Lower and Middle River Des Peres CSO Storage Tunnel (Broadway to RDP Tubes)

Pre-Qualification Questionnaire Q&A

MSD Project Clear has received questions and provides the following clarifications about the "Tunneling Pre-Qualification Questionnaire" and pre-qualification process:

Clarification 1 – Item 11 Financial Capacity, Confidentiality

Question

With respect to the 11820-015.1 Lower and Middle River Des Peres (LMRDP) CSO Storage Tunnel Pre-Qualification Questionnaire, we respectfully request clarification regarding the financial information required under Item 11.

We have no problem submitting balance sheets and income statements for MSD's consideration; however, the public release of such confidential financial information would result in competitive disadvantage and financial harm to the submitting firm.

Please let us know if financial information submitted and specifically identified as confidential will be exempt from public disclosure, redacted, or otherwise protected from release in response to requests made under the Missouri Sunshine Law, Freedom of Information Act requests, open records requests, or similar public disclosure requirements.

Does MSD have an established procedure for identifying and safeguarding confidential financial information submitted by private contractors during the prequalification process? if so, what specific steps should contractor take to designate such information as confidential at the time of submission?

Response

To the extent that the entity seeking pre-qualification considers the financial statements and information submitted in response to Request No. 11 to be proprietary and confidential trade secret information, such information may be submitted under separate cover and clearly marked "**Proprietary & Confidential Trade Secret Information**." Information properly submitted in this manner will be protected from disclosure to third parties or other proposers to the extent allowed by the Missouri Sunshine Law or other applicable law.

Clarification 2 – Joint Venture

Question

Page 4 of "The Tunneling Pre-Qualification Questionnaire" states as follows:

> "If submitting as a joint venture please follow the link below for the Joint Venture Pre-Qualification Form that is required to be submitted with this pre-qualification questionnaire." The link takes you to the "Joint Venture Pre-Qualification Application for a Single Project".

Page 3 of the linked document has the following note:

> "NOTE: In order for the District to grant a Certificate of Qualification through this application process, ALL parties to the Joint Venture must be individually pre-qualified in the category specified in the Notice to Contractor, Paragraph 1.3.A for the Contract Letting Number referenced above."

Does this note apply to this project? This requirement conflicts with the questionnaire. Please clarify.

Response

The "Joint Venture Pre-Qualification Application for a Single Project" which is on the Project Clear website is a generic form intended to cover all MSD projects. Since this is a project specific pre-qualification questionnaire for the Lower and Middle River Des Peres CSO Storage Tunnel (11820) and there is not a "category specified" the note on page 3 would not apply. All parties will be prequalified per the requirements detailed in the project specific Lower and Middle River Des Peres CSO Storage Tunnel (11820) Pre-qualification Questionnaire. Please see information detailed below for additional information/clarification.

Page 4, Item 3, Bullet 1 states:

"If the applicant is applying as a joint venture, one prequalification package shall be submitted for the joint venture. Joint ventures of prequalified individual firms will be considered prequalified joint ventures. Joint ventures shall be limited to a maximum of three participating firms."

Any team may form a JV **before** the December 4, 2026, submission date and that JV will be reviewed for prequalification based on the proposed JV's experience. We request that that team still submit the "Joint Venture Pre-Qualification Application for a Single Project" which is found on the Project Clear website.

Page 6, Item 7 "ESTABLISHMENT OF A JOINT VENTURE AFTER PRE-QUALIFICATION APPROVAL" states:

> “Should two or more entities that submitted by December 4, 2026, at 2:00 p.m. CST and have been individually pre-qualified by the District for this project wish to form a joint-venture for the purpose of bidding on this project, the joint venture entity must give notice to the District at least 60 calendar days prior to the bid date with the submission of the District’s **“Joint Venture Pre-Qualification Application for a Single Project”**. Please follow the link below to download this application.”

After the December 4, 2026, submission date if a team would like to form a JV it must be comprised of previously individually pre-qualified contractors. Any proposed JV’s that fit these criteria must submit their application at least 60 calendar days before the bid date.

Clarification 3 – Joint Venture Agreement Submission Date

Question

Please clarify the bid date referenced in the Questionnaire (page four, paragraph 3); "All joint ventures shall submit an executed Joint Venture Agreement to the Owner 60 calendar days prior to the bid date." Please confirm that the stated date applies to the anticipated proposal submission scheduled for next year rather than prior to the Pre-Qualification submission date?

Response

On Page 4, Item 3, the second bullet of the pre-qualification questionnaire states, “All joint ventures shall submit an executed Joint Venture Agreement to the Owner 60 calendar days prior to the bid date.” The 60-calendar day reference applies to the contract bid date, not the pre-qualification submission date.

Clarification 4 – Insurance Requirements, Prequalification

Question

With regard to the "Insurance Requirements for Lower and Middle River Des Peres CSO Storage Tunnel (Broadway to RDP Tubes) page 29 of 37; MSD requires for the pre-qualification an acknowledgement letter, signed by both the Contractor and their Insurance Broker. This letter states that this is for pre-qualification purposes only, acknowledging their understanding and agreement to the coverage and minimum limits in accordance with the pre-qualification questionnaire. However, the acknowledgement goes on to require the broker to agree that coverage will be in place in the event a contract is awarded, and that the Contractor agrees to forfeit their bid bond, should coverage not be placed. The Minimum Insurance Requirements is a draft and the final, complete insurance requirements will be in the contract documents, which have not been provided. Contractor and their broker should not be bound to the requirements in the draft. Contractor and their Insurance Broker can acknowledge the Contractor's ability to obtain insurance coverage, but the prequalification letter cannot bind the parties to unknown final requirements during the pre-qualification process.

Please amend the letter to:
The Metropolitan St. Louis Sewer District (MSD) requires contractors to be pre-qualified prior to bidding on Capital Improvement Projects. In the pre-qualification process, contractors must demonstrate their ability to perform in the event they are awarded a contract, including meeting the District's insurance requirements. MSD has certain contract requirements relating to contractor insurance coverage, including increasing the limits for certain coverage and requiring pollution liability coverage as noted in this pre-qualification questionnaire. For prequalification purposes only, MSD is requesting both the contractor and the contractor's insurance broker to sign below acknowledging their understanding and agreement to the coverage and minimum limits of Liability in accordance with the pre-qualification questionnaire. MSD also requires the contractor's insurance broker to acknowledge that the Contractor has been approved for the insurance coverage, with the limits required. Additionally, it is agreed that the policy will be endorsed, and coverage will be in place in the event a contract is awarded. The Contractor acknowledges and agrees that in the event a contract is awarded, and insurance is not secured within the required timeframe, the Contractor will forfeit its bid bond on the project and will be determined non-responsive.

Response

The letter in the pre-qualification questionnaire referenced above is only intended to prove that interested firms can obtain a minimum level of insurance for pre-qualification purposes. The contractual insurance requirements for this project will be part of the actual bid documents that will be issued when the project is advertised in 2027. As was noted in the question the pre-qualification document states this is for “pre-qualification purposes only” and the “information is a draft of the minimum required insurance coverages that the Metropolitan St. Louis Sewer District will require for this project.” ***MSD will not hold contractors to the insurance requirements in the prequalification documents to the extent that the requirements are modified in the bid documents.***

Clarification 5 – Insurance Requirements, Products & Completed Operations Aggregate

Question

With regard to the "Minimum Insurance Requirements Lower and Middle River Des Peres CSO Storage Tunnel (Broadway to RDP Tubes)” page 30 of 37; section B. 2 requires a per project aggregate for products and completed operations. The industry standard ISO endorsements CG 25 03 and CG 25 04, provide general aggregate limits on a per project basis only. These endorsements do not provide a designated per project products and completed operations aggregate limit. Contractor will have to procure a project specific general liability and products completed operations policy to meet these requirements. This project-specific policy will add significant cost to the project. Please consider the following amendment: $2,000,000 Products and Completed Operations Aggregate per project.

Response

A project-specific general aggregate will be required; a per project Products & Completed Operations Aggregate will not. The finalized specification will likely read as follows:
$1M Occurrence
$2M General Aggregate per project
$2M Products & Completed Operations Aggregate

Clarification 6 – Insurance Requirements, Builder’s Risk Insurance

Question

With regard to the "Minimum Insurance Requirements Lower and Middle River Des Peres CSO Storage Tunnel (Broadway to RDP Tubes)” page 31 of 37; Section C requires a per project aggregate on the Automobile Liability policy. Automobile Liability policies do not have per project aggregate limits or per project endorsements. Please amend to reflect commercially available insurance $10,000,000 Aggregate per project.

Response

MSD will delete the per project aggregate auto liability limits in the RFP and contract documents.

Clarification 7 – Insurance Requirements, Automobile Liability

Question

With regard to the "Minimum Insurance Requirements" on Page 32 of 37, Section "Other, Builder's Risk and Other Property Insurance," the specifications require the Contractor to procure Builder's Risk insurance on a completed-value basis in an amount equal to the full insurable replacement cost of the Work. Given the nature of large underground construction projects and the availability of coverage within the insurance marketplace, will MSD accept Builder's Risk limits established on a Probable Maximum Loss (PML) basis in lieu of full replacement cost? Additionally, will the MSD confirm that commercially available and reasonable sub-limits for flood, earthquake, and tunneling-related risks are acceptable under the Builder's Risk policy? Please provide the Supplementary Conditions referenced.

Response

MSD is open to considering this suggestion on the builder’s risk coverage limits and sub-limits. MSD will evaluate all feedback received on builder’s risk and other insurance and bond requirements during the prequalification phase when preparing the final contract documents.

Clarification 8 – Insurance Requirements, Business Auto Liability

Question

The Minimum Insurance Requirements Article C Business Automobile Liability requires a liability aggregate per project. We'd like to request striking the requirement that Business Auto Liability carry a per-project aggregate, as Auto Liability follows the vehicle, and a vehicle may be involved in multiple projects.

Response

MSD will delete the "**per project**" aggregate auto liability limits in the actual contract documents for bidding that will be issued in 2027.

Clarification 9 – Item 6, Diameter Requirement

Question

There appears to be a discrepancy between the criteria in Item 6 of the Prequalification Application and the criteria stated in the "Matrix Summarizing Responses to Items 6, 7, 8, and 9." Specifically, Item 6 includes: "Construction and excavation of shafts over 100 feet total depth (soil & rock included) **and over 20 feet in diameter."** However, the Matrix summarizing 6, 7. 8 and 9 includes: "Shafts over 100 feet deep in soil and rock **with greater than 30 foot dia."**

Please confirm that the requirement is shafts over 100 feet deep in soil and rock with a diameter greater than 20 feet.

Response

"Matrix Summarizing Responses to Items 6, 7, 8, and 9" currently reads "Shafts over 100 feet deep in soil and rock **with greater than 30 foot dia.**" This is a typo and should read "**with greater than 20 foot dia.**".

Clarification 10 – Item 9, Relevant Projects

Question

Item 9 of the Prequalification Application requires Proposers to include all projects (current or completed within the past 15 years) with a contract value of over $200 million.

We note that for large national and international contractors, this list could be very extensive and would include many projects that are not relevant to the Project.

Please confirm that Proposers may include all tunnel/underground projects or other heavy civil projects with relevant features of work to the Broadway to RDP Tubes Project for which the prequalification application is being submitted. Alternately, we request that this requirement be limited to the top 20 most recent and/or relevant projects.

Response

It is agreeable to MSD to limit this project list to 20 most recent and relevant projects with experience that relates to the Lower and Middle River Des Peres CSO Storage Tunnel (Broadway to RDP Tubes) (11820) project.

Clarification 11 – Item 9, Projects in Progress or Completed

Question

The note below the table in Item 9 instructs Proposers to “show all projects **currently in progress** that are valued over $200 million to the sole contractor or each JV partner.” However, the instructions at the top of the table in Item 9 states: “All Projects (**current or completed** in past 15 years) with a contract value over $200 million.”

Please confirm that this table is intended to provide only projects currently in progress over $200 million, and not a historical record of all completed projects within the past 15 years, which could be an extensive list for many large contractors.

Response

It is agreeable to MSD to limit this project list to 20 most recent and relevant projects with experience that relates to the Lower and Middle River Des Peres CSO Storage Tunnel (Broadway to RDP Tubes) (11820) project.