

**DEPARTMENT OF DESIGN AND CONSTRUCTION
DIVISION OF PUBLIC BUILDINGS**

REQUEST FOR PROPOSALS

Requirement Contracts for Construction Management / Design / Build Services

PW348-91: CM/Design/Build for Petroleum Storage Tank Sumps in Borough of Man. / S.I.

PW348-92: CM/Design/Build for Petroleum Storage Tank Sumps in Borough of Brooklyn

PW348-93: CM/Design/Build for Petroleum Storage Tank Sumps in Boroughs of Queens

PW348-94: CM/Design/Build for Petroleum Storage Tank Sumps in Borough of the Bronx

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Proposing Through PASSPort

Please note that this solicitation is being released using New York City's digital Procurement and Sourcing Solutions Portal (PASSPort). All Request for Proposal documents for your review will be accessible through PASSPort. All responses, including but not limited to the Technical Proposal (Questionnaire) must be submitted through the PASSPort System.

For more information regarding instructions on how to respond to a solicitation, please see Attachment C and <https://www.nyc.gov/site/mocs/passport/articles/respond-opportunities.page>

After clicking the **Submit my proposal** button, it is suggested to navigate to the **Manage Responses** tab and confirm that the Submission Status updated from In Progress to **Submitted**.

PREFACE

- A. DDC's Division of Public Buildings provides project management services in support of the capital construction requirements of a broad range of municipal agencies. As part of this process, DDC maintains contracts with architects, engineers, contractors, and construction management firms to provide design and construction services along with project direction, management, and oversight.
- B. The City of New York (the "City") is committed to achieving design and construction excellence in its capital program by continuing to build on a strong tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. As part of this effort, the City's Department of Design and Construction ("DDC") is pleased to announce the following contracting opportunity for up to four qualified firms to perform replacement and upgrades of petroleum storage tank sumps on a requirements contract basis for various sites throughout the City's five (5) Boroughs.
- C. DDC seeks Consultants and Contractors that consistently demonstrate design and construction excellence, characterized by the following four (4) concepts.
<http://www1.nyc.gov/assets/ddc/downloads/DDC-Guiding-Principles-2016.pdf>. Further, Consultants and Contractors that enter into contracts with DDC are expected to possess the necessary professional expertise and management skills to complete projects within the schedule and on budget.

DDC's Four (4) Guiding Principles:

1. EQUITY

Designing for equity is a paradigm shift that affirmatively promotes design for all. The built environment and our civic infrastructure can powerfully advance everyone's participation in the life of the City. Design can improve access to essential services and places of work, socialization, recreation and culture, especially in underserved neighborhoods. Extraordinary design can harness latent local qualities, turning serviceable projects into magnetic and catalytic ones. Through sensitive engagement with New York's diverse communities and recognition of local histories, backgrounds, needs and voices, design teams can develop projects that measurably enhance well-being, neighborhood identity and social cohesion. Overall, the DDC aims to improve the procurement, design and construction of the City's public buildings by:

- Encouraging thriving neighborhoods, economic growth and job creation
- Integrating government and social services by identifying community needs; and
- Creating access to high-quality community based resources

2. SUSTAINABILITY

New York City is continuing to move aggressively to reduce its impact on the environment – meeting tomorrow’s needs without compromising resources available to future generations. DDC is helping the City rapidly minimize greenhouse gas emissions through dramatically reduced building energy use in both new construction and renovation. On building sites and infrastructure projects, DDC designs natural systems and habitats through the five boroughs to manage stormwater and bring the many benefits of nature to citizens. The City has set a high bar, pledging a reduction in greenhouse gas emissions of 80 percent from 2005 levels by 2050, and reducing commercial waste 90 percent by 2030. DDC’s High Performance Infrastructure Guidelines and Design and Construction Excellence 2.0 Guiding Principles are the foundation of DDC’s goals to bring excellence in design to all projects by:

- Significantly lowering the City’s carbon footprint by reducing the City’s greenhouse gas emissions;
- Working to link carbon reduction opportunities to new and existing public buildings and infrastructure projects; and
- Investigating energy retrofits

3. RESILIENCY

Resilience design delivers projects capable of adapting to change. Resiliency means preparing the City’s public buildings and infrastructure to maintain service, and to rapidly rebound from extreme events. The chief hazards to the City’s built environment are storms and flooding of increased frequency and greater severity, extreme heat, extreme cold and human caused tragedies. Many of these risks will loom larger as the effects of global warming become more obvious. Some resiliency challenges develop over time, such as hazards from sea level rise and critical systems that are not maintained. Design can not only make us safe, but can also build communities, enhance neighborhoods, and invite investment. Well-coordinated tactics that can evolve and adapt over time will achieve robust buildings, infrastructure, neighborhoods, and services. In a post-hurricane environment, DDC wants to ensure that all future capital projects are designed to heightened expectations of resiliency by:

- Mitigating neighborhood flooding and offering high-quality water services;
- Assuring that areas at risk are built to updated code standards and construction practices; and
- Recreating a sense of community and neighborhood safety lost in the aftermath of Hurricane Irene and Sandy.

4. HEALTHY LIVING

DDC collaborated with other city agencies and outside stakeholders on Active Design Guidelines which showed that design can encourage active lifestyles. Physical activity can reduce such prominent health problems as chronic obesity and diabetes. With Healthy Living as a Guiding Principle, DDC encourages design teams to think about ways the built environment can aid mental well-being. These include access to nature, a sense of clarity and safety in public places - which reduces anxiety. DDC healthy living Guiding Principles match the Mayor’s commitment to create a built environment that fosters well-being for all individuals, families, and neighborhoods. DDC manages a wide variety of project types supporting and contributing to the City’s ability to reduce income and employment disparities. In addition, DDC’s ability to enable co-location and community sharing provides flexibility for future demographic changes by making effective use of available funds and services by:

- Helping to create the conditions by which New Yorkers of all ages can live, work, learn and play in neighborhoods that promote an active and healthy lifestyle;
- Assuring that all New Yorkers will have access to public facilities and infrastructure that provide for physical and mental well-being; and
- Understanding and supporting the cultural diversity of the communities served.

All of DDC's projects are governed by aspirations of excellence and equity. The design and construction of new civic buildings and infrastructure projects will contribute to a vision of the City's growth that fosters equity, sustainability, resilience, and healthy living goals. Capital upgrades and improvements will strengthen and protect the legacy and character of our City's neighborhoods using contemporary standards for safety and environmental durability.

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SECTION I. SUMMARY OF REQUEST FOR PROPOSALS

A. Background and Objectives

The New York City Department of Design and Construction (“DDC”), Division of Public Building, intends to enter into requirements contracts for the design and construction as described below. DDC is engaged in a major program to remove/upgrade/replace petroleum storage tanks in City facilities. Through this Request for Proposals (“RFP”), DDC is seeking to engage four (4) construction management firms for the provision of all services necessary and required to ensure petroleum storage tanks compliance with all local, state and federal laws, rules, and regulations, including without limitation, compliance with all protocols required by the New York State Department of Environmental Conservation. (The required services are described in detail in Section II of this RFP.)

The Commissioner shall, by written directive, assign to the CMs various sites for the performance of required services hereunder. The required services will include site investigation, design, construction, and construction management. The projects for which services are required will be specified by the Commissioner on a Task Order basis. Pursuant to this RFP, four separate contracts will be awarded to the highest ranked proposers in the order set forth below:

- 1) Contract # 1: **PW348-91** for Manhattan and Staten Island
- 2) Contract # 2: **PW348-92** for Brooklyn
- 3) Contract # 3: **PW348-93** for Queens
- 4) Contract # 4: **PW348-94** for Bronx

B. Task Order Process

The Task Order process will be in accordance with Article 4 of the contract. Proposers are advised to review this section carefully to ensure full understanding of the process. Please note that the consultant(s) must not perform any services under this contract until the Commissioner has issued a Task Order in accordance with Article 4 of the contract.

C. Joint Ventures and Other Consultant Relationships

Proposals for this contract may be submitted by JVs. JV firms submitting their proposals must comply with Section I.D of this document, and at the time of proposal submission provide a copy of the Certificate of Authorization (COA) from the New York State Education Department authorizing the Joint Venture to provide professional engineering services in New York State.

If the JV is not already formed, then the COA is required from each of the JV partners at the time of proposal submission. The COA(s) must be included as part of the Questionnaire in PASSPort, whether it is the individual COAs or the formed JV COA. Prior to award, firms that have not yet formed as a separate legal entity at the time of submission, will be notified by DDC in writing with a deadline date to submit the JV’s COA. JV firms that do not provide a COA at the time of submission or the deadline date specified in the notification from DDC, may be found non-responsive.

Certification of Authorization (COA) “**Renewal in Progress**” will be acceptable at time of proposal submission, but no award will be made without a valid renewed COA. COA “Renewal in Progress”

is defined as a submission accepted by NYS for a renewed COA. Acceptable proof of "Renewal in Progress" will be a copy of the renewal application already submitted to the NYS along with a copy of the expired COA. The deadline to submit the renewed COA will be upon written notification from DDC. Please note, applications for a new COA will be considered non-responsive if they are included as part of the RFx Questionnaire.

There is no minimum requirement for the proportion of work to be performed by either of the joint venture (JV) partners. JVs must carry the required insurance, either as policies written specifically for the joint venture entity, or by using their existing single entity policies with endorsements written for the JV activity.

The JV must be formed as a separate legal entity prior to award. DDC does not recognize the corporate configuration wherein one company is "in association with" another. Relationships between two or more firms shall be either as JV partners or as prime consultant / subconsultant. In the event that a proposal is received wherein two or more firms are described as being "in association with" each other, DDC will treat the relationship as one of prime consultant / subconsultant(s). The RFP (RFx) evaluation will be handled accordingly, and if selected, the contract documents will show only the prime firm on the signature page, and all other firms will be listed as subconsultants in the relevant Exhibit.

D. Certificate of Authorization

Section 7210 of the New York State Education Law requires that all business entities providing professional engineering services in the State of New York obtain a "Certificate of Authorization" to provide Professional Engineering Services in New York State from the New York State Education Department. Please note that no award will be made to any proposing firm unless the proposing firm is authorized by the New York State Education Department to provide professional engineering services in the State. A copy of the Certificate of Authorization must be provided at the time of proposal submission. **The proposer that does not provide a COA at the time of submission may be found non-responsive.**

Certification of Authorization (COA) "**Renewal in Progress**" will be acceptable at time of proposal submission, but no award will be made without a valid renewed COA. COA "Renewal in Progress" is defined as a submission accepted by NYS for a renewed COA. Acceptable proof of "Renewal in Progress" will be a copy of the renewal application already submitted to the NYS along with a copy of the expired COA. The deadline to submit the renewed COA will be upon written notification from DDC. Please note, applications for a new COA will be considered non-responsive if they are included as part of the RFx Questionnaire.

E. NYSDOL Public Works Contractor Registry

Pursuant to Labor Law 220-I, contractors must be registered with the New York State Department of Labor Contractor and Subcontractor Registry (<https://dol.ny.gov/public-work-contractor-and-subcontractor-registry-landing>) prior to submitting bids/proposals on public works projects covered by Article 8 of the Labor Law. Vendors should submit their NYSDOL certificate within PASSPort as part of their bid response (under the required documents section). **Note that failure to provide this certification may be grounds for being found non-responsive.**

F. Preclusion

A firm proposing on a contract under this solicitation is prohibited from having its subsidiaries or affiliates submit a proposal under this solicitation. An "affiliate" is defined as

an entity in which the parent of the consultant owns more than fifty percent of the voting stock, or an entity in which a group of principal owners which owns more than fifty percent of the consultant also owns more than fifty percent of the voting stocks.

Should the Agency become aware that two proposers are affiliates or one is a subsidiary to the other, the Agency will reach out to both firms to inform them they both may be deemed non-responsive unless one of the firms withdraws their proposal prior to the deadline provided by the Agency.

G. Contract Term / Not to Exceed Amount

The term of the contract shall commence on the date of Notice to Proceed and shall continue until final acceptance of all required work for the project. The time frame for Final Acceptance of all required work is 1,460 consecutive calendar days (ccds) from the date of Notice of Proceed. The estimated cost of the required work for the project is \$89,000,000.00 for contract PW348-91, \$78,000,000.00 for contract PW348-92, \$58,000,000.00 for contract PW348-93 and \$54,000,000.00 for contract PW348-94.

H. Insurance

Requirements for insurance that must be provided by the Consultant and its subconsultants are specified in Article 23 of the Contract. The cost of all insurance is deemed included in payments to the Consultant, as set forth in the contract. The Proposer is advised to review such insurance requirements.

I. Payment Provisions

The terms and conditions applicable to payment for all required services for the Project are set forth in Article 42 of the contract. The amounts of the various allowances included in each respective contract are set forth below. Information regarding the Fee Proposal is set forth in RFX Questionnaire in PASSPort.

A. PW348-91

Allowance Amounts	Manhattan/Staten Island
	PW348-91
Staffing Expenses	\$25,162,405
Construction	\$63,237,595
Miscellaneous Exp.	\$50,000
Additional Services	\$550,000.00
Total	\$89,000,000.00

B. PW348-92

Allowance Amounts	Brooklyn
	PW348-92
Staffing Expenses	\$22,168,947

Construction	\$55,231,053
Miscellaneous Exp.	\$50,000.00
Additional Services	\$550,000.00
Total	\$78,000,000.00

C. PW348-93

Allowance Amounts	Queens
	PW348-93
Staffing Expenses	\$16,373,394
Construction	\$41,226,606
Miscellaneous Exp.	\$50,000.00
Additional Services	\$350,000.00
Total	\$58,000,000.00

D. PW348-94

Allowance Amounts	Bronx
	PW348-94
Staffing Expenses	\$15,355,343
Construction	\$38,244,657
Miscellaneous Exp.	\$50,000.00
Additional Services	\$350,000.00
Total	\$54,000,000.00

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SECTION II. SCOPE OF WORK AND CONTRACT CONDITIONS

A. Scope of Services

The scope of work for these contracts consists of construction, construction management, and engineering design services for the following: (1) site evaluation, (2) tank system integrity inspection, and (3) removal, upgrading and/or replacement of petroleum product storage tanks and tank system components, including sumps, to ensure compliance with NYSDEC and EPA UST regulations and 2015 revisions and all local, state and federal laws, rules and requirements. The required services are described in detail in Articles 9, 10 and 11 of the Contract. The CM will be required to provide such services for numerous sites, which will be assigned after contract award. With respect to the assignment of sites, DDC reserves the following rights: (i) to determine the order of priority for the performance of the required services at the assigned sites; (ii) to increase or decrease the sites assigned to the CM, (iii) to assign sites to the CM in any of the locations specified in the contract.

B. Contract Provisions

The services to be provided by the Consultant and all standards of performance applicable to the required services are set forth in the form of contract, attached hereto and incorporated herein as part of this RFP. Any firm awarded a contract as a result of this RFP (RFP) will be required to sign this form of contract. The proposer is advised to carefully review the contract in its entirety before submitting a proposal.

C. Staffing Requirements

1. Key Design and Construction Management Personnel: It is the intent of the City to secure the personal services of those key design and construction management personnel identified by the proposer in its technical proposal. In accordance with Article 11 of the Contract, the CM agrees to assign such key personnel to the project for the entire duration thereof. Failure by the CM to provide such key personnel will be considered a material breach of the contract and grounds for termination for cause. Replacement of such key personnel will only be permitted in the following circumstances: (1) if the designated individual is no longer in the employment of the CM or its design consultant, or (2) if the City fails to direct the CM to commence work on the project within nine (9) months of the date on which the CM submitted its technical proposal.
2. Staffing Requirements for Design and Construction Management Personnel: Overall staffing requirements for design and construction management personnel for the Project have been established by the Commissioner and are set forth in the Staffing Requirements and Estimated Direct Salary Rates and Exhibit B to the Contract. Such staffing requirements specify the titles of design and construction management personnel that may be required for the Project, as well as the estimated direct salary rate per hour for each title. In accordance with the procedure outlined in Article 11 of the Contract, the CM is required to submit a Staffing Plan, which sets forth the individuals who will provide the required services. Such Staffing Plan is subject to the prior written approval of the Commissioner. The CM agrees, throughout the term of the contract, to provide design and construction management personnel as directed by the Commissioner.

3. Payment for Staffing Expenses for CM & Design Personnel: Allowances in the amounts set forth in Paragraph H of Section I are included in each respective contract for payment of staffing expenses for those design and construction management personnel described in Staffing Requirements and Estimated Direct Salary Rates and in Exhibit B to the Contract, who have been assigned to the project and identified in the Staffing Plan approved by the Commissioner pursuant to Article 11 of the Contract (the "Assigned Employees"). The CM and its design consultant shall not be entitled to payment for staffing expenses for (1) any Project Executive(s), (2) any principal(s) of the CM and its design consultant, and/or (3) any individual not assigned to the project and included in the approved Staffing Plan. The terms and conditions applicable to payment for staffing expenses are set forth in Article 42 of the Contract.

D. Minimum Requirements for Key Personnel

The minimum requirements per title for the Key Personnel required for this project are set forth in Attachment A, Minimum Requirements per Title. The proposer is required, as part of its Proposal, to identify the individuals who will perform services as Key Personnel. DDC will evaluate the information and resumes provided in PASSPort. **The Proposal may be found non-responsive if the proposer fails to identify Key Personnel who meet the minimum requirements per title.**

E. Fee Proposal

The proposer must complete the Fee Proposal Form and upload it into the Financial Envelope Questionnaire of the RFx in PASSPort.

F. Compliance with Iran Divestment Act of 2012

Pursuant to State Finance Law Section 165-a and General Municipal Law Section 103-g, the City is prohibited from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Each proposer is required to complete the Bidders Certification of Compliance with the Iran Divestment Act in the Technical Questionnaire in PASSPort, certifying that it is not on a list of entities engaged in investments activities in Iran created by the Commissioner of the NYS Office of General Services. If a proposer appears on that list, the Agency/Department will be able to award a contract to such proposer only in situations where the proposer is taking steps to cease its investments in Iran or where the proposer is a necessary sole source. Please refer to the Affirmations tab of the Technical Questionnaire in PASSPort for information on the Iran Divestment Act required for this solicitation and instructions on how to complete the required form and go to <https://ogs.ny.gov/iran-divestment-act-2012> for additional information concerning the list of entities.

A bid or proposal shall not be considered for award nor shall any award be made where the bid or proposal fails to certify.

G. Participation by Minority Owned and Women Owned Business Enterprises in City Procurement

If the Master Services Agreement awarded pursuant to this RFP solicitation is subject to Minority and Women-Owned Business Enterprises (M/WBE) participation requirements established under Section 6-129 of the Administrative Code of the City of New York, as indicated by the inclusion of Schedule B – M/WBE Participation Requirements for Master Service Agreements That Will

Require Individually Registered Task Orders proposers must complete such Schedule B and submit it with their proposal.

Depending on the scope of work and the availability of M/WBEs to perform such work, agencies may set M/WBE participation goals on each individual task order issued pursuant to such Master Services Agreement. If M/WBE participation goals are established for an individual task order, Prime Contractors will be required to submit a completed Schedule B – M/WBE Utilization Plan for Independently Registered Task Orders That are Issued Pursuant to Master Service Agreements (MSA) unless a full waiver is obtained. If Prime Contractors submit a Schedule B, they will be required to fulfill the M/WBE participation goals on each individual task order, except to the extent that a full or partial waiver is obtained, or such goals are modified by the agency. Please refer to the Schedule B – M/WBE Participation Requirements for Master Service Agreements That Will Require Individually Registered Task Orders and the Notice to All Prospective Contractors (Documents section of the RFx in PASSPort) for information on the M/WBE requirements established for this solicitation and instructions on how to complete the required forms.

H. Compliance with Local Law 34 of 2007

Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, vendors responding to this solicitation are required to complete the Doing Business Data Form in PASSPort with when they are submitting their proposal. For information on how to complete the Doing Business Data Form in PASSPort, please see "Manage Responses // LL34 Compliance" in Attachment C, "Instructions for Responding to the RFP (RFx)".

New for 2018: Organizations which hold 10% or more ownership of the entity must now be reported. Beginning in January 2018, an entity must submit a DBDF that certifies whether one or more organizations own or control 10% or more of the entity. Until such a DBDF has been received by Doing Business Accountability, a DBDF submitted with a filing status of No Change will not be accepted. To determine if Doing Business Accountability has received such a certification from your entity, contact doingbusiness@mocs.nyc.gov or at 212-788-8104.

I. Whistleblower Protection Expansion Act Rider

Local Law Nos. 30 and 33 of 2012, codified at sections 6-132 and 12-113 of the New York City Administrative Code, the Whistleblower Protection Expansion Act, protect employees of certain City contractors from adverse personnel action based on whistleblower activity relating to a City contract and require contractors to post a notice informing employees of their rights. The Whistleblower Protection Expansion Act Rider is included in Section 35.3 of the Contract. Please read Section 35.3 of the Contract, carefully.

J. Subcontractor Compliance Notice

To do business with the City, vendors must register and create an account in the City's Payee Information Portal (PIP) at <https://cityshare.nycnet/content/buywise/pages/systems/pip>

Important Update: Effective September 23, 2024, subcontractor management will no longer be handled in PIP. All subcontractor functionalities will transition to PASSPort. Vendors and subcontractors must have an active PASSPort account to manage subcontracts and report subcontractor payments. Any subcontractor data currently in PIP will be migrated to PASSPort.

K. Community Hiring

Pursuant to Section 3502 of the New York City Charter, the Contract to be awarded from this solicitation will be subject to the Community Hiring requirements set forth in the rules promulgated under Title 74 of the Rules of the City of New York ("Community Hiring Rules"). The Contract /Task Orders awarded under said Contract with a total/cumulative value in excess of three million dollars (\$3,000,000) will require the Contractor to make best efforts to employ Income-Based Community Hires as defined under Section 1-02 of the Community Hiring Rules, in order to meet the workforce goal (the "Community Hiring Goal"). Any Subcontractor awarded to perform services or other obligation under a sub-agreement exceeding twenty thousand dollars (\$20,000) in total dollar value will be required to make best efforts to extend offers of employment to Income-Based Community Hires.

The Community Hiring Goal is to hire one Income-Based Community Hires for every five hundred thousand dollars (\$500,000) in total value of the Contract / cumulative value of the Task Orders awarded. For credit towards the Community Hiring Goal, the Income-Based Community Hire hired by the Contractor or Subcontractor does not need to perform services under this Contract to be credited towards the fulfillment of the goal.

L. Paid Sick Leave Law Contract Rider

The Earned Sick and Sick Time Act, ("ESSTA") requires covered employees who annually perform more than 80 hours of work in New York City to be provided with paid sick time. Contractors of the City of New York (or of other governmental entities) may be required to provide sick time pursuant to the ESSTA. The ESSTA requirements are included in every contract awarded from this RFP (RFx) and must be incorporated as a material term of such a contract. Please read Exhibit F of the Contract carefully.

M. M/WBE Scoring Preference

The New York City's Procurement Policy Board Rules, section 3-03 has been amended to allow quantitative preferences to be applied to City and State-certified M/WBEs proposers. In ranking proposers for construction-related consultant services by technical merit, a preference of five percent (5%) of the total technical points earned will be applied to all proposers that are City M/WBEs or State-certified M/WBEs before ranking proposers by technical merit.

For State M/WBE certification consultants should visit the New York State Contract System a <https://ny.newnycontracts.com/>.

For City M/WBE certification consultants should visit the NYC Small Business Services (SBS) website at <https://www1.nyc.gov/nycbusiness/description/minority-and-womenowned-business-enterprise-certification-program-mwbe>.

For **Joint Ventures** to receive City M/WBEs preference

The definitions of "Joint Venture" and "Qualified joint venture agreement" as defined in Admin Code Section 6-129(c)(24) and 6-129(c)(30) are provided below.

(24) A "Joint venture" means an association, of limited scope and duration, between two or more persons who have entered into an agreement to perform and/or provide services required by a

contract, in which each such person contributes property, capital, effort, skill and/or knowledge, and in which each such person is entitled to share in the profits and losses of the venture in reasonable proportion to the economic value of its contribution.

(30) A "Qualified joint venture agreement" means a joint venture between one or more MBEs, WBEs, and/or EBEs and another person, in which the percentage of profit or loss to which the **certified** firm or firms is entitled or exposed for participation in the contract, as set forth in the joint venture agreement, is at least 25% of the total profit or loss.

Three scenarios for those proposing as a Joint Venture:

- If the Qualified Joint Venture is certified prior to the **submission** deadline, they can get the benefit of the 5% technical point preference.
- If the Qualified Joint Venture is made up of firms that are already themselves individually certified, the JV can get the benefit of the 5% technical point preference.
- If the Qualified JV is in part made up of non-certified firm(s) then the JV can NOT get the benefit of the 5% technical point preference.

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SECTION III. PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES

A. Selection Process

This is a Qualifications/Quality Based Selection (QBS) project. DDC will rank proposals by technical merit. A DDC Evaluation Committee will review, evaluate, and score all technical proposals in accordance with the criteria described below. This evaluation and scoring will determine each proposer’s total technical score. DDC reserves the right to interview proposers and visit their offices for the purpose of clarifying their technical proposals, after which their scores may be reevaluated.

Proposers shall be ranked in accordance with their total technical scores. However, in ranking proposers, a preference of five percent (5%) of the total technical points earned will be applied to all proposers that are City M/WBEs or State-certified M/WBEs before ranking proposers by technical merit. The final total technical score will be submitted to the Agency Chief Contracting Officer (ACCO) or designee, who will certify the results and authorize fee negotiation to commence with the highest ranked firm for Contract #1. Should negotiations fail with the highest ranked firm, the ACCO or designee will authorize fee negotiation with the next highest ranked firm. Once the selection of a CM for Contract #1 has been completed, the agency will proceed with the same process for Contract #2, #3, and #4. The firm whose proposal is determined to be the most advantageous to the City will be awarded the project.

DDC intends to award four contracts in the order set forth below.

- 1) Contract # 1 (PW348-91)
- 2) Contract # 2 (PW348-92)
- 3) Contract # 3 (PW348-93)
- 4) Contract # 4 (PW348-94)

Note: Each proposer is required to submit a Fee Proposal for the project; however, DDC will only open the Fee Proposal of the firm(s) selected for negotiation in accordance with the process described above.

B. Proposal Evaluation Criteria

The proposals submitted will be evaluated based on the following criteria:

- | | |
|--|--------------|
| 1. Key Personnel and Quality of Firm and Subconsultant (if any) Experience | [Weight 30%] |
| 2. Technical Approach | [Weight 30%] |
| 3. Firm’s Capabilities | [Weight 25%] |
| 4. M/WBE Approach | [Weight 10%] |
| 5. Innovative Technology | [Weight 5%] |

A preference of five percent (5%) of the total technical points earned will be applied to all proposers that are City M/WBEs or State-certified M/WBEs before ranking proposer by technical merit.

SAMPLE SCORING

The following is only for illustrative purposes to demonstrate how this new rule will be implemented and not applicable to this RFP (RFX).

Example:

- | | |
|---|--|
| • Experience of the Firm, Subconsultants and Key Personnel: | M/WBE proposer earned 25 out of 30 points in this category |
| • Strategic Approach: | M/WBE proposer earned 25 out of 30 points in this category |
| • Organizational Capability: | M/WBE proposer earned 20 out of 25 points in this category |
| • M/WBE Approach: | M/WBE proposer earned 5 out of 10 points in this category |
| • Innovative Technology: | M/WBE proposer earned 5 out of 5 points in this category |

M/WBE proposer's **total technical points** before 5% preference = **80 points**

M/WBE proposer's **final total technical score** after 5% preference = **84 points**

In the example above, an M/WBE firm received a total technical point of 80 would then receive a 5% preference added to their score and their resulting **final total technical score would be 84**. Final ranking of this M/WBE firm would then be based on the **final total technical score of 84**.

C. Basis of Award

The Department of Design and Construction will award contract(s) to the responsible proposer(s) whose proposals are determined to be the highest quality and most advantageous to the City, taking into consideration the overall quality of the proposal as measured against factors or criteria as set forth in the RFP (RFx) and successful negotiation of an appropriate fee. Such fee negotiation will commence upon written notification and will conclude no more than thirty days (30) thereafter.

D. Supply and Service Employment Report

Upon selection, the successful proposer must upload a signed copy of the Department of Small Business Services Supply and Service Employment Report, into PASSPort, a copy of which can be downloaded from <http://www1.nyc.gov/site/sbs/businesses/contract-compliance.page>. The proposer must submit the Supply and Service Employment Report within ten days of written notification.

E. PASSPort

Procurement and Sourcing Solutions Portal (PASSPort) Disclosure Filing (formerly known as Vendor Information Exchange System (VENDEX) Forms or Certificate of No Change)

All organizations intending to do business with the City of New York must complete an online disclosure process to be considered for a contract. This disclosure process was formerly completed using Vendor Information Exchange System (VENDEX) paper-based forms. In anticipation of awards, proposers for this project must create online accounts in the new Procurement and Sourcing Solutions Portal (PASSPort) and file all disclosure information. **Paper submissions, including certifications of no changes to existing VENDEX packages will not be accepted in lieu of complete online filings.**

For more information about PASSPort, please visit nyc.gov/passport

F. Contract Finalization

Upon selection, each successful proposer will be asked to finalize a Contract with DDC subject to the conditions specified in the RFP (RFx) and to the agency's standard contract provisions. The contents of the selected proposal, together with the RFP (RFx) and any addendum(s) provided during the proposal process, may be incorporated into the final contract to be developed by the agency.

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SECTION IV. GENERAL INFORMATION TO PROPOSERS

A. Complaints

The New York City Comptroller is charged with the audit of contracts in New York City. Any proposer who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 835, New York, NY 10007; the telephone number is (212) 669-3000. In addition, the New York City Department of Investigation should be informed of such complaints at its Investigations Division, 80 Maiden Lane, New York, NY 10038; the telephone number is (212) 825-5959.

B. Applicable Laws

This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable provisions of New York State Law, the New York City Administrative Code, New York City Charter and New York City Procurement Policy Board ("PPB") Rules. A copy of the PPB Rules may be obtained by contacting the PPB at (212) 788-7820.

C. General Contract Provisions

Contracts are subject to New York City's general contract provisions, in substantially the form that they appear in "Appendix A-General Provisions Governing Contracts for Consultants, Professional and Technical Services" or, if the Agency utilizes other than the formal Appendix A, in substantially the form that they appear in the Agency's general contract provisions. A copy of the applicable document is attached to the form of Contract to this RFP (RFX) (found in documents section of PASSPort).

D. Contract Award

Contract award is subject to each of the following applicable conditions and any others that may apply: New York City Fair Share Criteria; New York City MacBride Principles Law; submission by the proposer of the requisite New York City Department of Business Services/Division of Labor Services Employment Report and certification by that office; submission by the proposer of the requisite Procurement and Sourcing Solutions Portal (PASSPort) online disclosure process and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity; and Section 6-108.1 of the New York City Administrative Code relating to the Local Based Enterprises program and its implementation rules.

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E. Proposer Appeal Rights

Pursuant to the PPB Rules, proposers have the right to appeal Agency non-responsiveness determinations and Agency non-responsibility determinations and to protest an Agency's determination regarding the solicitation or award of a contract.

F. Multi-Year Contracts

Multi-year contracts are subject to modification or cancellation if adequate funds are not appropriated to the Agency to support continuation of performance in any City fiscal year succeeding the first fiscal year or if the contractor's performance is not satisfactory. The Agency will notify the contractor as soon as is practicable that the funds are, or are not, available for the continuation of the multi-year contract for each succeeding City fiscal year. In the event of cancellation, the contractor upon written approval by the Commissioner or designee will be allowed reimbursement for the costs associated with any previously released work order(s), if any, upon the delivery, acceptance, and satisfactory completion of all **"to-date"** project related findings and determination reporting along with the corresponding material testing results as outlined in the contract.

G. Prompt Payment Policy

Pursuant to the New York City's Procurement Policy Board Rules, it is the policy of the City to process contract payments efficiently and expeditiously.

H. Prices Irrevocable

Prices proposed by the proposer will be irrevocable until contract award, unless the proposal is withdrawn. Proposals may only be withdrawn by submitting a written request to the Agency prior to contract award but after the expiration of 90 days after the opening of proposals. This does not limit the discretion of the Agency to request proposers to revise proposed prices through the submission of best and final offers and/or the conduct of negotiations.

I. Confidential, Proprietary Information or Trade Secrets

Proposers should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification of why such materials, upon request, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the proposal. All information not so identified may be disclosed by the City.

J. RFP Postponement/Cancellation

The Agency reserves the right to postpone or cancel this RFP in whole or in part, and to reject all proposals.

K. Proposer Costs

Proposers will not be reimbursed for any costs incurred to prepare proposals.

L. VENDEX/PASSPort Fees

Pursuant to PPB Rule 2-08(f)(2), the contractor will be charged a fee for the administration of the VENDEX/PASSPort system, including the Vendor Name Check Process, if a Vendor Name Check

review is required to be conducted by the Department of Investigation. The contractor must pay the applicable fees for any of its subcontractors for which Vendor Name Check reviews are required. The fee(s) will be deducted from payments made to the contractor under the contract. For contracts with an estimated value of less than or equal to \$1,000,000, the fee will be \$175. For contracts with an estimated value of greater than \$1,000,000, the fee will be \$350. The estimated value for each contract resulting from this RFP is estimated to be above \$1 million.

M. Charter Section 312(a) Certification.

☒ The Agency has determined that the contract(s) to be awarded through this Request for Proposals will not result in the displacement of any New York City employee within this Agency. See attached Displacement Determination Form.

☐ The Agency has determined that the contract(s) to be awarded through this Request for Proposals will result in the displacement of New York City employee(s) within this Agency. See attached Displacement Determination Form.

☐ The contract to be awarded through this Request for Proposal is a task order contract that does not simultaneously result in the award of a first task order; a displacement determination will be made in conjunction with the issuance of each task pursuant to such task order contract. Determination for any subsequent task orders will be made in conjunction with such subsequent task orders.

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ATTACHMENT A**MINIMUM REQUIREMENTS PER TITLE**

The minimum requirements per title are set forth on the chart below.

DESIGN PERSONNEL			
TITLE	ACADEMIC QUALIFICATIONS	PROFESSIONAL LICENSE	RELEVANT EXPERIENCE IN DESIGN
Project Manager	BS in Engineering (CE, EE, ME, Environ. Eng., Chem. Eng., or Hydro-geologist)		7 years
Senior Project Engineer	BS in Engineering (CE, EE, ME, Environ. Eng., Chem. Eng., or Hydro-geologist)	NY PE	7 years
Project Engineer (Electrical)	BS in Elect. Engineering		3 years
Project Engineer (Mechanical)	BS in Mech. Engineering		3 years
Project Engineer (Civil)	BS in Civil/Environ. Engineering		3 years
Geologist	BS in Geology		3 years
Inspector	Bachelor or Associate degree in Engineering		5 years
CADD Operator	12 th Grade		2 years
Clerical	12 th Grade		2 years

CM PERSONNEL	
TITLE	RELEVANT EXPERIENCE IN CONSTRUCTION
Project Manager	10 years OSHA 10 Hour Construction Health and Safety Certificate
Assistant Project Manager	7 years OSHA 10 Hour Construction Health and Safety Certificate
Construction Inspector/Resident Engineer	7 years OSHA 10 Hour Construction Health and Safety Certificate
Contract Manager	5 years
Office Engineer	5 years
Clerical	2 years

ATTACHMENT B**STAFFING REQUIREMENTS AND ESTIMATED DIRECT SALARY RATES**

STAFFING REQUIREMENTS: Overall staffing requirements for design and construction management personnel for the Project have been established by the Commissioner and are set forth below. Such staffing requirements specify the titles of design and construction management personnel that may be required for the Project, as well as the estimated direct salary rate per hour for each title. A staffing plan for the project shall be established in accordance with the procedure set forth in Article 11 of the Contract.

MINIMUM REQUIREMENTS PER TITLE: Design and construction management personnel for the Project must comply with the minimum requirements per title. Such requirements are set forth on Attachment A of the RFP.

DESIGN PERSONNEL

TITLE	ESTIMATED DIRECT SALARY RATE (per hour)
Principal	Included in Multiplier for Design Personnel
Project Manager	\$ 110
Senior Project Engineer	\$ 110
Project Engineer (Electrical)	\$ 90
Project Engineer (Mechanical)	\$ 90
Project Engineer (Civil)	\$ 90
Geologist	\$ 90
Inspector	\$ 78
CADD Operator	\$ 69
Clerical	\$ 38

CONSTRUCTION MANAGEMENT PERSONNEL

TITLES	ESTIMATED DIRECT SALARY RATE (per hour)
Project Executive	Included in Multiplier for CM Personnel
Project Manager	\$ 110
Assistant Project Manager	\$ 110
Construction Inspector/Resident Engineer	\$ 90
Contract Manager	\$ 90
Office Engineer	\$ 76
Clerical	\$ 38

ATTACHMENT C**INSTRUCTIONS FOR RESPONDING TO THE RFP (RFX)**

This quick guide will walk you through how to view and respond to an RFX. An RFX is a request for anything. In PASSPort, an RFX will be synonymous with the solicitation that will go out to vendors. This will include a Request for Proposal (RFP).

If you have questions about the details of the RFX, please contact the designated Agency Contact located within the View RFX tab. If you have questions about functionality of PASSPort, please contact our Service Desk at <https://mocssupport.atlassian.net/servicedesk/customer/portal/8>.

Please identify which profile you have been assigned using the table below. This will help guide your navigation through the RFX.

VENDOR USER PROFILES

PASSPort enables vendors to have multiple profiles in which to complete the relevant tasks for their workstream. The user profiles that can create and submit responses to an RFX are detailed in the table below. Importantly, users from the vendor organization can be added to specific responses to contribute any helpful information.

Profile	Description/ Authorizations
Vendor Admin	• Can manage contacts in the Vendor Profile • Receive direct invite to participate in RFX • Can add users to the vendor team • Can create a response
Vendor Procurement L1	• Receive direct invite to participate in RFX • Can add users to the vendor team • Can create a response
Vendor Procurement L2	
Vendor Financials L1	• Can create/edit responses when added to the team in the Setup Team Tab
Vendor Financials L2	
Contributor	
Vendor Contract Signatory	• Can create/edit responses when added to the team (<i>Can sign the authored contract agreement at the Contract stage</i>)

If you have any questions about vendor user profiles, please contact our Service Desk at <https://mocssupport.atlassian.net/servicedesk/customer/portal/8>.

SUBMITTING RESPONSES

Login to PASSPort

1. You will receive a notification from PASSPort inviting you to respond to an opportunity created by an agency (RFx).
2. Click on the link in the notification to login into PASSPort and access the RFx. Alternatively, click on this [link](#) to access PASSPort.

View My RFx and Responses

3. Once logged in, click on the RFx menu option on the blue header bar at the top of the screen.
4. Select either Browse All RFx (includes all RFx visible on the Public Portal) or Browse Your RFx and Responses (includes the RFx to which you have been invited or have started a draft response).
5. You can locate your opportunities by filtering RFx status, keywords, agency, etc.
6. To open an opportunity or response, click on the pencil icon in the row.

View RFx & Acknowledgement

7. Review the details of the RFx in the View RFx tab. If you have questions about the RFx, contact the designated Agency Contact found on this page.
8. Communicate with the agency if you plan on responding to the opportunity by completing the Acknowledgement tab. If no acknowledgement is required, move on to step 9.

Manage Responses

9. Navigate to the Manage Responses tab.
10. Click on the pencil icon to open the Response window.

Manage Responses // Your Proposal Info

This tab is designed to function as the header for your response and will include fields to input a response name and description and select a competition pool. If you are submitting to multiple Competition Pools, you must complete individual responses for each Competition Pool.

11. In the Your Proposal Info tab, complete the Response Label, Description and Competition Pool fields. You can rename the Response Label. If you choose not to, it will default to "Proposal #1"
12. Click the Save button.

Manage Responses // Questionnaire

The questions within this tab were designed in-system by the Agency to best reflect the information required for you to submit as part of your response. When completing the

Questionnaire, please note the different ways you are expected to answer (date, multiple choice, text, etc.) and be sure that the answers are completed to the best of your ability before submitting. Questions denoted with the red bar in the response field are mandatory. Note, you will not be able to submit your responses if you do not answer all the required questions.

13. Click on the Questionnaire tab.

14. Complete all necessary questions within this tab. Questions may be organized into a series of subtabs and subsections.

15. Click the Save button.

Alternatively, you can download the Questionnaire into an Excel file and complete it outside of PASSPort, but it must be reuploaded with the appropriate answers and format for the Questionnaire to be marked as responsive. Should you wish to draft your responses in Excel, click either the "Download in Excel 2007-2010 format (xlsx)" or "Download in Excel 97-2003 format (xlsx)". To reupload the completed Excel file, click on "Upload (in Excel Format)".

Please note that editing the structure of the excel sheet might prevent successful reupload, so please be careful when submitting with this method. You should only edit the fields designated for vendor response.

Manage Responses // Subcontractors and Joint Ventures

If the solicitation allows subcontracting or if you will be submitting as part of a joint venture, you will identify subcontractors and joint ventures in this tab. If the RFx does not require subcontracting, the tab will display the following language, "Subcontracting is not allowed for this RFx". If there are no subcontractors or joint ventures, move on to Step 20.

16. Click on the Subcontractors and Joint Ventures tab.

17. In the Subcontractor Information tile, complete all the necessary fields (if applicable).

18. In the Joint Ventures tile, click on the Add Joint Ventures button, and complete the necessary fields (if applicable).

19. Click the Save button.

Manage Responses // Item Tab

The Item tab functions as the price component for solicitation. When filling out the Item Tab, be careful to answer each line item according to the information it asks, such as annual salaries, price per a designated quantity, or dates. Note, rows and columns will be designated as either "optional" or "required." You will not be able to submit your proposal if you do not input data into all the required fields. Also, please be aware of the total proposal amount, located above the response fields. This total amount is automatically calculated based on the information you provide in the response fields.

20. Click on the Item tab.

21. Complete all necessary fields in the Item tab.

22. Click Save button.

Alternatively, you can download the Item Tab into an Excel file and complete it outside of PASSPort, but it must be reuploaded with the appropriate answers and format for the configured Items Tab to be marked as responsive. Should you wish to draft your responses in excel, click either the "Download in Excel 2007- 2010 format (xlsx)" or "Download in Excel 97-2003 format (xls)". To reupload the completed Excel file, click on "Upload (in Excel Format)".

Please note that editing the structure of the excel sheet might prevent successful reupload, so please be careful when submitting with this method. You should only edit the fields designated for vendor response.

Manage Responses // LL34 Compliance

This tab allows you to submit your Local Law 34 (Doing Business Data) as part your response to the solicitation. The Vendor Admin will identify all LL34 Contacts within the Vendor Record. Please make sure that all information is correct with appropriate names, titles, and other necessary information before you submit.

23. Click on the LL34 Compliance tab.
24. In the Principle Officers tile, complete all the necessary fields.
25. In the Principle Owners tile, complete all the necessary fields.
26. In the Senior Managers tile, complete the necessary field.
27. Click the Save button.

Submit your Response

28. Click on the Check Progress button to review your progress. PASSPort will alert you to what needs to be completed. Please note that this will review progress of completion for the RFx, not the content within the RFx itself.
29. Once all sections are complete, a new green button will appear called the Validate and Submit button. Click on this button to submit your response.
30. In the pop-up, review the terms and conditions, select the checkbox, and click on the green Submit my proposal button. Your response will be submitted.
31. Click on the Close button. The Manage Response tab will update with a summary of your response. The Agency will be notified of your proposal submission.