1. Has the University utilized a firm to audit projects in the past? If so, which firm?

No, the University has not utilized a firm to preform construction audits in the past.

1. Is current construction audit provider able to submit a proposal for this opportunity?

See response to question number 1.

1. Please confirm if a mailed / printed proposal is required due to working remote.

Yes, a printed / mailed proposal is required due to the pandemic.

1. The standard terms & conditions contains a document titled “Contract and Grant Disclosure and Certification Form”.  Is this applicable? The form makes reference to “subcontractor”.  We are not a subcontractor.  Is this form required? Likewise if we have no intentions of utilizing a subcontractor, why would the form need to be filled out?

The Contract and Certification Forms are required documents for submitting a proposal. If the firm is not a subcontractor, the preparer would select “no” on the form and then proceed to complete the remainder of the form.

1. Section 9.2 in RFP makes reference to an “interactive version of the RFP” whereby respondents can insert proposals into the document provided on the bid site.  Where is this document located and what are the section of the document you require. How does the respondent “acknowledge” each section in their bid?

The documents are located on the Hog Bid website (https://hogbid.uark.edu/). The documents are in a PDF format and can be edited with Adobe. To “acknowledge” the preparer can type “acknowledged” in the document under each section that the firm acknowledges.

1. What ability does a vendor have to negotiate terms?

Section 9.3 of the RFP states, “Any exceptions to any of the terms, conditions, specifications, protocols, and/or other requirements listed in this RFP must be clearly noted by reference to the page number, section, or other identifying reference in this RFP.  All information regarding such exceptions to content or requirements must be noted in the same sequence as its appearance in this RFP.”  So, if any respondents object to any terms, they need to note it in their proposal so the objections can be evaluated by the Committee.

1. The RFP indicates that multiple contracts will be issued – please confirm.

Confirmed, if multiple qualified firms respond to the RFP, multiple firms may be selected.

1. How will project assignments work in practice for the selected vendors?

The vendors will be ranked at selection. Projects will be assigned in order of ranking. Highest scoring vendor receives the first project. The second highest, and so on, would be assigned a project if the highest scoring vendor is unavailable due to work on an existing assignment.

1. Where will project-related records be located?

The work is being performed at the University of Arkansas, Fayetteville campus. The records are located with this campus. Additional campus location may be added at a future date and those related records would be located with those locations.

1. Is there an expectation of where work will be performed – i.e., on location, remotely, some combination?

A combination of remote work and on location work if the campus is open for external contractors and the work can be performed safely with COVID precautions in place.

1. Does the scope of work contemplate a formal presentation of findings?
   1. If so, is the expectation that would be in person or remote?

Findings will be presented to Management. Formal presentations to the Board of Trustees are on a case-by-case basis dependent on the complexity of the findings.

1. Is there an incumbent for this work?
   1. If so, what are the rates/fees of the incumbent?

There is not an incumbent for this work.

1. Are there any circumstances in particular that have promoted the development/release of the RFP?

No.

1. RFP Section 7, Termination, states the following.  However, the other RFP document has an entire section liquidated damages that seem to also relate to unsatisfactory services.  Please clarify the basis for termination versus liquidated damages.

**a)** If at any time the services become unsatisfactory, UAS will give thirty (30) days written notice to the Contractor. If at the end of the thirty (30) day period the services are still deemed unsatisfactory, the Contract shall be cancelled by UAS.  Additionally, the Contract may be terminated, without penalty, by UAS without cause by giving thirty (30) days written notice of such termination to Contractor.

**b)** Upon award, the agreement is subject to cancellation, without penalty, either in whole or in part, if funds necessary to fulfill the terms and conditions of this Contract during any biennium period of the Term (including any renewal periods) are not appropriated.

**c)** In no event shall such termination by UAS as provided for under this section give rise to any liability on the part of UAS, its trustees, officers, employees or agents including, but not limited to, claims related to compensation for anticipated profits, lost business opportunities, unabsorbed overhead, misrepresentation, or borrowing.  UAS’s sole obligation hereunder is to pay Contractor for services ordered and received prior to the date of termination.

The terms, conditions, representations, and warranties contained in the Contract shall survive the termination of the Contract.

The Standard Terms and Conditions document is a template containing general terms and conditions applicable to a wide variety of RFPs and some provisions will not apply to certain RFPs.  The Performance Timeline contained in the Standard Terms and Conditions document is not applicable to this RFP.

1. Do you anticipate that the audit work will be performed on site at one of the campus locations?  Is that were the construction contract financial documents are maintained for audit?

The initial work is being performed at the University of Arkansas, Fayetteville campus. The records are located with this campus. A combination of remote work and on location work is acceptable if the campus is open for external contractors and the work can be performed safely with COVID precautions in place.

1. If the work is to be performed on site, how should the travel costs be included in the pricing sheet?  Is it up to the offeror to determine percent of time on site versus off site?

Travel can be included in the expense line on the pricing sheet.

1. Are there COVID 19 travel restrictions and how are they being handled as far as how they affect the expectations and the pricing?

If the respondent’s firm has COVID 19 travel restrictions, those restrictions can be factored into the pricing for expenses. The University updates the COVID 19 protocol and restrictions based on guidelines from the CDC and the State of Arkansas. Those protocols, guidelines, and restrictions can be found on the University’s website.

1. What is the University’s practice for review of the construction performance (i.e., inspection) and will inspection records be available to the auditors?

The University’s practice for review and necessary records will be made available to the respondent awarded the contract and subsequent project.

1. What is the University’s practice and internal controls over review and payment of construction costs/invoices/pay estimates and have those internal controls been audited by the Internal Audit department?

The Internal Audit Department has not previously performed an audit of this nature. University practices and internal controls will be discussed with the vendor awarded the contract.

1. Paragraph 8.28 states that the offeror must comply with OSHA requirements.  Please clarify what OSHA requirements would pertain to an audit contract and the Firm’s personnel.

At this time, UAS is not aware of any OSHA requirements that would pertain to an audit contract and the Firm’s personnel; however, if the UAS or contractor become aware of any OSHA requirements that would apply, contractor would be responsible for complying with the law or regulation.

1. Paragraph 8.33 states that background checks shall be conducted.  There are many different types and levels of background checks.  Please clarify the requirement and expectation for background checks.

Background checks are required for all individuals performing any service related to this RFP on the UAS campuses, this includes checks for registered sex offenders.

1. Section 9.2 states that an interactive version of the proposal is available on the website.  Please provide that specific website address.  Is this interactive version printable in order to submit in hard copy?

The documents are located on the Hog Bid website (https://hogbid.uark.edu/). The documents are in a PDF format and can be edited with Adobe to create an interactive file.

1. Please clarify the line items to be identified on the Official Pricing Sheet.  Is each line to be used for a labor category?  Are you expecting to see the labor mix or hourly rates?  Or is each line the total by labor category and one Official Pricing Sheet should be used to price each of the five construction projects in paragraph 13 of the RFP?

The respondent shall list the expenses and professional fees separately in the pricing sheet. It is at the discretion of the respondent if further subcategories are needed to accurately depict the pricing.

1. Please clarify the period of performance associated with the audits or clarify if that will be established based on each assignment (Time of response and engagement. How much time we’d have between advice of the engagement and start of it. Estimate of time to complete the work which is complicated because it could change a lot depending on the phase and size of the project. One audit can take 3 weeks, another 8 or 10… )

The timeline will be established based on each assignment; however, the assignment must be completed within the terms outlined in the contract.

1. To whom is the audit addressed? And will a report suffice or a face to face (or virtual) presentation be required? If we need to present the report, is it to the Audit Committee (or the like), IA Director, someone else?

Findings will be presented to Management. Formal presentations to the Board of Trustees are on a case-by-case basis dependent on the complexity of the findings. Depending on COVID 19 restrictions and protocol at the time, a virtual meeting may be requested.

1. For the construction projects subject to audit, are those lump sum, cost plus, fixed price? Can you elaborate?

The University uses Construction Manager At Risk (CMAR) for all contracts over $5 million.

1. Liquidated Damages (LD) – LD’s in a professional contract are not the norm.  The LD’s are tiered based on the nature of the default and range from 20% of the “initial cost  and annual fee” for “default in the performance” at 3 months down to 10% of the “initial cost and annual fee” default at 6 months.  This is really ambiguous and should be a question of clarification to the University.  Is it just a lump sum at 3 months?  Is the 10% at 6 months in addition to the 20% at 3 months?

See response to Question 14.

1. Section 13 of the RFP asks for us to specifically list out staff members, hours and travel fees by project size ($5m, $10m, etc.). Yet Appendix I (price sheet) only asks for the total price.  If you desire other information besides the total price, where do you desire this information to be presented in the proposal since the price sheet template does not follow the format asked in section 13.

The respondent may format the pricing structure as they see fit for the response and attach within the appendix. Please separate the staff fee from expenses.

1. Is there a preliminary construction duration for each project?

Yes, there is a construction timeline for each construction project.

1. Will a labor rate audit be requited for each project?

This will depend on the type of construction project.

1. Are the general conditions expected to be fixed or reimbursable?

They are not “reimbursable” in that we expect receipts with every pay application, but only pay actual costs, typically reconciled at the end of the job.

1. What is the typical project delivery method expected for the 5 projects?

Findings will be presented to Management. Formal presentations to the Board of Trustees are on a case-by-case basis dependent on the complexity of the findings. Depending on COVID 19 restrictions and protocol at the time, a virtual meeting may be requested.

1. Are labor rates expected to be fixed rates, fixed burden, actual cost or something else?

Labor rates and burden are fixed when GMP is established.

1. Will there be a wrap-up policy for the larger projects?

Audit firms will be expected to present findings to management.

1. Will the contractor(s) be allowed to self-performed work?

Yes, on some contracts.

1. What is the typical contract type? (GMP, Lump Sum or Cost Plus?)

CMAR with GMP.

1. Will there be any Cost Segregation?  Who will be responsible for completing this work.

Yes, there could be cost segregation. The University management is responsible for completing cost segregation.

1. Is the construction auditor expected to review the professional service contracts?

The auditor is expected to review documents related to the scope of the project; this may include the professional service contract.

1. Will each change order request be reviewed by the auditor as they are requested and before they are approved?

Not for all projects as some are concurrent work in process. Moving forward, this will be subject to agreement with University management.

1. Will the construction auditor be engaged before construction contracts are executed with the CM/GC firms?

Currently, the contracts are executed.

1. Can the UAS provide a list of projects in each area of the possible dollars of construction costs ($5M, $10M, $25M, $50M, and $80m+) and number of projects in each category that might be considered for construction audit?

This information is not available currently.

1. What is UAS’s annual budget for construction audit work?

The construction audit plan is in infancy, therefore there is not an approved annual budget.

1. Has UAS outsourced construction audit in the past?  If so, who is the incumbent?

No.

1. How much ($) has been spent annually outsourcing construction audit services?

We have not engaged previously with an external construction audit service.

1. What is UAS’s thoughts on conducting the audits remotely?

A combination of remote work and on location work if the campus is open for external contractors and the work can be performed safely with COVID precautions in place.

1. Will the UAS provide resources from its staff to assist with the awarded Construction Audit firm (s)?

No.

1. Is the expectation the construction auditor will be communicating directly with the GCs/Contractors or only through UAS?

The expectation is there will be communication with both the GCs/Contractors and University management.

1. How many Construction Audits has UAS performed in the last 5 years and what is the range of the construction project sizes?

UAS has not performed any construction audits in the last five years.

1. The RFP mentions that travel expenses and other reimbursable costs should be itemized for the not-to-exceed cost of service for each of the five construction project sizes, how many trips for each of the projects should the audit team expect to have to make?

The number of trips the audit team need to make to complete the project is at the discretion of the contractor.

1. What type or types of Contracts will UAS be issuing? (i.e., GMP, Lump Sum, Cost Plus, etc.).

CMAR with GMP.

1. Will any of the specific projects include GCs/Contractors self-performing work?

Yes, on some contracts.

1. Will any of the subcontractors under the GC’s/Contractors be GMP subcontractors?

It is very rare that subcontracts are GMP. It has occurred before, but very rare.

1. On the Appendix I – Official Price Sheet, it lists five item #’s, are we to assume that these five item #’s correspond to the five sizes of the construction projects ($5M, $10M, $25M, $50M, and $80m+) listed in the RFP?  If yes, then are we to assume the Description next to each of these five projects would include the estimated staff member (assume this means staff member (s) rate?) and number of hours?

The respondent may use additional space for pricing if needed to accommodate the different levels of construction projects. Please include the staff fee and expense in the pricing.

1. In the RFP, UAS has indicated each project will have three or more phases: preconstruction, interim, and end of project.  Does UAS have a preference for when the interim audit is conducted (ex. 50% or project completed)?

Standard interim audit would be considered at 50% project completion.

1. On bigger projects, would the UAS prefer additional interim audits (ex. 30%, 50%, 70% complete)?

No.

1. On the interim audits, what is the expectation for the scope of the interim audits?  Does the University prefer 100% review of all pay applications and all change orders or sampling or certain quantity of each?

Respondent can recommend best practice based on industry standards and bid accordingly.

1. The HogBid site included two documents (RFP011422\_Document.docx and RFP011422\_TsCs.docx). Please confirm if the first page of both documents is required to be submitted as part of the response as they appear to be the same information.

Confirmed.

1. The RFP includes many statements the respondent acknowledge various requirements, stipulations et al. However, the TsCs.docx includes the following; Signatory Page, Minority and Women-Owned Business Reporting, Equal Opportunity Policy Disclaimer, Illegal Immigrant Certification, Bidder Conflict of Interest Form, Restriction of Boycott of Israel Certification, and Contract and Grant Disclosure Form. Please confirm these documents are the only specific signed forms required among all of the acknowledgements included within the RFP.

Confirmed.

1. Section 2. ’Scope of Work’ on page 3 indicates for individual construction audit projects, the work is ordinarily performed in three phases - Preconstruction, interim, and closeout. For Appendix I, are all three phases to be included in the pricing for each of the projects ($5MM, $10MM, $25MM, $50MM, and $80MM+)?

Correct.

1. Additional Redacted Copy REQUIRED - In the event the respondent has no proprietary information, is a ‘Redacted’ copy required? If it is required, is the redacted version to be mailed in a separate package from the signed original and two soft copies?

A redacted copy is not required if the respondent has no proprietary information. If there is need for a redacted version, it can be included in the same package as the signed original and two soft copies.

1. Section 9. Instruction to Respondents (Article 9.2) - The section indicates an interactive version of the RFP document will be posted on the Hogbid website for respondents to insert proposals into the document provided. There does not appear to be an interactive version on the site. Please confirm if this will be uploaded to the site.

The documents are located on the Hog Bid website (https://hogbid.uark.edu/). The documents are in a PDF format and can be edited with Adobe to create an interactive file.

62. Section 8.5 Conditions of Contract - Article indicates before a Contract can be executed with a respondent, respondent must certify (i) legal entity registered with the Arkansas Secretary of State’s office (ii) documentation evidencing proof of filing with Sec. of State, or (iii) submit a copy of certificate of authority from Arkansas Sec. of State authorizing respondent to transact business in Arkansas. Please indicate if these actions should be completed before submission of the proposal.

These actions are not required to be completed before submission of the proposal.

The TsCs document indicates business take the following steps to allow for proper verification 1) Register through the state of Arkansas Office of State Procurement to received an AASIS vendor ID#, 2) Submit your business to the Arkansas Economic Development Commission (AEDC) online searchable directory and 3) Certify your business through AEDC (optional). Please indicate if steps 1) and 2) should be completed before submission of the proposal.

Steps 1 and 2 do not have to be completed before submission of the proposal.

63. Will all documents be available electronically, or will visits to the work site/offices of contractors and subcontractors be required?

All efforts will be made to provide documentation electronically.

64. Does the University utilize a document management program, such as e-Builder, for all project reports? If so, will the selected Proposer have access to these records?

Not currently.

65. If a Vendor Presentation is deemed necessary, will the University require respondents to present in person or will a remote presentation be allowed?

If deemed necessary, a remote vendor presentation will be allowed.

66. Will regular, in person visits to work sites be required or can the scope of services be performed remotely?

A combination of remote work and on location work if the campus is open for external contractors and the work can be performed safely with COVID precautions in place.

67. Does UAS expect that the Respondent will be performing reviews related to prevailing wage?

Yes.

68. Do the construction contracts contain a “right to audit” or “cooperation with the Auditor” clause?

Yes.

69. What are the University’s preferred method of construction contracts, Lump Sum, NTE, Guaranteed Maximum Price, etc.?

CMAR with GMP.

70. Regarding MWOB requirements, must all MWOB’s engaged as a subcontractor by the respondent be registered with the Arkansas Economic Development Commission?

No.

71. How many contracts does the University anticipate to award over the course of the scope of work specified by this RFP?

This number is not determined at this time.

72. When does the University anticipate awarding the first contract to the respondent after being selected?

The notice of intent to award will be extended the week of February 21, 2022. Contract negotiations will begin after the intent to award. Work can begin upon final legislative approval.

73. Would the respondent audit prior construction contracts/projects or only current and future contracts/projects?

The respondent awarded would be auditing prior, current, and potentially future contracts/projects.

74. Does the University have an existing list of general contractors performing work, or is each contract bid out separately?

Each contract is bid out separately.

75. Is there a single construction manager or program manager overseeing all construction projects?

There is a single construction management team at the University of Arkansas, Fayetteville.

76. How many audits does the University anticipate performing during the duration of this contract?

There are three substantially completed projects that would be awarded initially based on order of respondent ranking as outlined in the RFP document. We also have projects that are under construction and in design that would be awarded at a future date based on the same criteria.

77. Will all audit activities be conducted by Respondent’s team or will Respondent’s team work with University staff to complete audit activities?

Audit activities will be conducted by the respondent’s team.

78. Is the intent that there is documentation supporting the pricing of the change order (i.e. labor and material estimates, etc.)? or is the intent that we determine whether the change order is appropriate (and that the cost is appropriate based on the nature of the change in project scope)?

Yes, documentation should be appropriate and exist to support the price change.

79. Does UA have an incumbent firm currently performing these services?

No.

80. What is the estimated size, in dollars, of the contracts to be audited?  We understand that pricing tiers have been requested in Section 13 but want to confirm if UA has specific contracts in mind to be audited.

This information is not available currently.

81. In the Appendix I: Official Price Sheet, please confirm if respondents are to list the five contract amounts listed in Section 13 ($5M, $10M, $25M, $50M, $80M+) in the Description column, followed by the total project cost in the "Total Price" column.

Confirmed.

82. As Section 13 asks the respondent to provide detailed pricing information, please confirm if the "Total Price" column in Appendix I: Official Price Sheet is to include only the aggregate cost.  If so, are the other pricing details requested in Section 13 to be included elsewhere?

Additional space may be used if needed to show staff fee and expenses in pricing information.

83. Section 9.2 of the RFP states that an interactive version of the RFP document will be posted on the Hogbid website; when will this be available?

The documents are located on the Hog Bid website (https://hogbid.uark.edu/). The documents are in a PDF format and can be edited with Adobe to create an interactive file.

84. Pertaining to Section 2 – Scope of Work: Does the issuer anticipate that site visits will be necessary, or will issuer be able to provide any necessary documents electronically?

All efforts will be made to provide documentation electronically.

85. Pertaining to Section 2 – Scope of Work: Does the issuer intend on creating a pool of vendors to perform the audits, or will the entirety of this activity be awarded to one entity?

The intent is to create of pool of vendors. The vendors will be ranked at selection. Projects will be assigned in order of ranking. Highest scoring vendor receives the first project. The second highest, and so on, would be assigned a project if the highest scoring vendor is unavailable due to work on an existing assignment.

86. Pertaining to Submission Requirements: In RFP Document file name ***RFP011422\_Document*** it states as follows: “**Respondents must submit one (1) signed original, and two (2) soft copies of their Proposal (i.e. CD-ROM or USB Flash drive)…”;** in RFP Ts & Cs document file name RFP011422\_TsCs it states as follows: **“Agencies must submit one (1) signed original, one (1) signed copy, and two (2) soft copies (on CD and/or USB Flash Drive)** of your response to this bid.  The extra copies are needed for bid evaluation purposes.  Please do not send bid responses to different bids in the same envelope. Can UASYS please confirm the number of copies that are required to be submitted for signed originals, signed copies and soft copies? Also can the UASYS please clarify if the “signed copies” need to be “wet”/originally signed, or is a scanned copy of an original “wet” signed document sufficient for these copies?

The Ts&Cs document states “Acceptable signatures are ink or electronic”.

87. Pertaining to Submission Requirements: Can UASYS please confirm if the “one (1) separate electronic copy of the Proposal from which any proprietary information has been removed, i.e., a redacted copy (marked “REDACTED COPY”) is actually one of the two (2) soft copies on CD or USB drive?

The redacted version should be submitted on a CD or USB drive in addition to the two soft copies of the unredacted proposal.

88. Does UASYS issue, or will UASYS make available, any reports related to the projects eligible for review under this task and how many are issued yearly – examples of reports would be Audit, Examination or AUP?

The University has not conducted previous audits of construction projects. Any documents related to the audit will be provided to the selected vendor.

89. Can UASYS please confirm if the selected vendor will be asked to perform contract compliance audits on projects that have already been reviewed for one or more of the three phases?  If so, will previous audit reports be made available?

The projects have not previously been audited.

90. Can UASYS please confirm if there are there any projects that will be selected for contract compliance audit that are known to have unresolved issues or concerns and, if so, will UASYS share these issues and/or concerns?

There are not any unresolved issues or concerns known at this time.

91. Is the incumbent firm prohibited from responding to this solicitation?

There is not an incumbent firm.

92. Does/did UASYS have any performance concerns or disagreements with the incumbent firm?

No, there is not an incumbent firm.

93. Does UASYS anticipate that the selected firm will be required to perform any tasks on-site, whether for meetings, information gathering, etc., or will remote work in its entirety be allowable?

A combination of remote work and on location work if the campus is open for external contractors and the work can be performed safely with COVID precautions in place.