



Alabama Department of Corrections
ADDENDUM No. 2
to
Request for Qualifications
3 New Build to Suit Correctional Facilities

To All Potential Respondents: This addendum is issued to modify the previously issued RFQ documents and/or given for informational purposes and is hereby made a part of the RFQ documents. Please attach this addendum to the documents in your possession. Per Appendix A of the RFQ, the proposer shall acknowledge receipt of all addenda, if any, listing the Addenda by number(s) and date(s) in their response to the RFQ.

ADDENDUM No.: 2
DATE: August 14, 2019

1. As established in Addendum No. 1, the deadline for submitting an SOQ remains August 23, 2019, at 3:00 pm utilizing the procedure established in Section 3.2.2 of the RFQ.
2. Requests for Information:
 - a. QUESTION 01: The RFQ document references equity in multiple places and given that there is a long term maintenance requirement, will equity or subordinated debt (to ensure developer "skin in the game") be required?
 - i. ANSWER 01: The State will be open to all financing alternatives allowed under Alabama law.
 - b. QUESTION 02: Do you have a list of companies that the RFQ was sent to?
 - i. ANSWER 02: No. The RFQ was made publicly available.
 - c. QUESTION 03: ...In order to compare a tax-exempt financed P3 with an equity-based model on an apples-to-apples basis, will the ADOC explicitly require as part of the RFQ the developer to hold subordinated debt (with similar change-of-control or transfer restrictions as equity) as part of a tax-exempt financing solution?
 - i. ANSWER 03: See Response to Question 01.

- d. QUESTION 04: I am requesting to come into the offices of Alabama Department of Corrections to request a meeting to educate you on our VEA product that we have successfully installed and reduced installation along with maintaining/maintenance and inspections cost for the future....
 - i. ANSWER 04: Consistent with Sections 3.1.1 & 3.2.1, only formal communication protocols as set forth in the RFQ will be allowed.
- e. QUESTION 05: Form A appears to be applicable to Respondents to the RFQ. [Vendor] seeks to be an advisor to a Respondent, but not a Respondent itself. Therefore, we do not believe this form is applicable to us. Can you please confirm?
 - i. ANSWER 05: Consistent with the RFQ, Appendix A must be included in the Respondent's SOQ packet. See Table 2.
- f. QUESTION 06: Will ADOC reconsider the requirement for Proponents to source, buy and lease to ADOC a site for each facility as currently outlined in the RFQ?
 - i. ANSWER 06: The requirement for developer teams to provide the land for the three new correctional facilities remains as stated in the RFQ. The State is exploring options to make ADOC land available for acquisition. The ADOC's objective is to obtain optimal site selection in accordance with the criteria set forth in the RFQ.
- g. QUESTION 07: Section: 4.2.10 Nominated Projects Page: 18. This section says to submit three "nominated projects." Sections 4.2.14, 4.2.17, 4.2.19 and 4.2.21 refer to "up to four of the nominated projects." Please confirm that only three nominated projects are required.
 - i. ANSWER 07: Only three nominated projects are required.
- h. QUESTION 08: Section: 4.2.15 Financial Capacity Page: 20. Just the annual financial statement and notes (not the full annual report) for corporations are many pages. Providing three years of financial data for each team member may easily exceed the 350 page limit for Package 2. Will ADOC exclude the financial data from the 350 page limit? Can bidders submit the financial data as attachments in a separate volume as well?
 - i. ANSWER 08: Financial data will not be considered a part of the 350 page limit and should be included as a separate attachment in the response.
- i. QUESTION 09: Can you confirm that the Project Co consists of the development/equity partners and that the Respondent Team as referred to in 4.2.16 is asking for the leadership of the yet to be formed Project Co during the procurement as well as the construction and maintenance phase or is the Project Co an entity envisioned as being different than the developers/equity partners of the Respondent Team?
 - i. ANSWER 09: It is intended the respondent provide information in section 4.2.16 related to the Respondent Team not the Project Co. See Addendum No. 2 Section 3.
- j. QUESTION 10: Does the correctional consultant need to report to the developer/equity members who comprise the project co or can the correctional consultant report to the Construction / Design Build entity?
 - i. ANSWER 10: Consistent with Section 4.2.16, as amended herein, the Correctional Consultant "should be employed or engaged by the Respondent Team."

- k. QUESTION 11: I am wondering how I could find out what contractors are putting in bids so I could contact the contractors and give them a price on the material.
- i. ANSWER 11: See Section 3.2.2 of the RFQ.
- l. QUESTION 12: Will ADOC consider extending the due date for the RFQ application to allow for our company to realign some of the firms that are a part of our team and to further delineate our proposal for the site selection?
- i. ANSWER 12: Addendum 1 extended the due date to August 23, 2019.
- m. QUESTION 13: Would we be able to receive more information such as specs and/or drawings or we can help provide one for the inmate property storage room(s)? Also, are you the best contact to receive this information?
- i. ANSWER 13: See Response to Question 04.
- n. QUESTION 14: Please confirm that the requirements in section 4.2.10 (a facility of at least 750,000 SF delivered using DBFM method, or a correctional facility with at least 1,500 beds using the DBFM method) only applies to the three nominated projects in section 4.2.10 for the developer and not the following sections which address expertise in specific areas: 4.2.13, 4.2.14, 4.2.17, 4.2.18 and 4.2.19.
- i. ANSWER 14: The respondents may discuss projects not nominated in section 4.2.10 in response to remaining cited sections.
- o. QUESTION 15: The RFQ seeks facilities "within identified geographies of the state" and references that Facility 2 will be located in the central portion of the state. Which areas should Facility 1 and Facility 3 be located (i.e. Facility 1 in the north and Facility 3 in the south)?
- i. ANSWER 15: Facilities 1 and 3 can be located in any part of the state. The ADOC's objective is to obtain optimal site selection in accordance with the criteria set forth in the RFQ.
- p. QUESTION 16: The RFQ references 3 nominated projects for the developer in section 4.2.10, and 4 different ones for each area of expertise in the other listed areas (4.2.13, 4.2.14, 4.2.17, 4.2.18 and 4.2.19). Also on Appendix D, it request that the projects from section 4.2.10 be numbered sequentially 1 to 5. Please confirm the number of nominated projects required for each section in the RFQ.
- i. ANSWER 16: See Response to Question 07.
- q. QUESTION 17: Section 4.2.7 has the following requirement, "Statement of Developer's Ability to meet the End User's Insurance Requirements." What are the End User's Insurance Requirements?
- i. ANSWER 17: In responding to this section, respondents should provide a sample of previous insurance policy or policies provided for similar projects.

- r. QUESTION 18: [Company A] will be the majority in a joint venture that will be the design-builder for [Company B].

[Company C], a Texas Limited Partnership, has a minority ownership interest in [Company A]. [Company C] is owned by [Company D], LLC, a Nevada limited liability company that is, in turn, owned by [Company E], Ltd., a Texas limited partnership. [Company E] also owns (Company F), a Delaware Limited Liabilities Company. Company F owns a member of the PMT.

[Company A] will not communicate with the member of the PMT outside of the formal RFP process and [Company A] will not have confidential information that is not available to the other respondents.

Please confirm that [Company A] is not a “Restricted Party” as that term is used in the RFP.¹

- i. ANSWER 18: Consistent with section 2.6 of the RFQ, Company A is “Restricted Party” under the terms presented.
- s. QUESTION 19: Please confirm address of RFQ Submittal: 2 Metroplex Dr, Suite 300, Birmingham AL
- i. ANSWER 19: Confirmed.
- t. QUESTION 20: Can offerors submit the required electronic copies on CD-ROM or DVD?
- i. ANSWER 20: Yes.
- u. Question 21: Will a stipend be provided?
- i. Answer 21: No.
- v. Question 22: Will the State allow teams to continue working with Counties / Municipalities on securing land through the RFP Process?
- i. Answer 22: See response to Question 06 on Addendum 2.
- w. Question 23: Can the State share its projections for the economic impact that each of these facilities is projected to generate (i.e. number of jobs, economic impact, etc.)? types of jobs, salary ranges, economic impact, etc.)?
- i. Answer 23: This question is not relevant to the RFQ process. The ADOC reserves the right to provide information relating to the subject.
- x. Question 24: Is the State able to utilize land adjacent to an existing Prison?
- ii. Answer 24: See response to Question 06 on Addendum 2.
- y. Question 25: Is the State currently under any consent decree or lawsuit ultimately driving the proposed financial close schedule? If so, please describe as much as possible.
- i. Answer 25: No.
- z. Question 26: Can you please describe in more detail the details of the final packages the State will require each team submit as part of the final RFP submission.
- i. Answer 26: No. The RFP will speak for itself.

¹ This question has been amended to protect the identity of the requesting party and the related companies.

- aa.** Question 27: What occurs if the legislature doesn't support moving these projects and process forward?
- i. Answer 27: This question is not related to the RFQ process. The ADOC cannot address hypothetical legislative action. The ADOC has not waived in its commitment to develop prison facilities under existing law.
- bb.** Question 28: Section 4.2.10 specifically references use of the A-1 Appendix D form for Nominated Projects, however, 4.2.13, 4.2.14, 4.2.16b, 4.2.17, 4.2.18, 4.2.19, 4.2.20b, 4.2.21, and 4.2.22b all reference up to 4 "Nominated" projects that are relevant to that specific section. It seems that the Nominated projects to be included in these sections (4.2.13, 4.2.14, 4.2.16b, 4.2.17, 4.2.18, 4.2.19, 4.2.20b, 4.2.21, and 4.2.22b are to be relevant to that specific team member or company for that section and not the same "Nominated" projects shown in 4.2.10. However, there is no reference in each of these sections to the A-1 Appendix D form for Nominated Projects. Is the referenced form A-1 required to be shown for each of those sections as requested in Section 4.2.10?
- i. Answer 28: No.
3. Section 4.2.16 shall be amended to replace any reference to the "Project Co" with the "Respondent Team Lead."