Respondent or the Guarantor.

14. The contact person who will serve as the interface between the City and the Respondent is:

NAME:
TITLE:
ADDRESS:
PHONE:
FAX:
E-MAIL:

Name of Respondent

Name of Designated Signatory

Signature

Title

(Notary Public)

State of

County of

On this _____ day of _____, 2001, before me appeared _____, personally known to me to be the person described in and who executed this _____ and acknowledged that (she/he) signed the same freely and voluntarily for the uses and purposes therein described.

In witness thereof, I have hereunto set my hand and affixed my official seal the day and year last written above.

Notary Public in and for the State of _____

(SEAL)

(Name printed)

Residing at _____

My commission expires _____

Attachment 1

CERTIFICATE OF AUTHORIZATION*

I, _____, a resident of _____ in the State of _____, DO HEREBY CERTIFY that I am the Clerk/Secretary of _____, a corporation duly organized and existing under and by virtue of the laws of the State of _____; that I have custody of the records of the corporation; and that as of the date of this certification, _____ holds the title of _____ of the corporation, and is authorized to execute and deliver in the name and on behalf of the corporation the Statement of Qualifications submitted by the corporation in response to the Request for Qualifications for the Lake Pleasant Water Treatment Plant DBO Project issued by the City of Phoenix, Arizona on November 16, 2000; and all documents, letters, certificates and other instruments which have been executed by such officer on behalf of the corporation in connection therewith.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the corporation this _____ day of _____ 2001.

(Affix Seal Here)

Clerk/Secretary

** Note: Separate certifications shall be submitted if more than one corporate officer has executed documents as part of the Statement of Qualifications.*