



REQUEST FOR CLARIFICATIONS FOR THE O'HARE EXPRESS SYSTEM PROJECT RFQ			
ANSWERS TO PRE-SUBMITTAL CONFERENCE QUESTIONS AND REQUESTS FOR CLARIFICATIONS #1			
JANUARY 4, 2018			
Question #	Section Cross Reference	Question	Response
1	1.1	Will the CIT please clarify what is meant by "operate" and "maintain" the O'Hare Express System Project?	The Concessionaire will be responsible for all aspects of the on-going operations of the System and its underlying components as well as on-going routine and capital maintenance for the System (including, as applicable: tracks, vehicles, and terminal stations) for the term of the Project. The RFP and P3 Agreement will provide further detail regarding the performance specifications and operational requirements that must be achieved and maintained by the Concessionaire throughout the term of the Project.
2	1.2	What are permissible Project income streams?	The City and CIT remain open to all potential Project-specific income streams. This may include, but is not limited to: farebox revenue, advertising revenue, concessions revenue, and sponsorship revenues. The City and CIT encourage Respondent's to include their thoughts on additional potential Project-specific revenues that may be achievable as part of the Respondent's Preliminary Plan of Project Financing (Exhibit B, Section 2.6). The City and the CIT will use such feedback to help inform any provisions on permissible revenue sources in the RFP and the P3 Agreement.
3	1.2	The RFQ states "The City and CIT will not provide funding for the Project." Is any other public funding contemplated, such as from county, state or federal agencies? Is Tax Increment Financing permitted?	Financing for all Project costs is the responsibility of the Concessionaire. The Concessionaire will be granted the right to Project-specific revenues as a funding stream for the Project. The City and the CIT will not contribute any additional funding nor utilize Tax Increment Financing. If Shortlisted Respondents believe they may be able to secure funding for the Project from alternative sources (e.g., federal grants), the City and the CIT may assist Respondents in such efforts, but will not take on the responsibility for any potential matching funding requirements.
4	1.3	On page 7, Goal 3 states "no conflicts with other services," could you elaborate on the meaning of this objective?	The City desires that the Project will have no adverse effect on the frequency, speed and capacity of any existing transportation and transit options (e.g., CTA Blue Line) both during the construction and operational phases.
5	1.3	Will there be any restrictions regarding fare?	As noted in RFQ Section 1.3, fares should be less than the cost of current taxi and ride-share services. No other explicit limits on fares are set out at this time.
6	1.5	Can the SOQ deadline of January 24, 2018 be extended?	Per Addendum #1, the SOQ Due Date has been extended to February 5, 2018. Respondents selected to the shortlist to respond to the RFP will be announced March, 2018.
7	2.1.1	Will an alignment for the Project be determined before the RFP is issued?	The City and the CIT desire to narrow potential alignments as much as possible prior to the issuance of the RFP. Respondent feedback regarding the benefits and constraints of potential alignments as part of their SOQs will help inform such a decision.



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8	4.1	How long is the term of concession?	The City and the CIT remain open to various potential terms. Respondents are encouraged to provide their feedback regarding the concession term as part of their Preliminary Plan of Project Financing. The City and the CIT will take such feedback under consideration and provide more specific guidance on the Project term in the RFP.
9	4.2	Will the Project operate under Federal Railroad Administration or Federal Transit Administration rules and regulations? Specifically, if the Project operates to Chicago Union Station and/or operates on freight railroad trackage, both of which are governed by FRA rules and regulations, would the Project operate under FRA rules and regulations for compatibility?	The federal regulator for the Project will ultimately be determined both by the alignment and technology utilized by the selected Concessionaire. The Concessionaire will be responsible for obtaining all required state and/or federal regulatory approvals.
10	4.2	Can you please confirm what U.S. safety regulations are expected to govern train operations, maintenance of equipment and maintenance of way services, and does the City expect to seek waivers of these regulations or orders of particular applicability with regard to any such matters?	The federal regulator for the Project will ultimately be determined both by the alignment and technology utilized by the selected Concessionaire.
11	5	If an entity submits a Statement of Qualifications (SOQ), can the entity (i) withdraw its SOQ prior to the CIT's selection of the shortlisted qualified bidders, or (ii) after notice of being shortlisted as a qualified Respondent, notify the CIT that they are no longer interested in being a Respondent and will not be submitting a proposal in response to the RFP, and (iii) will taking the action described in (i) or (ii) relieve the entity of all obligations, requirements and restrictions on communications provided in the RFQ?	The RFQ (and forthcoming RFP) set out the obligations and requirements for those entities interested in being awarded the OES Project. The RFQ and RFP cannot, and are not intended to, govern the actions of any entities that are not active participants in the Project's procurement (i.e., Respondent Team members).  The CIT and City would strongly discourage any entity from submitting a Statement of Qualification if it is not committed to participating throughout the full procurement process.
12	5.1	Will the CIT share the attendee list from the December 20 Pre-Submittal and Networking Conference?	Yes. Lists of the Pre-Submittal Conference attendees and registered RFQ document holders have been posted on the CIT website.



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13	5.4	For what reasons might the CIT not approve a Respondent adding a Prime Team Member after submission of a Statement of Qualification? What is the process for Respondents who seek to replace or add a Prime Team Member identified in their SOQ after the SOQ deadline? What will Respondents be required to submit with their written request for approval of the Prime Team Member to the CIT?	<p>The Statements of Qualifications are meant to allow the City and the CIT to evaluate the qualifications of a Respondent Team to deliver the Project.</p> <p>An addition or replacement of a Prime Team Member after the SOQ submission would require the City and the CIT to review the credentials of any newly proposed entity to ensure that such entity has the capacity and qualifications to perform its proposed role. Further, the addition of a new Prime Team Member likely necessitates a reduced role for a previously proposed Prime Team Member. The City and the CIT will review any proposed changes to Prime Team Members to ensure the Respondent Team remains at least equally qualified and capable to deliver the Project as the originally submitted Respondent Team structure.</p> <p>If a Respondent Team seeks to add or replace a Prime Team Member, they should send a detailed written request to the CIT with details on any new Prime Team Members, the reason for the change, and an explanation of why such a change will not negatively effect the Respondent Team's capacity or qualifications to deliver the Project. The City and the CIT may request additional information after review of such written request.</p>
14	5.5	What are the CIT's expectations with respect to the protocols required for a team member who is to be shared among two or more Respondent Teams? Will the CIT provide more detailed information on its requirements for the protocols?	<p>The City and the CIT understand that certain entities may take part in multiple SOQ submissions, subject to certain restrictions on Prime Team Members outlined in the RFQ.</p> <p>The City and the CIT request that entities communicating with multiple Respondent Teams remain mindful to ensure such communications do not contravene applicable law or undermine the independence of each submitted SOQ. Further information on the communications protocol may be found in RFQ Section 8.9.</p>
15	5.5	Can an entity that is a Prime Team member, but is also a terminal facility and/or right-of-way owner, participate on other team(s) in additional role(s) beyond that of a terminal facility/right-of-way owner?	No.



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16	5.5.4	RFQ Section 5.5.4 states that Railroads, Metra and Amtrak can participate in multiple SOQs "solely with respect to the use of potential terminal facilities and right-of-way..." Is that the CIT's intent, or can Railroads, Metra and Amtrak also participate on multiple Respondent Teams in roles such as train operator, maintenance provider, etc.?	<p>Yes, that is the intent.</p> <p>No entity, whether Railroad, Metra, Amtrak or otherwise, may participate on multiple Respondent Teams with respect to roles such as train operator or maintenance provider if it meets the definition of a Prime Team Member of a Respondent Team.</p>
17	6.1	Please clarify whether the Respondent may include pages larger than 8x11" if required to properly display a graphic or chart. If possible, please also clarify whether these larger pages (e.g., 11x17") would be counted as one page or two pages. Please also identify if there are additional format requirements (e.g., page margin size).	<p>Respondents may use 11x17" pages for organization charts and project schedules. Larger pages, used for such purpose, will be counted as one page.</p> <p>All formatting requirements are set in Section 6.1. There are no additional format requirements.</p>
18	8.1	How should we note who our team's Respondent Representative is in our SOQ? What is the expectation for this position?	Per Addendum #1, Form B has been amended to allow each Respondent Team to identify its Respondent Representative.
19	8.8	If Respondent believes information is confidential, is there a way to obtain CIT concurrence before the information is submitted publicly?	Respondents may inquire if certain types of information would generally be deemed as confidential through a Request for Clarification prior to the submission of an SOQ. The City and the CIT will provide general guidance relating to such inquiries to the extent possible. Ultimately, if information submitted is subject to a FOIA request, the City and the CIT will make a determination based on the specific FOIA request and applicable law.
20	8.9	What are the rules for entities communicating with each other after the December 20 Pre-Submission Conference and networking opportunity? How will entities be able to put together Respondent teams if they can't communicate with each other?	There is no restriction on entities communicating with one another with regard to teaming in response to the RFQ. However, The City and the CIT request that entities remain mindful to ensure any communications do not contravene applicable law or undermine the independence of each submitted SOQ. Further information on the communications protocol may be found in RFQ Section 8.9.



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21	8.9	Are there any restrictions on communications by a Shortlisted Respondent if it elects not to submit a proposal in response to the RFP?	<p>The RFQ (and forthcoming RFP) set out the obligations and requirements for those entities interested in being awarded the OES Project. The RFQ and RFP cannot, and are not intended to, govern the actions of any entities that are not active participants in the Project's procurement.</p> <p>The CIT and City would strongly discourage any entity from submitting a Statement of Qualification if it is not committed to participating throughout the full procurement process.</p>
22	8.9	If an entity is not a Respondent and does not submit an SOQ, can the entity communicate with any Respondent without restriction unless and until such entity becomes a Respondent Team member?	<p>The RFQ (and forthcoming RFP) set out the obligations and requirements for those entities interested in being awarded the OES Project. The RFQ and RFP cannot, and are not intended to, govern the actions of any entities that are not participants in the Project's procurement (i.e., Respondent Team members).</p>
23	8.11	Can the CIT please confirm how potential Respondents and other parties may contact Amtrak, Metra and CTA?	<p>Contact information for Amtrak has been provided in Exhibit B, Section 3.1.</p> <p>As provided in RFQ, Section 8.11, Respondents shall not contact Metra and CTA directly at this stage of the procurement. Shortlisted Respondents will be provided an opportunity for any necessary coordination with such entities during the RFP process.</p>



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24	Exhibit A	In Exhibit A, definitions of "Member" and "Major Participant" appear to be omitted, making it hard to understand other definitions, like "Affiliate." Could you please define?	<p>"Respondent Team" is a defined term; any reference to "Respondent Team members" is to the various entities that have been identified by the Respondent as comprising the Respondent Team.</p> <p>Reference to "Major Participant" made within the definition of Guarantor has been amended to "Prime Team Member," per Addendum #1.</p> <p>References to "Member" made within the definition of "Affiliate" have been amended to "Respondent Team member," per Addendum #1.</p>
25	Exhibit A, 1.3.1	Could the CIT please provide a definition for "Major Non-Equity Member"?	Section 1.3.1 of Exhibit A has been removed, per Addendum #1.
26	Exhibit A, Section 1.3.3	Is there a limit on the number of org charts that can be provided?	No.
27	Exhibit A, Section 1.3.4	In commitment of Key Personnel, please clarify use of word "shall," is this legally binding?	While the City and the CIT recognize personnel availability is subject to change, Respondents are urged to only identify and designate personnel that they believe will be available and primarily dedicated to the Project for the full Project delivery duration. In such case that the Respondent, or ultimately the Concessionaire, requires to make a change to its Key Personnel, such changes will be subject to City approval.
28	Exhibit A, 1.4.1	Please provide additional clarification for what is expected for Form D-1. For example, is there a limit to the number of Prime Team Members that can provide forms? Also, please clarify how Form D-2 works. Is one provided per Prime Team Member responding to D-1? Or per project?	<p>Forms D-1 and D-2 are meant to demonstrate the Respondent's previous applicable experience. The City and the CIT have outlined certain considerations that may be deemed most applicable, but Respondents may include any previous project experience that they believe demonstrates their capacity and qualifications to deliver the Project. There is no limit on the number of previous projects a Respondent may provide.</p> <p>Each Prime Team Member should submit a Form D-1 for <b>each previous project</b> experience it deems applicable for the Project. There is no limit on the number of Form D-1 submitted on behalf of each Prime Team Member.</p> <p>A single Form D-2 should be submitted for each Prime Team Member. Form D-2 shall include summary information regarding each of the projects for which such Prime Team Member has provided a Form D-1.</p>



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29	Exhibit A, 1.4.1	Please clarify the differences between forms D-1 and D-2 and the expectations for each form.	<p>Form D-1 should provide detailed information regarding each project experience provided by a Prime Team Member. Form D-1 allows a Prime Team Member to provide up to 5 pages of information on each such previous project experience, including explaining how such experience demonstrates its capacity and qualifications for its proposed role on the Respondent Team.</p> <p>As noted in RFC [#16], Form D-2 is meant to summarize the submitted project experience of each Prime Team Member. A single Form D-2 should be submitted for each Prime Team Member. Form D-2 shall include summary information regarding each of the projects for which such Prime Team Member has provided a Form D-1.</p>
30	Exhibit A, 1.5.1	Please clarify to what the phrase "connecting facilities" refers.	<p>As noted in RFQ Section 1.3, the Project's objectives include direct terminal access to ORD as well as a Downtown terminal that provides easy access to activity centers and other transportation systems.</p> <p>As part of the Approach to Project Development, the Respondent is encouraged to provide its preliminary vision of how the Project will connect to such adjacent facilities in order to best achieve the goals and objectives of the City.</p>
31	Exhibit A, 1.8	How is "Major Non-Equity Member" defined? How is "Affiliate" defined?	All references to "Major Non-Equity Member" have been removed, per Addendum #1.
32	Exhibit A, Section 1.6	Do M/W/DBE companies in Chicago have the capacity to handle this project in addition to other work planned in the region?	Yes - it is our expectations that the capacity exists to achieve or exceed M/WBE participation goals on the Project.
33	Exhibit A, Section 1.5	How many alternative alignments must be discussed in Respondent's Approach to Project Development?	There is no minimum requirement. Respondents are encouraged to provide thoughtful discussions regarding their preferred alignment(s) and the benefits and constraints of the various alignments. Respondent feedback regarding the benefits and constraints of potential alignment will help inform the City's and the CIT's decision-making regarding the RFP and the ultimate Project alignment.
34	Exhibit A, 1.5.1	On A-3 should "team members" be defined or is a separate meaning implied here? If so, what is the meaning?	"Respondent Team" is a defined term; reference to "Respondent Team members" in Exhibit A, Section 1.5.1(a), refers to the various entities that have been identified as comprising the Respondent Team.



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35	Exhibit A, Section 1.6	Is the workforce development plan binding? What constitutes "well-defined management roles and responsibility?" Can these responsibilities be described in 1.6 of the SOQ or do we need to list these members in Key Personnel section too?	<p>The workforce development plan should provide a narrative description of the Respondent's subcontracting, hiring, staffing, and any other relevant strategies to achieving the City's desired workforce development goals. The stated workforce participation goals in Exhibit A, Section 1.6.2, are requirements set out by City ordinance.</p> <p>Separately, Exhibit A, Section 1.6.1 (Ability to Meet MBE/WBE/ACDBE Participation Plan) is meant to demonstrate the Respondent's understanding of the City's participation goals and commitment to diversity and meaningful economic opportunities for M/WBE contractors on the Project, but is not a binding M/WBE compliance plan (such binding compliance plan will be required at a later stage of the procurement); Respondents are encouraged to partner with M/WBE firms at a prime developer level for additional, favorable considerations. In such case that a Respondent does seek to receive favorable consideration under the prime developer element of the criteria, Respondents must provide the City and the CIT sufficient information regarding the role and responsibilities of such M/WBE firm within the Respondent Team to adequately assess whether such firm is being provided a meaningful management role.</p>
36	Exhibit B, Section 2.7	Many of the studied alignments involve land not owned or under the control of the City. What coordination has occurred to date with freight Railroads? What powers will the City use to take that land in order to provide legal rights of way and what assurances does the City have that Railroads will allow the System to operate over their tracks?	<p>The City will coordinate with and assist the Concessionaire in securing the Project right-of-way as necessary and appropriate.</p> <p>As noted in Exhibit B, the City has held preliminary conversations with Railroads regarding potential right-of-way, excess rights of way, and usage arrangements for the Project. It is recognized that the owners of potential rights-of-way want to protect their infrastructure investments, including existing and future facility and operational flexibility.</p>
37	Exhibit B, Section 2.7	Does the City plan to use condemnation and/or eminent domain authority to assist in assembling a right of way for the O'Hare Express System?	The City will coordinate with and assist the Concessionaire in securing the Project right-of-way as necessary and appropriate.
38	Exhibit E	Please clarify if the EDS must be completed prior to the SOQ submittal or a future RFP response. The document uses "RFP" in the box at the beginning and then "SOQ" in Section 1.1.	An EDS does not need to be submitted prior to the SOQ Due Date. Section 1.1 of Exhibit E has been amended per Addendum #1.



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39	Exhibit F	Please confirm that Exhibit F is provided for reference purposes only and does not contain requirements to which the Respondent must address in its response to Section 1.6 of the RFQ.	Correct. Exhibit F is provided for reference purposes only, to help inform Respondents of the City-required documentation for M/WBE compliance that will be submitted at a later stage of the Project's procurement.
40	General	When will the safety aspects of the Proposers technology be assessed? Who will be the safety regulator? Has the system been proven safe in previous usage?	The RFQ is seeking qualifications, not specific Proposals relating to the Project. Technical specifications, including safety requirements, will be provided as part of the RFP. The design, constructability and operational characteristics of each proposed system will be assessed in determining a best value Proposal submitted in response the RFP. The safety regulator for the Project will ultimately be determined by the selected alignment and technology chosen by the selected Concessionaire.