

DOCUMENT SECTION REFERENCE	TEXT WITH PROPOSED REVISION/COMMENT	SPONSOR COMMENTS
Concession Agreement		The Sponsors have received a number of clarification requests regarding the concession agreement. Sponsors anticipate responding to these clarification requests by June 22, 2010.
ITP Section 1.2, Page 2	Regarding the Department's review/revision of the Manuals and Guidelines with a specific focus on adjusting Department's review and submittal rights, when will this review be complete and the Manuals and Guidelines revised?	All Manuals and Guidelines published by the Department are current. The Department does not presently intend to revise its Manuals and Guidelines during this procurement.
ITP Section 1.2, page 2; CA Section 1.3,page 3	Will the Sponsors agree to allow the Developer to rely upon such reference documents to the extent they were prepared under a standard of care reflecting standard industry practice?	The Reference Documents are developed with the appropriate due diligence in accordance with industry standards and should be used and relied upon by the Proposers to the extent appropriate pursuant to the applicable legal standards.
ITP Section 1.3, Page 3	The Data Room appears to have zip files as well as the individual files. Please clarify the hierarchy between the zip files and the individual files, particularly as addenda are issued. Is the intent to issue revised zip files with each addenda?	The zip files for each folder contain the latest version of the documents in such folder. The Department intends to issue revised files and addenda in PDF form. It is uncertain whether these files will be distributed using zip files.
ITP Section 1.3.1/4.2.2 Documents to review	We have been told the Contracts 5, 6, and 7 have been designed to various degrees. When are the plans and the digital files going to be posted in the DATA FILE ROOM?	The Department has published all known and relevant files in the Data Room.
ITP Section 1.5, Page 4	The ITP refers to Notice of Intent to Award in several locations. The procurement schedule in Section 1.5 has an activity "Selection of Best Value Proposer". Please confirm that the date of the Notice of Intent to Award milestone in the ITP documents and the date of the Selection of Best Value Proposer are the same dates.	The date of the Notice of Intent to Award immediately follows the date of the Selection of the Best Value Proposer. This clarification will be reflected in the final RFP.
ITP Section 1.7.5, 1.7.6, page 7	Please confirm that a private finance bank that serves as an Equity Member and/or Guarantor of one Proposer would not be forbidden from participating as a private finance bank (including as a Core Lender) for another Proposer.	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.
ITP Section 1.8 / DBE Requirements 1.8 / p.7 – p.8	Are the stated goals mutually exclusive or cumulative.	The DBE goals are not mutually exclusive and may overlap.
ITP Section 1.9.2, Page 8	Will the Analysis of Delivery Options Report for the Presidio Parkway Project report be made available to the Proposers?	The financial model is proprietary and will not be made available to the Proposers.

ITP Section 2.2.2(D) / Rules of Contact / p.10 – p.11	Section 1.1 lists Sponsors' goals for the project, ten of which pertain to the Presidio, including item R) "Assure compliance with requirements of cooperating stakeholders in development, operation and maintenance to the Project." Please consider removing Presidio Trust, Golden Gate Bridge Highway and Transportation District, and National Park Service from Section 2.2.2(D) of Instructions to Proposers as noted.	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.
ITP Section 2.5, Procurement Schedule	Is the Sponsor willing to consider extending the Proposal due date beyond August 25th 2010?	The Sponsors intend on publishing the final RFP no later than July 9 th . Proposal due date in the draft RFP will be adjusted accordingly.
ITP Section 2.7, page 14	Is there a date already planned for the Guided Visit? Could such Guided Visit's be specific to each Proposer, so as to allow discussion on potential ATCs?	Guided Visits to be determined by the Sponsors. Further information will be provided to the Proposers during the second round of the one-on-ones.
ITP Section 4.13 Insurance Requirements CA Section 16.1.2.13 Insurance Premium Benchmarking	The Developer should not be required to bear the full risk of any insurance premium increases from the Effective Date until NTP 2.	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.
ITP Section 4.14 / p.26	Setting the benchmark rate as of August 16 (as per the timeline Section 1.5) might be sub-optimal as the market is not as liquid during the summer holidays which might, ultimately, not be in favor of the Department.	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.
ITP Section 4.3, Page 22	The ITP requests PDF files with the Proposals as well as electronic copies of Volume 2 in original file format. Please identify the file formats that the Department requires.	Electronic files should be submitted in the original format of the file.
ITP Section 4.6 – Conditions to Commencement of Design Work	Design work is intended by the Department to begin upon NTP1, and prior to NTP2 (which includes Financial Close). Where does the Department consider payment for this design work will come from during this NTP1 phase and prior to Financial Close?	Refer to Section 11.5 P3 Agreement.
ITP Section 4.6 Currency /Page 23	The reference made in the terms stating "all required pricing and cost information" is unclear. We would need further detail in this provision to have a clear understanding of which costs need to be date July 2010. In particular we are concerned whether it includes the calculation date of the NPV under Section 2.1 in the App. F of the ITP.	All amounts submitted in the Proposal should be based on the currency reflected in Section 4.6 of the Instruction to Proposers.
ITP Section 4.8	Will the Sponsors reduce the time period the Proposals must remain valid?	Proposals must remain valid for up to 210 days, if the contract is not executed within 210 days.

ITP Section 5.2, page 26; ITP Appx. C, Section 2, page 5	The requirements of the Preliminary Master Design Submittal are significant and go beyond what the Proposer would normally need to propose. Will the Sponsors consider reducing such requirements and/or significantly increase the stipend?	See attached revised Appendix C (Technical Proposal Submittal Requirements)
ITP Section 5.3.2, Technical Pass/Fail Requirements	“The technical pass/fail requirements are as follows: B) The Final Acceptance Date shown in the Proposer’s Project Schedule is no later than December 31, 2014.” The Proposer requests that the Developer’s proposed schedule not be a requirement for receiving the stipend.	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.
ITP Section 5.7.2, page 32	Under which circumstances would the Sponsors request Proposal Revisions? Would such requests apply to all Proposers?	The Sponsors do not contemplate any proposal revisions at this time. However, this section of the ITP provides that all Proposers may be invited to submit best and final offers as provided in Appendix G.
ITP Section 6.2.2 / p.33	Can the Sponsors elaborate on the timing for conducting this Public Hearings?	Pursuant to Section 143(b)(5) of the Streets and Highways code, a public hearing must take place prior to the submission of the agreement to the Legislature and PIAC.
ITP Section 6.2.3, page 33	The Best Value Proposer is obligated to negotiate in “good faith” if requested by the Sponsors, under penalty of losing the Proposal Security. What criteria would constitute “good faith” given the broad parameters of what the Best Value Proposer may be required to consider?	Good faith negotiations will be further clarified in the final RFP.
ITP Section App. B, Section 2, page 5	Currently, design requirements for work on historical buildings has not been included. Will this be requested?	All information is provided in the Data Room.
ITP Section App. B, Section 2.2.5, page 3	The Proposer is required to provide on Form G all Contractors with whom the Developer will have a prime contract for Design Work or Construction Work, where the value of such contract exceeds \$2 million. Will the Sponsors raise the threshold?	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.
ITP Section App. C, page 5	The instructions for filling out Form I are unclear. Will the Department provide a sample of what is expected in filling out this Form?	Instructions to Form I in the ITP will be revised and published in the final RFP.
ITP Section App. C, Technical Proposal Submittal Requirements	A number of questions were submitted regarding the Stipend Policy. The Department has revised its technical proposal submittal requirements to address those concerns. Will the Sponsors revise Appendix C to relax the submittal requirements?	See attached revised Appendix C (Technical Proposal Submittal Requirements)
ITP Section App. D, Section 1(d), page 3	What information will be required in the Letter of Support from Core Lenders?	Information has been provided in Appendix D to the ITP.
ITP Section App. D, Section 2, page 7	Will the Financial Model be afforded confidential treatment?	Subject to the provisions of the California Public Records Act, all information submitted by the Proposers will be held confidential.

ITP Section App. D-2, Table 8	Will all percentages (DBE, Buy America, etc.) be determined by dividing the construction and/or O&M values set forth in this Table 8?	All percentages are based on the cost of construction and rehabilitation/maintenance.
ITP Section App. G – Other matters p. 13	Can you please clarify what is intended in this section regarding the ability of the financial advisor to participate in the transaction? Is the institution or just the individuals prohibited?	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.
ITP Section App. H Stipend Policy	A number of questions were submitted regarding the Stipend Policy. The Department has revised its stipend policy to address those concerns.	The Sponsors considered the issue presented by the Proposer and will modify the stipend policy to reflect that the stipend amount is \$500,000. The stipend policy will be clarified with regard to eligibility for the stipend and will provide that if the procurement is cancelled after submission of proposals, but before award, each Proposer submitting a responsive proposal shall be entitled to the stipend.
Technical Requirements Division II, Section 3, General	When will Plans be made available to Proposers?	The Plans are either presently available or they will be made available by the date of publication of the final RFP.
Technical Requirements / Cultural Resources, Technical Requirements 3 / p.9	Can the Cultural Resources Compliance Manager also act as the archaeologist and architectural historian?	There is no express preclusion from Cultural Resources Compliance Manager also acting as the archaeologist and architectural historian.
Technical Requirements / Lighting, Design Requirements 11.3 / p.54	Will additional payment be made, if required, should the developer not be able to obtain concurrence from the National Park Service on the currently unresolved light locations, or is the developer to carry contingency costs for this in its pricing?	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.
Technical Requirements / Structures, General 8.1 / p.38	Regarding type selection documentation, what is the time period for review and comment by the Department prior to beginning detailed design?	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.
Technical Requirements - Division II, Section 3 / Division 1, Section 3.2.1.5, page 21 / Division II, D24,	The review time noted in Div I, 3.2.1.5 is 15 days. In general, there appear to be several long review times noted in Div II - Section 3 for Department review prior to ordering any material or undertaking any construction. Is it possible to reduce these review times? (i.e. 6.7.2, 7.2.3, 11.5)	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.

Section 3		
Technical Requirements - -Division II, Section 3 / Section 7.2.4, page 36	Can the requirement for submittal plans for review 120 days prior to ordering any material or undertaking any construction be changed to reduce the review time?	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.
Technical Requirements - -Division II, Section 3 / Section 8.3.2, page 39	The Phase I Southbound Battery Tunnel construction is in close proximity to the Phase II Northbound Battery Tunnel construction. Please clarify the extent to which the Phase II designer of record is responsible for the structural performance of the Phase I Southbound Battery Tunnel design.	The Sponsors considered the issue presented by the Proposer and decided to not modify the position reflected in the draft RFP documents at this time.