

CITY OF NEW YORK

DEPARTMENT OF PARKS & RECREATION

CONSTRUCTION MANAGEMENT SERVICES
EPIN #: 84627P0003

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ATTACHMENT A MINIMUM REQUIREMENTS PER TITLE

Proposing in PASSPort:

Please note that this solicitation will be released using New York City's digital Procurement and Sourcing Solutions Portal (PASSPort). All Request for Proposal ("RFP") documents for your review will be accessible through PASSPort. All responses, including but not limited to the Technical Proposal (Questionnaire) and Price Proposal (Items), must be submitted through the PASSPort System. If you are a vendor who wishes to respond to this proposal and you do not have a PASSPort account, please go to https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page and follow the instructions to setting up a PASSPort account. For more information regarding instructions on how to respond to a solicitation, please see the "Instructions for Responding to the RFP" document found in the Documents section of PASSPort.

Any inquiries concerning this RFP should be directed through the PASSPort communication function. Questions/inquiries must be submitted by 5:00 PM (E.S.T) on the "questions due date" indicated on the View RFx tab1.

SECTION I - SUMMARY OF THE REQUEST FOR PROPOSALS

A. Objectives

NYC's Department of Parks and Recreation ("Parks" or "Agency") is seeking appropriately qualified firms to perform on an as needed basis construction management services ("CM Services"), which include but are not limited to comprehensive construction management services, partial construction management services, or consulting services for various City-owned properties located within the five boroughs as selected by the Commissioner on a Task/Work Order basis.

The Agency intends to engage up to fifteen (15) qualified consultants to provide CM Services on an as needed basis. When the need arises for specific CM Services, the Agency will issue a Task/Work Order to the consultant. The Task/Work Order process is described in Section E. below.

The selected consultants will be expected to provide staff and sub-consultants pursuant to the minimum qualifications specified in the proposal. Failure to do so may result in termination of the contract by the Agency.

B. Anticipated Contract Term

It is anticipated that the term of each Contract awarded from this RFP will be for 1460 consecutive calendar days (CCDs) from the Order-To-Work date, with **no** option to renew.

C. Anticipated Contract Funding

It is anticipated that the total maximum amount for each awarded contract shall be $18,000,000.

D. Anticipated Payment Structure

Payment for services shall be an amount which shall cover all costs and expenses incurred by the Consultant and/or its sub-consultants in the performance of all the services required for the project, including all expenses related to management, overhead and any anticipated profit, exclusive of any expenses and anticipated profit for (a) additional professional services and (b) reimbursable services as set forth in the Contract.

The Agency will determine the payment structure for each individual work order by one of the following ways: (i) a Lump Sum Fee, (ii) Multiplier for specified titles of personnel, (iii) by entering Fee Negotiations with the CM, or (iv) any combination of the above.

The payment method that is used will be set forth in the subsequent mini-RFPs or rotational assignment packages that are issued by the Agency.

E. Work Orders

Assignment of Work for any Parks project will be by Work Order Letter in accordance with Article 2 of the Contract. Determination of the selection procedure shall be based on complexity factors

which include, but are not limited to, unusual technical requirements, operational requirements, programmatic considerations, site conditions, multiple phases, and/or required participation of specialty Subconsultants. Whether a project is complex or non-complex shall be determined by the Agency.

As described in Article 2 of the Contract, a “mini-RFP process” shall apply to projects deemed to be complex, and a “rotational assignment process” shall apply to projects deemed to be non-complex.

SECTION II - SCOPE OF SERVICES AND CONTRACT CONDITIONS

A. Agency Goals and Objectives for this RFP

The Agency's goals and objectives for this RFP are to have CM Services performed in a timely manner for various projects within the five boroughs, with time frames to be indicated in individual Work Orders or rotational assignment packages. The services the Consultant firms may be required to provide shall include, but not be limited to, the services set forth in the Work Order, scope of work, and the Contract. The Consultant firms shall provide such services through their own employees and/or through their Sub-consultants and will be evaluated throughout the term of the Contract.

It is the Agency's goal to work on a regular basis with Consultant firms that are highly proficient in technical issues related to CM Services. The Agency seeks to partner with firms that approach construction management services with high attention to detail, keeping in mind the budget. With the selection of a team of well-experienced Consultant firms, the Agency intends to maximize the long-term benefit that the City's projects will have on the parks, the Parks' staff who operate and maintain them, and the members of the public who will use them.

A successful Consultant will be expected to demonstrate their firm's profile for performing such work; its capability for such projects based on its performance of such services on recently completed projects of a similar scope, and its ability to manage a team, including Sub-consultants, when necessary for the project.

B. General Scope of Services & Assignment of Work

The selected Consultant will be required to provide all CM Services necessary and required for any assigned Project in accordance with Work Orders issued by the Agency.

The selected CM will be required to 1) provide comprehensive construction management services, 2) partial construction management services, or 3) consulting services necessary and required for the Project, in accordance with Task Orders issued by the Commissioner. The services to be provided by the CM shall include, without limitation, the services set forth in Article 6 of the attached Contract. The CM shall provide such services through its own employees and/or through its Subconsultants and will be evaluated on their performance throughout the term of the contract.

Comprehensive Construction Management (CM) Services
The selected CM will be required to provide all services necessary and required for the inspection, management, coordination, and administration of a project, from commencement through substantial completion, final acceptance, and project close-out.

Partial Construction Management (CM) Services
The selected CM shall provide partial CM staffing as directed by the Commissioner to supplement CM services being provided by the Agency's in-house staff or by another CM firm on a project.

Consulting Services
The selected CM will be required to provide consulting services in connection with the Agency's capital projects program.

2. Assignment of Work: When there is a need for services for a specific project, and dependent on the Agency's determination of a Project being deemed complex or non-complex, one of the two (2) Selection Procedures set out in this Contract shall follow prior to a Work Order Letter being issued to the awarded consultant firm.

a) The assignment of work and project locations shall be by Work Order Letter from the Agency.
b) The Work Order Letter for each project shall finalize the fee and performance schedule for each assignment.
c) All work to be done by the consultant must be authorized by the Agency in writing.

3. Consultant Personnel:

a. Any personnel provided by the Consultant or its Subconsultant(s) must satisfy the minimum requirements for the specific title in which he/she is performing services.
b. The minimum requirements per title are set forth in **Attachment A** to the RFP.
c. The Consultant agrees, throughout the term of the contract, to provide personnel for the performance of all required CM Services for a Project as directed by the Agency in the Mini-RFP.
d. The Consultant shall provide such personnel through its own employees and/or through its Sub-consultants. The Consultant should indicate the Sub-consultant firms which they anticipate using by completing and submitting the List of Sub-consultants form.

C. Minimum Requirements for Consultant's Personnel and Agency Assumptions Regarding Proposer's Experience

The Consultant will be required, throughout the term of the contract, to provide personnel for the performance of all required services for various projects in accordance with the Mini-RFP and Work Order. The Consultant's obligation to provide personnel for the performance of services is set forth in Article 7 of the contract.

Any personnel provided by the Consultant or its Subconsultant(s) must satisfy the minimum requirements for the specific title in which he/she is performing services. The minimum requirements per title are set forth in the chart in the Minimum Requirements found as Attachment A to this document. **The Proposal may be considered non-responsive if the proposer fails to identify Key Personnel who meet the minimum requirements per title**.

In order to accomplish the objectives as set out above, the Consultant(s) would require, at a minimum, to the sole satisfaction of the Agency:

1. Experience – Illustrate at least 7 years of experience in categories such as supervision of: landscape projects; the reconstruction of existing facilities; the construction of new facilities; the restoration of historically sensitive facilities.
2. Staff and Resources – Information illustrating the proposer's staff and resources to accomplish the scope of services in accordance with the project's scope, budget, and schedule.
3. Respondent's ability to lead the construction process.

D. Agency Assumptions Regarding Proposer's Organizational Capacity

In order to accomplish the goals and objectives as set out above, the Consultant would be required to, at a minimum, demonstrate to the sole satisfaction to the Agency: information illustrating the suitability of the proposer's staff and resources to accomplish the scope of services in accordance with the project's scope, budget, and schedule. The Consultant should have the organizational capability in Article 6 of the Contract. The Consultant shall provide all services through appropriately qualified personnel, either through its own employees and/or one or more Sub-consultants, and demonstrate the ability to manage multiple work orders and mobilizations concurrently.

In order to accomplish the goals and objectives as set out above, the Consultant(s) would be required to, at a minimum, demonstrate to the sole satisfaction of the Agency:

- Resources and ability to commence and complete work to the satisfaction of the Agency.
- Resources and ability to commence and complete multiple projects of reasonable magnitude simultaneously.
- Resources and ability to execute projects under tight timelines.
- Ability to conduct either directly or via a subconsultant, qualitative and quantitative research to both inform the development of and track the success of projects
- Its ability to designate and assign one Project Manager who is the main point of contact for all projects, as well as four (4) Resident Engineers throughout the term of the contract.
- Employ administrative staff capable of submitting detailed billing packages with accuracy and efficiency, conforming to City government requirements.

E. Agency Assumptions Regarding Proposer's Approach

In order to accomplish the goals and objectives set forth above, the Consultant would, to the sole satisfaction of the Agency, provide a detailed statement describing the Proposer's strategic approach, including their:

1. Understanding of the construction, architectural, engineering, and environmental technical issues and complexities related to CM Services.

2. Understanding of different tasks anticipated to be performed and their relationship with each other.
3. Management of staff and workload across projects.
4. Management of sub-consultants.
5. Management of communication.
6. Methodology for tracking and maintaining project budgets and timely schedules with proper staffing.
7. Techniques for problem solving and conflict resolution among all project participants.

Any work performed must be done in accordance with laws, rules, regulations, and all oversight and regulatory requirements. All work must be in compliance with procedures and industry-accepted methods and standards in a manner so as to ensure quality assurance and quality control of the integrity of all samples and valid data.

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

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

For those Work Orders that have grant funding, Section 6-129 of the Administrative Code of the City of New York may not apply. The Consultant shall be in compliance with all terms and conditions of the grant funding regarding M/WBE, Disadvantaged Business Enterprises, and/or Locally Based Enterprise requirements.

G. Compliance with Local Law 34 of 2007 (Doing Business Data Forms)

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 the necessary information to establish the required database, vendors responding to this RFP are required to complete the Doing Business Data Form in PASSPort 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 the Attachment "Instructions for Responding to the RFP (RFX)."

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.

H. Grant Funding

A portion of the funds for this contract may be provided pursuant to other grant funding. The Consultant awarded a contract shall be required to comply with applicable grant requirements for those project-specific Work Orders which have grant funding.

I. Contract Provisions and Requirements (Appendix A) (Documents Section)

The Contract shall incorporate the City's general contract provisions, in substantially the form that they appear in the 2018 "Appendix A—General Provisions Governing Contracts for Consultants, Professional, Technical Services and Human Services" attached to the Contract as **Exhibit 1**. In addition, the Contractor will be subject to the Procurement and Sourcing Solutions Portal (PASSPort) Disclosure Filing Requirements.

J. Compliance with the Iran Divestment Act (Questionnaire Section)

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 attached Bidders Certification of Compliance with the Iran Divestment Act, certifying that it is not on a list of entities engaged in investment 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 section of the Questionnaire for information on the Iran Divestment Act required for this RFP, and review https://ogs.ny.gov/iran-divestment-act-2012 for additional information concerning the list of entities.

K. 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 incorporated into Appendix A, which is **Exhibit 1** to the Contract. Please read the Whistleblower Protection Expansion Act Rider carefully.

L. Subcontractor Compliance Notice

The selected vendor will be required to utilize the City's web-based system to identify all subcontractors in order to obtain subcontractor approval pursuant to New York City Procurement Policy Board ("PPB") Rule section 4-13, and will also be required to enter all subcontractor payment information and other related information in such system during the contract term. Please read the Subcontractor Compliance Notice (found in the Documents section of PASSPort) as it relates to competitive solicitations.

M. Community Hiring Requirements

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 Task Orders awarded under said Contract with a 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, or in order to meet the workforce goal (the "Community Hiring Goal"). Any Subcontractor awarded to perform services or other obligations 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 Hire for every five hundred thousand dollars ($500,000) in 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.

N. Paid Sick Leave Contract Rider

The Earned Sick Time Act, also known as the Paid Sick Leave Law ("PSLL"), 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 PSLL. The Paid Sick Leave Law Rider will be included in any contract awarded from this RFP and will incorporate the PSLL as a material term of such a contract. Please read Appendix A of the contract carefully.

O. M/WBE Scoring Preferences

The New York City's Procurement Policy Board Rules, section 3-03, have 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 a final ranking of proposers by technical merit.

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

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

SECTION III - PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES

A. Evaluation Procedures

1. All proposals accepted by the Agency will be reviewed to determine whether they are responsive or non-responsive to the requirements of this RFP. Proposals that are determined by the Agency to be non-responsive will be eliminated from further consideration.

2. An Agency evaluation committee will review, evaluate, and score all Technical Proposals that are deemed responsive in accordance with qualitative and quantitative criteria prescribed below.

3. A preference of 5 percent (5%) of the total technical points earned will be applied to the proposals from all Proposers that are City M/WBEs or State-certified M/WBEs before a final ranking of Proposers by technical merit.

4. This evaluation and scoring will determine the proposer's Technical Rating. Parks reserves the right to interview proposers for the purpose of clarifying their Technical Proposals, after which their Technical Ratings may be re-evaluated. Proposers will be ranked in accordance with the Technical Evaluation Score.

5. The Fee Proposals of the firms with the highest Technical Evaluation Scores will then be opened and considered. The Agency may then consider price by negotiating a fair and reasonable price with the top-ranked proposer(s). In the event that the agency has chosen to negotiate a fair and reasonable price with the top-ranked proposer(s) and such a fee is not successfully negotiated, the Agency may conclude negotiations and enter negotiations with the next-ranked vendor(s), as necessary.

6. Federal Legislation. The provisions of the Brooks Bill (40 USC 541) require award of federally funded engineering and design contracts on the basis of fair and open competitive negotiations, demonstrated competence, and professional qualifications (23 CFR 172). Contracts with such consultants must be negotiated in order of the most highly qualified consultant at prices determined to be fair and reasonable to the Sponsor.

B. Evaluation Criteria

1. Demonstrated Quality and Relevance of the Firm's Project Experience and Past Performance [Weight 55%]
2. Demonstrated Level of Organizational Capacity (Including Sub-consultants) [Weight 25%]
3. Clarity and Appropriateness of Firm's Approach [Weight 20%]

C. Basis for Contract Award

A contract will be awarded to the highest-ranked responsible proposers whose proposals are determined to be the most advantageous to the City, taking into consideration factors and criteria which are set forth in this RFP. Contract award shall be subject to the timely completion of contract negotiations between the Agency and the selected proposer. Pursuant to the City Quality Based Selection (QBS) Method, Parks will award this contract to the highest technically ranked firm from a shortlist established based on criteria described above in the Evaluation Procedures. The financial proposal of ONLY the highest technically ranked firm will be opened. In the event that the fee is not successfully negotiated with the highest technically ranked firm, the agency may conclude such negotiations and enter into negotiations with the next ranked vendor(s), as necessary.

SECTION IV - FORMAT AND CONTENT OF THE PROPOSAL

A. Written Material Format

1. Provide all proposal documents (Items C-H) in one PDF file and upload to the appropriate section of the Document Submissions tab (in the PASSPort system). All-Inclusive Hourly rates shall be uploaded as a separate file.

2. Submissions may not exceed the page limit provided. Additional pages exceeding the page limit may be discarded without evaluation (front and back covers, title and section title pages, and table of contents as pages).

3. Provide 8 ½" x 11" format, using 10 point or larger size, single space. Size 11x17 may be utilized for an organizational chart. Portrait and landscape orientation are both acceptable.

4. Provide consecutive page numbering throughout the file. Provide the name of the Proposer, RFP due date, and EPIN in the footer section of each page.

B. File Format

Submissions must be electronic and submitted as an Adobe PDF file. The PDF file must be readable and not corrupt, text searchable, printable, and appropriately bookmarked. Each PDF must be clearly labeled with the proposer's name, file name, RFP due date, and EPIN.

C. Cover Page (one page)

The cover page shall contain the following information on one (1) page. This shall be on the front of the proposal.

- Proposer's Legal Name
- Legal Name of all Major Participants
- Proposer's Address
- Project Name
- Project EPIN
- RFP Due Date

D. Table of Contents

The table of contents must include the name of each item listed below (including subsections of the Technical Proposal), in the exact order, and the page number where the item is located within the proposal. This must be the first page behind the cover page.

E. Cover Letter (one page)

The proposal cover letter must consist of a brief statement introducing the proposer that includes the following:

- Full contact information for the person(s) authorized to contractually bind the proposer.

- Email addresses for the Proposer's Designated Representative and up to two additional points of contact. Correspondence related to the RFP will be delivered to these email addresses only.

F. Technical Proposal

Provide a Technical Proposal that contains a clear and concise narrative that addresses the following:

1. Experience

Summary

Provide a brief summary demonstrating at least five (5) years of successful relevant experience in performing CM Services as described in Section II. Proposer shall be limited to a total of two (2) pages. Any information regarding experience that is in excess of two (2) pages will not be considered.

If the proposer is a joint venture, delineate the areas of responsibility and expertise of each joint venture partner.

Demonstration Projects

In the format required below, proposers must provide examples of five (5) projects completed within the last five (5) years, for which the proposer has provided comprehensive CM Services ("Demonstration Projects").

The proposer (or its member firm, if the proposer is a joint venture) must have been the prime consultant for CM Services, in privity with the owner for the project. Proposers are advised to select demonstration projects that demonstrate the ability of the proposer and its proposed team to competently provide the services required.

No more than five (5) demonstration projects will be accepted, regardless of whether the proposer is a single firm or a joint venture. Additional projects beyond five (5) will be discarded without evaluation.

Each demonstration project shall include the completed Project Reference Form (attached) (one (1) page), a narrative description of the project including the information listed below – (two (2) pages), and up to one (1) page of visual materials (i.e. photographs, drawings, brochures).

- Information identifying the role of the proposer in the project, if applicable;
- A description highlighting the salient characteristics of the project, including scope of work and the specific engineering design approach;
- How the project is similar to the projects described in this RFP or how they otherwise qualify the consultant for this contract;
- For each demonstration project, describe how the proposer managed the project budget, scope, and schedule (minimized and managed delays).

List of Subconsultants

Proposer shall identify and provide a list of subconsultants it intends to provide throughout the term of the Contract, as well as the type of services to be provided by each subconsultant. Provide

a completed "List of Subconsultants" form.

For each subconsultant identified, Proposer shall demonstrate five (5) years of experience in CM Services and provide a list of up to five (5) projects that show how the subconsultant's experience is related to or qualifies the consultant to be awarded this contract. Limit the experience information provided to a brief description of those projects and how they are similar to the project described in this RFP or how they otherwise qualify the consultant for this contract (two-page limit per subconsultant).

Key Personnel

Provide a completed Identification of Key Personnel form. Proposer shall identify the individuals it will provide to perform the required services throughout the term of the contract. Such individuals must be employees of the proposer or its subconsultant. The proposer may identify multiple individuals for each title; provided, however, it shall only identify those individuals it or its subconsultant(s) can provide.

All personnel performing services for any Project(s) assigned to the Consultant must be approved in advance by the Commissioner.

Provide the resume of each individual identified in the Identification of Key Personnel form (three (3) page limit). Resumes for each Key Personnel must include the individual's technical qualifications, area(s) of expertise, and years of experience. Resumes must demonstrate the required years of experience and professional licensure.

Provide an organizational chart (one page) including Key Personnel proposed for this contract, and the overall proposed structure. The organizational chart should support the proposer's management approach.

2. Organizational Capacity

Provide a summary, no more than three (3) pages, demonstrating its organizational (i.e., technical, managerial, and financial) capability to provide the work described in Section II. Specifically address the following:

- Resources and ability to commence and complete work to the satisfaction of the client;
- Resources and ability to commence and complete multiple projects of reasonable magnitude simultaneously;
- Resources and ability to execute projects under tight timelines;
- Ability to conduct either directly or via a Subconsultant, qualitative and quantitative research to both inform the development of and track the success of projects; and
- Employ administrative staff capable of submitting detailed billing packages with accuracy and efficiency, conforming to City government requirements.

3. Proposed Approach

The proposer shall provide a detailed statement, no more than five (5) pages, describing the proposer's strategic approach, including their:

- Approach to the goals and objectives identified in Section II of the RFP and its understanding and commitment to the City of New York's goal of design excellence;
- Understanding of the construction, architecture, engineering, environmental technical issues, and complexities related to CM Services;
- Understanding of different tasks anticipated to be performed and their relationship;
- Management of staff and workload across projects;
- Management of subconsultants;
- Management of communication;
- Methodology for tracking and maintaining project budgets and timely schedules with proper staffing;
- Management of technical review and QA/QC; and
- Techniques for problem solving and conflict resolution between and among all project participants.

G. Acknowledgment of Addenda

Proposer shall provide a signed and dated form entitled Acknowledgement of Addenda (attached), listing each addendum and the date issued. The Acknowledgment of Addenda form serves as the proposer's confirmation of receipt of all Addenda issued by the Agency prior to the Proposal Due Date and Time.

H. Schedule B- MWBE Utilization

Complete the Schedule B-MSA by entering a brief description of the type(s) of subcontracts for all/any services you plan on subcontracting if awarded this contract. For each item, indicate whether the work will be designated for participation by M/WBEs.

I. Financial Proposal

Proposers shall upload their Financial Proposal to the appropriate section of the Document Submissions tab (in the PASSPort system). Please note that this must be submitted as a separate file and should not be included in the Technical Proposal.

The Financial Proposal shall consist of the following two parts: (1) Part 1: Multiplier for Overhead for partial and comprehensive CM services, and (2) Part 2: Multiplier for Overhead and Profit for consulting services.

The Agency will attempt to negotiate the fees on a fair and reasonable basis with the highest ranked proposer. If negotiations are not successful, the Agency will enter into negotiations with the next highest ranked firm.

Within ten (10) calendar days of Notice by the Agency, proposers shall provide the following in support of its proposed Multipliers:

1. If the proposer has an "Audited Multiplier for Overhead" that has been accepted by a governmental agency, it must submit its latest Audited Multiplier for Overhead, as well as a letter from a governmental agency that engages in capital construction work (city, state or federal) approving or accepting such Audited Multiplier for Overhead. The proposer is advised that the Agency has NO OBLIGATION to accept an Audited Multiplier for Overhead, even if such multiplier has been approved by a governmental agency.

2. Most recent audited Statement of Direct Labor, Fringe Benefits, and General Overhead prepared in accordance with Part 31 of the Federal Acquisition Regulation ("FAR Audit Report"). FAR Audit Report is not required for firms with gross income less than $1 Million annually in two of the last three fiscal years.

3. If the proposer does not have a FAR Audit Report, it must submit an affidavit attesting to the fact that the proposer does not have such Report.

4. In addition, the proposer must submit: either reviewed or compiled financial statements for the last three (3) years, which statements must be accompanied by either an "Independent Accountant's Review Report" signed by a CPA or an "Independent's Accountant's Compilation Report" signed by a CPA.

5. The Agency reserves the right to require the proposer to submit any records, documentation or accounting data in connection with its proposed Multiplier. Such records may include, without limitation, the "CONR 385 Package". For a description of the "CONR 385 Package", the proposer is directed to the following website: https://www.dot.ny.gov/main/business-center/audit/conr-385-388

SECTION V - GENERAL INFORMATION FOR 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 RFP 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.

C. General Contract Provisions. Contracts shall be 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" and the Agency's additional terms and conditions 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 (found in documents section of PASSPort). Please note the draft Contract and/or Agreement is a draft subject to Corporation Counsel's approval and/or requested revisions.

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 PASSPort Account Questionnaires Affidavits of No Change 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.

E. 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 should 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 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 www.nyc.gov/passport.

F. Proposer Appeal Rights. Pursuant to New York City's Procurement Policy Board 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.

G. 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 and/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 will be reimbursed for those costs, if any, which are so provided for in the contract.

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

I. Prices Irrevocable. Prices proposed by the proposer shall 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 shall 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.

J. Confidential, Proprietary, Information of 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.

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

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

M. 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.

N. Charter Section 312(a) Certification.

☑ The Agency has determined that the contract(s) to be awarded though this RFP 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 RFP 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 RFP 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 order pursuant to such task order contract. Determinations for any subsequent task orders will be made in conjunction with such subsequent task orders.

ATTACHMENT A

Minimum Requirements per Title

Principal (Partner or Officer) *
Project Manager **
Assistant Project Manager **
Senior Resident Engineer (1.1)
Resident Engineer (1)
Administrative Resident Engineer (1.2)
Field Inspector (2)
Structural Inspector (3)
Electrical Inspector (3)
Plumbing/Drainage Inspector (3)
Boiler Inspector (3)
Roofing Inspector (3)
HVAC Inspector (3)
Estimator
Junior Estimator
Engineer *- Any Discipline
Environmental Engineer *
Geotechnical Engineer *
Marine Structures Engineer *
LEED Certified Professional
Architect *
Landscape Architect *
Surveyor *
Survey Party Chief
Survey Instrument Person
Survey Rod person
Arborist (4)

* N.Y. State Professional License in area of discipline relevant to Project scope and requirements solicited through Selection Procedures as set forth in the Contract.

** Must demonstrate the need for these Consultant Staff to be utilized—in addition to Resident or Senior Resident Engineers—on any specific Project solicited through Selection Procedures as set forth in the Contract.

(1) Degree in technical area; Certified Construction Manager (CCM) preferred but not required; and must demonstrate relevant experience to Project scope and requirements solicited through Selection Procedures as set forth in the Contract.

(1.1) All of (1) but requires Certified Construction Manager (CCM); and must demonstrate extensive relevant experience to Project scope, minimum 8 years, and requirements solicited through Selection Procedures as set forth in the Contract.

(1.2) All of (1) and assists Senior Resident Engineer and/or Resident Engineer in the field and/or office on administrative tasks and must demonstrate relevant experience, to Project scope and requirements solicited through Selection Procedures as set forth in the Contract.

(2) Degree/Training in appropriate technical field relevant to Project scope and requirements solicited through Selection Procedures as set forth in the Contract.

(3) Must possess a professional license and/or certificate in respective discipline and must demonstrate expertise in respective field.

(4) Certified Arborist by the International Society of Arboriculture, New Jersey State Tree Expert, or equivalent as determined by the Chief of Forestry and Horticulture; an associate degree or higher from an accredited college in forestry, arboriculture, horticulture management, or similar program. The person shall have a minimum of one (1) year of full-time professional experience in the practical use of knowledge involved in tree inventory or surveying, diagnosis and treatment of tree problems (health and structure) and use of electronic data recording devices.