

December 20, 2019

ADDENDUM NO. 1

PROJECT: BBJ-KDSS, Design-Build Program for the NYC Borough Based Jail System, Brooklyn Site Building
PIN: 8502020CR0043P-45P

THIS ADDENDUM IS ISSUED FOR THE PURPOSE OF AMENDING THE REQUIREMENTS OF THIS REQUEST FOR QUALIFICATIONS AND IS HEREBY MADE A PART OF SAID REQUEST FOR QUALIFICATIONS TO THE SAME EXTENT AS THOUGH IT WERE ORIGINALLY THEREIN.

Request for Qualifications

1. Amendments to the RFQ, provided in the attached documents in redline, have been made affecting the following RFQ sections and pages:

- ~~RFQ~~ RFQ table of contents on page ii (page number update)
- ~~RFQ~~ RFQ Section 4.4.4 on pages 20 and 22 (text change)
- RFQ Section 4.4.5 on page 23 (text change)
- Appendix A on page 2 (text change)
- Appendix C on page 1 (page change)
- Appendix D-6 (format & text change)
- Appendix D-9 on page 1 (text change)
- Appendix D-12 (text change)

A clean, revised copy of the entire RFQ is also included with this Addendum No. 1.

2. Consultant Questions and DDC Responses are attached to this addendum

- RFI Q&A

Contact: Department of Design & Construction

Email: nycbbj@ddc.nyc.gov

Phone: 718-391-2022

By signing in the space provided below, the Proposer acknowledges receipt of this Addendum.

THIS ADDENDUM MUST BE SIGNED BY THE SUBMITTING FIRM AND INCLUDED WITH APPENDIX D-13 – Acknowledgement of Addenda.

for



Nick Mendoza
Agency Chief Contracting Officer

Name of Submitting Firm

By _____

Title _____

Request for Qualification

NYC BBJ PROGRAM

RIKERS PMC
DESIGN-BUILD PROGRAM
FOR THE NEW YORK CITY
BOROUGH-BASED JAIL SYSTEM

Brooklyn Site Building Dismantle

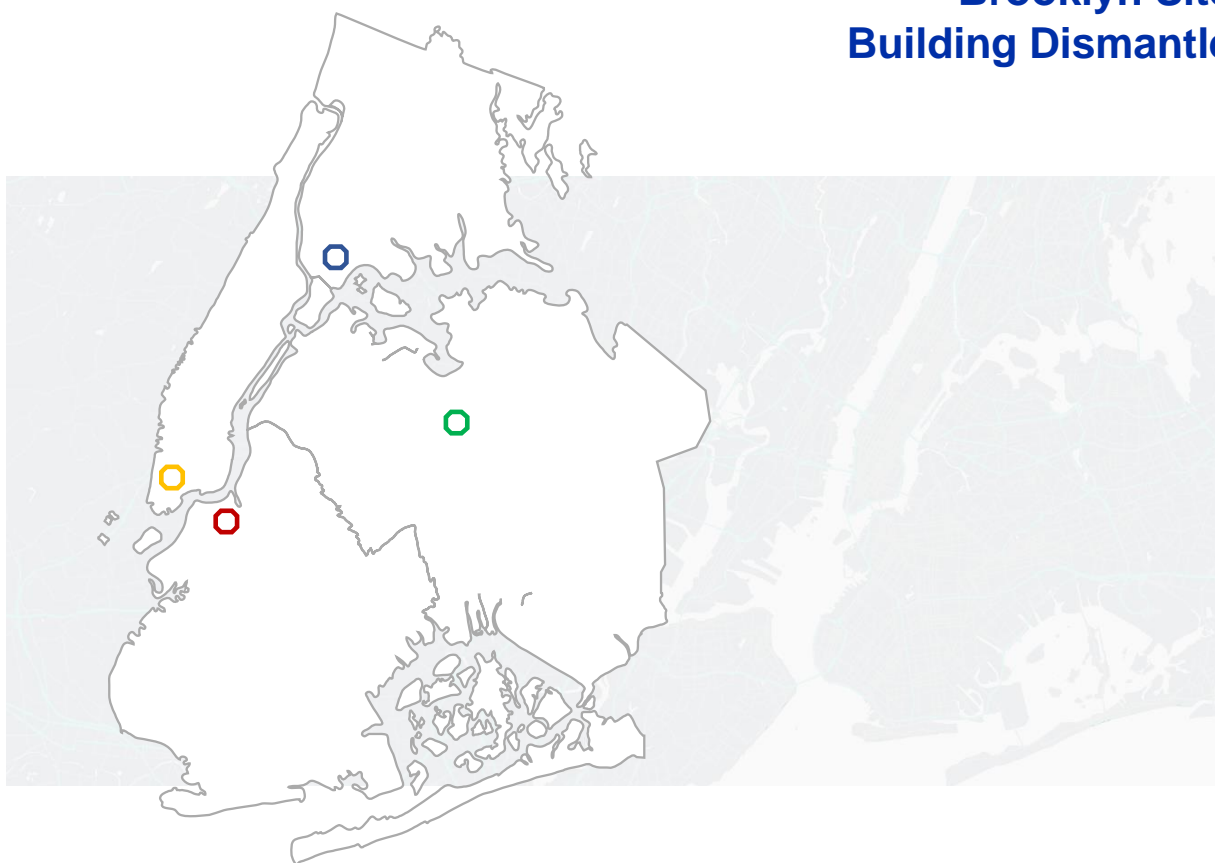


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D-2: Doing Business Data Form

D-3: Iranian Divestment Act

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D-8: Project Evaluation Form

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PREAMBLE

This preamble is provided for informational purposes. In the event of discrepancies between the contents of this preamble and this solicitation, provisions within the solicitation will prevail.

New York City is at a transformational moment, rethinking and redoing the way in which its justice system operates to ensure it is as small, safe and fair as possible. Uniquely in the nation, the City has achieved record reductions in both crime and incarceration, even as it has lightened the touch of enforcement. Today, the City has the lowest rates of crime and incarceration of any big city in the nation, relying less on police and jails than it once did and more on neighborhood-based and preventive efforts. In the midst of this transformation, the City is also closing its outdated jails, which for decades have been isolated on Rikers Island, which sits in the East River, and building instead facilities in four of the City's five boroughs, closer to communities, public transportation, services and courts.

The City is seeking to create buildings that are equal in ambition to the transformational changes that have taken place and continue to unfold in the City's criminal justice system. The City's new jails must be civic assets, valuable to the communities within which they will be located and to the people who are incarcerated, work, and visit them. These facilities must be beacons of high-quality civic architecture that integrate into the immediate neighborhood context and are assets to all New Yorkers. The buildings will offer an aspirational model of how to use detention—sparingly, with a focus on the specific characteristics of detained populations and their needs, and shaped by principles of procedural justice—to achieve a safer and fairer city.

The City will build four (4) modern, humane facilities in the Bronx, Brooklyn, Manhattan and Queens by 2026 that will house no more than 3,300 people in total—the lowest jail population since 1920. This is part of a once in many generations opportunity to build a smaller and more humane justice system that includes facilities grounded in dignity and respect, offering better connections to and space for families, attorneys, courts, medical and mental health care, education, therapeutic programming and service providers. The facilities must provide for effective and tailored programming, appropriate housing for those with medical, behavioral and mental health needs, and an opportunity for a more stable reentry into the community.

The new facilities must realize these values through innovative and high-quality design that will foster safety and wellbeing through normalized environments for all those who interact with the facilities. Such high-quality design practices must also provide for the new facilities to be built efficiently and cost-effectively to achieve the City's functional objectives, and do so as expeditiously as possible in order to meet the City's goal of closing the Rikers Island Jail Complex as soon as possible.

This RFQ is for Early Works related to completing the Program. Specifically, the Project is for the construction of a temporary sally port and demolition of the existing detention facility in Brooklyn, and other related activities.

The overarching goal for this Early Works procurement is to select a Design-Build (DB) Team to design and construct a temporary sally port and demolish the existing detention facility in Brooklyn in a manner that provides the best value to the City in support of its vision and mission. Through best value selection, the City is looking for high-quality, innovative and transformative design to be completed on time and within budget. This procurement is not a low-bid procurement. In addition to the City's goal for enduring design that supports justice reform for many decades to come, the City is seeking teams with the capability to optimize energy-efficiency and sustainability, to provide robust minority- and woman-business enterprise participation, to deliver design excellence in the community-specific urban realm, and to reduce construction and operations-related community impacts. DDC seeks an effective partnering relationship with the successful DB Team(s) to accomplish this goal.

DDC intends to award fixed price DB Contracts with incentives and an award fee program. DDC will state its requirements in a performance-based contract, thus allowing and expecting the DB Team(s) to determine how to satisfy and exceed Project requirements. The DB Team is expected to work collaboratively with the City to provide exceptional and innovative design that supports the City's vision for justice reform and to aggressively seek out solutions to accelerate the schedule while managing cost and promoting quality and innovation.

The City understands that integrated Design-Build and design-bid-build are fundamentally different project procurement and delivery systems. As part of DDC's shift into a collaborative Design-Build approach, DDC will implement Design-Build Institute of America best practices to become an owner of choice for DB Teams, such as:

- A two-phase, best value selection that prioritizes design, quality, past performance, and qualifications over price. This RFQ is Phase I. A subsequent RFP will be Phase II.
- Offering stipends to unsuccessful responsive and responsible Proposers in Phase II.
- Implementation of a formal Alternative Dispute Resolution (ADR) partnering program.
- Allowing the DB Team flexibility to choose means and methods to satisfy contract requirements.
- An integrated City-DB Team approach to meet or exceed Project goals.
- Establishment of an award fee program to reward key performance criteria throughout the Project.
- Mitigating the risk to the Design-Builder by providing for appropriate allowances, potential economic price adjustment provisions, and mitigating unknown subsurface conditions.

This Program presents the design and construction community with an opportunity to partner with the City to design and construct **innovative facilities** that will set the standard worldwide for **safe, secure, efficient,** and **humane** detention facilities. DB Contract(s) will be awarded to the best value Proposer(s) with Design-Build quality, design excellence, experience, past performance, and other non-cost factors valued more than lowest price.

1.0 INTRODUCTION AND GENERAL INFORMATION

This RFQ, issued by DDC, seeks Statements of Qualifications from the most highly qualified Proposers interested in performing design, construction, quality control, construction inspection and other required services identified for the Program.

This RFQ is for Early Works related to completing the Program. Specifically, the Project is for the construction of a temporary sally port and demolition of the existing detention facility in Brooklyn, and other related activities. This Project does not include design and construction of new detention facilities.

This RFQ is issued pursuant to DDC's authority under the Rikers Island Jail Complex Replacement Act. The Act authorizes DDC to use the Design-Build project delivery method for the Program, subject to the requirements set forth in the Act. This RFQ will be the mechanism by which a short list of Proposers will be established for the Project. **DDC intends to establish a Short-list of up to three (3) most highly qualified Proposers for the Project.**

DDC seeks the most highly qualified Proposers who are prepared in all respects to undertake the complete design and construction for the Project. SOQs will only be accepted from Proposers intending to provide all required services for the Project.

This RFQ is the first phase of a two-phase, best value procurement process. In order to be invited to proceed to the second phase of the procurement process, which is responding to a subsequent RFP, a Proposer must provide a timely response to this RFQ and be Short-listed by DDC for the Project as described herein. In the RFP phase, the City intends to value Design-Build quality, design excellence, experience, past performance, and other non-cost factors more than price.

Participation in this Early Works Project by any Person will not preclude participation of such Person in future related procurements, including procurements for the new facilities. Proposers may compete for, and be awarded, multiple projects as part of the Program.

1.1 ABBREVIATIONS AND DEFINITIONS

Refer to Appendix A for abbreviations and definitions of terms used in this RFQ.

1.2 PROGRAM GOALS

DDC's general goals and objectives for the overall Program are listed below. Goals for this Early Works Project are included in Appendix B.

- 1) Select a DB Team for each new facility that can provide exceptional design in a collaborative manner.
- 2) Select a DB Team for each new facility to design and construct the Project in a manner that provides the best value to the City.
- 3) Select a DB Team that will aggressively seek out innovative solutions to accelerate the schedule while controlling cost and maintaining quality and safety.
- 4) Design and construct new detention facilities grounded in dignity and respect offering better connections to and space for families, attorneys, courts, medical and mental health care, education, therapeutic programming and service providers. The facilities must provide for effective and tailored programming, appropriate housing for those with medical, behavioral and mental health needs, and opportunity for a more stable reentry into the community.

- 5) Design and construct new facilities that provide a safe and efficient work environment for those who work within the facilities.
- 6) Design and construct new facilities that integrate, in both operations and architecture, into existing neighborhoods as civic assets.
- 7) Optimize energy efficient and sustainable facilities with the expectation that the facilities will achieve, at minimum, LEED Gold rating.
- 8) Provide robust minority- and woman-owned business enterprise participation.
- 9) Reduce construction and operations-related community impacts.
- 10) Complete the Early Works projects on time and on budget.

1.3 PROFESSIONAL LICENSING

The City does not intend to contract for, pay for, or receive any design services which are in violation of any professional licensing laws. Professional services regulated by Articles 145, 147, and 148 of the NYS Education Law must be performed and stamped and sealed, where appropriate, by a professional licensed in accordance with such Articles. References in this RFQ, subsequent RFP, and contract documents to the Design-Builder's responsibilities or obligations to "perform" the design portions of the work are deemed to mean that the Design-Builder must "furnish" the design for the Project via designated firms or individuals holding appropriate licenses. Those members of the Proposer's team responsible for leading the design and construction services for the Project must be appropriately registered and licensed pursuant to the laws of the State of New York.

1.4 ROLE OF THE DDC

In the context of the Project, DDC, through its own forces or through the Consultant Support Team, intends to undertake the following:

- 1) Overall Project administration;
- 2) Procurement and administration;
- 3) Preparation of the RFQ and subsequent RFP, evaluation of SOQs and Proposals, determination of Short-lists and selection of the best value Proposal for the Project(s);
- 4) Identification of DDC's designated project manager for the Project as the point of contact for all communication during the design and construction phase;
- 5) Quality oversight and audit of the Design-Builder's design and construction activities, including quality checks and verification sampling and testing;
- 6) Providing reasonable assistance to the DB Team in securing agreements with utility companies, utility owners and other third parties, as necessary.
- 7) Final acceptance of the Work and payment for Work performed; and
- 8) M/WBE program oversight and compliance review.

1.5 PROJECT DESCRIPTION, DESIGN-BUILDER RESPONSIBILITIES AND PROJECT STATUS

This RFQ is being issued concurrently with the process of development and review of the final scope of work for

the Projects. Any Work described herein is subject to adjustment as a result of the process, in the City's sole discretion.

Nothing contained in this RFQ is intended to modify, limit or otherwise constrain the process or commit the City, DDC, or any other entity, to undertake any action with respect to the Project, including selection of a Design-Builder or the design and construction of the Project.

As required by the Act, the Project will be subject to a Project Labor Agreement (PLA). A copy of the PLA will be included with the subsequent RFP documents.

Refer to Appendix B for a description of the Project and information regarding the Proposer's responsibilities and other information in connection with the status of the Project.

1.6 PROJECT SCHEDULE

Project milestones are included in Appendix B.

1.7 CONTRACT TYPE

The Contract will be a fixed price Design-Build contract with incentive and may include award fees. The budget for the Project is contained in Appendix B.

DDC is in the process of developing its Design-Build contract form. A draft form of the contract will be included with the subsequent RFP. A summary of key contract provisions that DDC anticipates including in the Design-Build contract is attached in Appendix H.

1.8 ANTICIPATED PAYMENT TERMS

The Contract will provide for a system of progress payments. A description of the method of periodic payment will be provided in the subsequent RFP.

DDC anticipates including incentives and value engineering clauses with an opportunity for savings-sharing between the City and the Design-Builder. Details will be provided in the subsequent RFP. The City reserves the right to implement an award fee program during the post-award phase.

1.9 GOVERNING LAW

The subsequent RFP and the resulting Contract, if any, unless otherwise stated, will be subject to all applicable provisions of New York State Law, the New York City Administrative Code, New York City Charter and the New York City Procurement Policy Board (PPB) Rules. A copy of the PPB Rules may be obtained by visiting <https://www1.nyc.gov/site/mocs/legal-forms/procurement-policy-board-ppb-rules.page>.

Proposers are advised that the City Chief Procurement Officer (CCPO) has approved the use of an innovative procurement method in accordance with Section 3-12 of the PPB Rules. DDC anticipates that several areas of the PPB Rules will be revised to accommodate DDC's procurement of Design-Build services. Specifically, DDC anticipates, without limitation, modification or alternative processes for the following areas currently addressed by the PPB Rules:

- Procurement methodology for Design-Build services in accordance with the Act;

- Contract changes and change order administration; and
- Dispute resolution

Such modifications and alternative processes will be set forth in the Contract, which will be included with the subsequent RFPs.

1.10 INSURANCE, BONDING, LICENSING AND SECURITIES

Preliminary information regarding insurance that will be required for this Project is set forth in Appendix D-4. Details and requirements regarding insurance will be set forth in the RFP. DDC will require the Selected Proposer to provide evidence of insurance by certified copy of complete policy or policies endorsed.

Prior to Contract execution, all Persons participating in the Contract must obtain all certificates of authorization, licenses and any other requirements under applicable law, to conduct business in the State of New York and perform the Work required under the Contract, including proposing and carrying out a contract consistent with the laws of the State of New York.

The Selected Proposer will be required to provide payment and performance bonds in the amount of 100% of the Contract price for this Project. This only applies to this Early Works Project and is not an indication of the City's bonding policy with respect to the future facilities.

1.11 CONFLICTS OF INTEREST

Proposers are required to disclose known or potential conflicts of interest in their SOQs.

1.11.1 The City's Consultant Support Team

Entities that have been retained by the City, to provide assistance to the City and the selection committee in preparing this RFQ and the subsequent RFP and in evaluating SOQs and proposals, including providing financial, legal, contractual, and technical advice, are listed in Appendix G, also known as the Consultant Support Team. The Consultant Support Team may also provide project oversight, including design reviews, construction monitoring, and environmental compliance oversight.

Members of the Consultant Support Team are not eligible to assist or participate as DB Team members with any Proposer for this Project. SOQs and Proposals that include ineligible DB Team members may be deemed non-responsive.

Additional members may be added to the Consultant Support Team for the Project. DDC will promptly notify Proposers of additional members by issuing an Addendum to this RFQ.

Additional entities providing capital project scope development studies for the Project, under contract with the Office of Management and Budget (OMB) have also been designated as members of the Consultant Support Team for purposes of this Project. These entities are expected to be eligible to participate in future procurements, including procurements for the new facilities.

1.12 RULES OF CONTACT

The following rules of contact shall apply during the contract procurement process, which begins upon public issuance of the RFQ and will be completed with the execution of the Contract. The rules are designed to promote

a fair, unbiased, legally defensible procurement process. Contact includes face-to-face, telephone, e-mail or any other form of communication.

The specific rules are as follows:

- 1) Potential Proposers are advised that communication in connection with procurement, including but not limited to questions and responses to questions, can be made only with designated contact persons.

The following DDC's Designated Representative shall be DDC's single point of contact and source of information for this procurement:

Nicholas Mendoza
NYCBBJ@ddc.nyc.gov

Additionally, proposers may leave a message for the DDC Designated Representative at 718-391-2022.

- 2) After the Short-list is announced, neither a Proposer nor any of its team members may communicate with another Proposer or members of another Proposer's team with regard to the Project or the Proposals. However, subject to the limitations in the subsequent RFP, a Proposer may communicate with a Subcontractor that is on both its team and another Proposer's team, provided that each Proposer has obtained a written certification from the Subcontractor that the Subcontractor will not act as a conduit of information between the teams, and a copy of the certification is provided to DDC in a form acceptable to DDC;
- 3) Unless otherwise specifically authorized by DDC, or in this RFQ, a Proposer may contact DDC only through the DDC's Designated Representative and only in writing by e-mail. The Proposer's contacts with the DDC shall only be through a single representative authorized to bind the Proposer;
- 4) Communications between a Proposer and the DDC's team of staff and Consultant Support Team is allowed during any joint workshops and/or meetings organized by the DDC;
- 5) Neither a Proposer nor its agents may contact employees of the DDC or Consultant Support Team for the Projects, including staff members, members of any SOQ evaluation committee and any other person who will evaluate SOQs, regarding the Project, except through the process identified above;
- 6) Any contact by a Proposer determined to be improper may result in disqualification of the Proposer;
- 7) DDC will not be responsible for or bound by: (1) any oral communication, or (2) any other information or contact that occurs outside the official communication process specified herein, unless confirmed in writing by DDC's Designated Representative; and
- 8) Neither a Proposer nor its agents may contact any public official regarding this Project or the Program and should refrain from all lobbying activities relates to this Project and the Program.

Information regarding the Project will be posted on DDC's website, set forth in Section 1.13.

Proposers are advised to monitor the web site regularly. DDC is not obligated to notify potential Proposers of posted information, including Addenda, to this RFQ and/or the subsequent RFP.

1.13 PROPOSER QUESTIONS

DDC will consider questions submitted in writing by Proposers regarding this RFQ, including requests for

clarification and requests to correct errors. All such requests must be submitted by e-mail to DDC's Designated Representative, identified in Section 1.12.

Only requests by e-mail to DDC's Designated Representative will be considered. No oral requests will be accepted or responded to. No requests for additional information or clarification to any other DDC office, consultant, employee, or stakeholder (including any utility or other governmental agency relevant to the Project) will be considered. All responses to Proposer questions in connection with this RFQ will be disseminated only by posting on DDC's web site. Responses will not indicate which Proposer raised particular questions. Responses to questions will not be mailed out.

Only questions received by 12:00 P.M. (Noon) Eastern Time on the date specified in Section 2.3 of this RFQ as the deadline for such questions will be addressed.

Questions must include the individual requestor's name, the potential Proposer's name, address, telephone number and e-mail address.

For the sake of clarity, DDC may consolidate or rewrite questions, and may post multiple sets of questions and answers. The final response will be posted on DDC's website (listed below) no later than the date indicated in the procurement schedule in Section 2.3 of this RFQ.

<https://designbuild.ddcanywhere.nyc/>

1.14 RFQ ADDENDA

If necessary, DDC will issue Addenda to modify conditions or requirements of this RFQ. Addenda will be disseminated by posting on DDC's website. If Addenda are posted, DDC will attempt to send e-mail notification to potential Proposers that have registered and downloaded documents directly from DDC's website. DDC is not responsible if potential Proposers fail to receive email notification of posted Addenda. Proposers are advised to visit DDC's web site regularly to check for Addenda. The final Addendum will be posted on DDC's web-site not later than seven (7) Days prior to the SOQ due date set forth in Section 2.3 of this RFQ. If an additional Addendum is required within seven (7) Days of the SOQ due date, and such addenda requires modification of the SOQ, the SOQ due date shall be revised such that there will be seven (7) Days or greater from the final Addendum to the SOQ due date set forth in Section 2.3 of this RFQ.

1.15 NOTIFICATION OF FIRMS ON THE SHORT-LIST

Each Proposer will be notified officially in writing whether it has been selected for a Short-list for any Project. The Short-list will be posted on DDC's web site after all Short-listed Proposers have been notified. Notifications may be expected no later than the date specified in Section 2.3 of this RFQ.

The fact that a Proposer has been included on a Short-list does not in and of itself represent a finding of responsibility. The ACCO may determine that a Short-listed Proposer is not responsible, and as such, should be removed from the Short-list, between the time of receipt of Proposals and contract award.

1.16 COSTS

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, including preparing an SOQ, attending any briefing(s), workshop(s) or meeting(s), and/or providing supplemental information. Proposers will not be reimbursed for any costs associated with responding to this RFQ.

1.17 ORGANIZATIONAL AND CONFIDENTIALITY REQUIREMENTS

Only Proposers who are capable of completing a Project in its entirety will be considered eligible to be included on a Short-list.

The DB Team, including Principal Participants, Subcontractors and Key Personnel, identified in the SOQs submitted by Proposers should remain intact for the duration of the procurement process and the resulting Contract. A Short-listed Proposer may propose substitutions for participants; however, such changes will require written approval by DDC. Approval may be granted or withheld in DDC's sole discretion. During the subsequent RFP phase, requests for changes to the Proposer's organization must be made in writing no later than the date listed in the procurement schedule in the subsequent RFP. Requests by Short-listed Proposers for changes in any of the Principal Participants or DB Team will be particularly scrutinized. Proposers with changes, whether such changes are approved or not, may have their scores impacted during the review process. The Proposer should carefully consider the make-up of its Team, prior to the submittal of the SOQ, to reduce the likelihood of occurrence of any such changes during the Proposal period and throughout the term of the Contract.

DB Teams should be aware that the Key Personnel positions identified in the RFQ shall be carried forward to the subsequent RFP. The scoring of those Key Personnel positions in the evaluation of the SOQ will likewise carry forward in the scoring of those Key Personnel positions in the Proposals submitted from the Short-listed Proposers.

Proposers that make changes to the Principal Participants, Subcontractors, or Key Personnel identified in the SOQs without DDC approval may be disqualified.

1.18 RFP PROPOSAL STIPEND (Phase II Only)

A stipend amount of not less than \$200,000.00 (two hundred thousand dollars) will be offered to the responsive and responsible unsuccessful RFP Proposers. Submission of a fully responsive Proposal and execution of a stipend agreement, which will be included with the RFP will be prerequisites to be eligible for the stipend. The successful RFP Proposer will not receive a stipend.

The stipend agreement will require, among other things, that the Proposer (i) transfer ownership of all work product and intellectual property in its proposal to DDC, (ii) will be paid the lesser of the Proposer's actual qualified costs for producing the Proposal and the designated stipend amount, and (iii) agrees not to file a vendor protest in connection with this procurement for this Project.

1.19 IRAN DIVESTMENT ACT OF 2012

Pursuant to 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 investments activities in Iran created by the Commissioner of the NYS Office of General Services. If a Proposer appears on that list, DDC 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 Appendix D-3 for information on the Iran Divestment Act required for this solicitation and instructions on how to complete the required form and to <http://www.ogs.ny.gov/About/regs/ida.asp> for additional information concerning the list of entities.

A Proposer will not be short-listed if the Proposer fails to submit a signed and verified Proposer's certification. A certification form must be included with the SOQ.

2.0 PROCUREMENT PROCESS

2.1 RFQ PURPOSE

The purpose of this RFQ is to allow DDC to determine a Short-list of the most highly qualified Proposers that will be invited to submit Proposals for this Project. In order to be eligible for evaluation, SOQs submitted in response to this RFQ must include information addressing each pass/fail and quality evaluation factors identified herein. Refer to Section 4.0 for SOQ submittal requirements and evaluation factor objectives and requirements.

2.2 OVERALL PROCUREMENT PROCESS

The process for procurement of each Contract for this Program will use best value as a basis of selection. DDC intends to award each Contract to the Proposer who provides the Proposal that best optimizes quality, schedule, efficiency, price, safety, and performance for that Project.

The overall procurement process will include the following steps:

- A) RFQ (Phase I)
- B) DDC will shortlist up to three (3) of the most highly qualified Proposers
- C) RFP (Phase II)
- D) DDC will select the Proposer whose Proposal provides the best value to the City

2.2.1 RFP

All references to a subsequent RFP are for informational purposes only. Please refer to Appendix F.

2.3 PROCUREMENT SCHEDULE

Pre-Submission Conference	December 5, 2019
RFQ (Phase I) Questions and Comments Due	January 10, 2020
Final Response to Proposer Questions	January 17, 2020
Register w/ PASSPort No Later Than	January 17, 2020
Statements of Qualification Due	January 24, 2020
Shortlisted Teams Announced	March 12, 2020

3.0 EVALUATION PROCESS FOR THE STATEMENT OF QUALIFICATIONS (SOQ)

3.1 EVALUATION OBJECTIVES

The objective of this RFQ phase of the procurement is to create a Short-list of the most highly qualified Proposers with the general capability (quality of SOQ responses, financial and management), capacity and past performance necessary to successfully undertake and complete the Work for the Project. The Design-Builder will have primary responsibility to plan, design, construct, manage and control the Project and to complete the Project on or ahead of schedule and within the Contract price. DDC expects high collaboration and responsibility standards of the Design-Builder and this is reflected in the quality evaluation factors of this RFQ and will also be reflected in the

subsequent RFP and the Contract.

DDC has established a selection committee, which will be responsible for evaluating the SOQs, short-listing Proposers and subsequently evaluating Proposals and making a recommendation as to the Selected Proposer. Proposals may be reviewed by DDC and other City agencies, including but not limited to Mayor's Office of Criminal Justice (MOCJ), Department of Corrections (DOC), Health + Hospitals Corrections Health Services (CHS), OMB, and members of the City's Consultant Support Team.

3.2 REVIEW AND EVALUATION OF THE SOQ

Evaluation of the SOQs will be based on information submitted in the SOQs or otherwise available to DDC and will involve both pass/fail evaluation factors in Section 3.3.1 and the quality evaluation factors provided in Section 3.3.2 of this RFQ.

Proposers should note that the SOQ must be self-contained, i.e. all the information necessary to make a complete and comprehensive evaluation must be contained within the Proposer's SOQ. Proposers should not assume that any SOQ reviewer will have previous knowledge of the DB Team or its Key Personnel.

3.3 EVALUATION FACTORS FOR THIS RFQ PHASE

DDC has identified the following factors and/or sub-factors that are of importance to DDC. This information is provided here to assist Proposers in organizing their teams and preparing their SOQ.

3.3.1 Pass/Fail Evaluation Factors

A) The pass/fail evaluation factors are:

- 1) Legal;
- 2) Financial;
- 3) Capacity; and
- 4) Vendor Integrity.

B) Pass/Fail ratings will be based on the following criteria:

- 1) Demonstration of capability to enter into a contractual relationship with DDC and a declaration of willingness to do so;
- 2) Demonstration of capability to have sufficient balance sheet to satisfy contingent liability under a market-standard Contract and to provide required bonds, insurance and guarantees and to meet other financial requirements of undertaking and completing the Work;
- 3) Demonstration of capacity to timely and successfully complete the design and construction of this Project, considering current, committed and potential workload;
- 4) Proper identification of Principal Participants, Lead Contractor(s), and Designer(s);
- 5) Determination that the Principal Participants possess a satisfactory record of business integrity; and

- 6) Proper submittal of the required information in accordance with this RFQ.

If a Proposer passes all pass/fail evaluations, its SOQ will be further evaluated using the factors for quality rating detailed below. If any item identified as pass/fail in section 3.3.1 (Tab 0) is scored as fail, the entire SOQ may be disqualified.

3.3.2 Quality Evaluation Factors

The quality evaluation factors to be evaluated in the SOQs are:

- A) Past performance and experience of the Proposer;
- B) DB Team Key Personnel resumes; and
- C) Organizational and DB management approach;

Compliance with SOQ format and organization requirements will be considered for each of the above evaluation factors.

The relative weights of the quality evaluation factors are included in Section 3.3.3 below.

During this evaluation, ratings will be assigned for various sub-factors (see Section 4.4) within each quality evaluation factor. The ratings assigned to each sub-factor will be compiled to determine an overall quality evaluation factor rating. The ratings assigned to the quality evaluation factors will be compiled to determine an overall quality rating for each SOQ.

3.3.3 Summary Evaluation Criteria

This RFQ (Phase I) is weighted as follows:

RFQ (Phase I) Weighted Criteria		
Tab	Item Description	Weighting
0	Fundamental Qualifications	Pass/Fail
1	Project Past Performance/Experience	35 percent
2	Design-Build Team Key Personnel Resumes	35 percent
3	Organizational and DB Management Approach	30 percent
		100 percent

3.4 REQUESTS FOR CLARIFICATION BY DDC

The Proposer shall provide accurate and complete information to DDC. If information is not accurate and complete, the Proposer's SOQ can be considered non-responsive. If the information provided requires clarification, DDC will notify the Proposer and request that the clarification be submitted within 24 hours or a time deemed appropriate by DDC. Proposers will not be allowed to participate further in the procurement of the Project unless and until all information required is provided. Any insufficient statements or incomplete affidavits will be returned directly to the Proposer by DDC with notations of the insufficiencies or omissions and with a request for clarifications and/or submittal of corrected documents. If a response is not provided within the time frame specified by DDC, SOQ may be declared non-responsive.

All clarification requests and responses shall be in writing by e-mail. Responses shall be limited to answering the specific information requested by DDC and shall be submitted to DDC's Designated Representative by e-mail no later than the deadline specified in DDC's request for clarification.

DDC does not anticipate conducting interviews during this RFQ phase but reserves the right to do so. If DDC elects to conduct interviews, the Proposers shall be notified by email.

DDC may waive technical irregularities in the form of the SOQ that do not substantively alter the information provided.

In the event that a material error is discovered in this RFQ during the SOQ evaluation process, DDC will issue an Addendum to this RFQ and provide all Proposers an opportunity to submit either a new or a revised SOQ based upon the corrected RFQ.

3.5 SHORT-LIST PROTEST

DDC's decision of the Proposers to be included on the Short-list shall be final and shall not be appealable, reviewable or reopened in any way, except as provided in Section 5.0. Persons and entities participating in this RFQ shall be deemed to have accepted this condition and other requirements of this RFQ.

4.0 REQUIREMENTS OF SOQ SUBMISSION

4.1 SUBMITTAL REQUIREMENTS

All SOQs must be received at DDC's submittal address, set forth in Section 4.2, no later than 12.00 pm (Noon) Eastern Time (ET) on the SOQ due date specified in Section 2.3.

The front cover of the SOQs must be clearly marked with the Project name, Proposer name, and date of submittal, and enclosed in one or more sealed containers. SOQs received after 12:00 pm (ET) on the SOQ due date will not be considered.

Where multiple containers are used by a Proposer to submit an SOQ, the Proposer must label each container "Package # of ##" where # denotes the number of the container, and ## denotes the total number of containers being submitted by the Proposer.

PASSPort Requirement

Interested DB Teams must create an online account and submit an online disclosure application with the NYC Mayor's Office of Contract Services in the Procurement and Sourcing Solutions Portal (PASSPort). Those DB Teams that have not submitted an online disclosure application with the NYC Mayor's Office of Contract Services, are required to do so at least seven (7) Days prior to the RFQ Response due date, by creating an account with the NYC Mayor's Office of Contract Services, PASSPort site. Additional information on how to submit an application or register for PASSPort are contained in following link: <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>. Questions about PASSPort registration should be directed to the NYC Mayor's Office of Contract Services.

DB Teams that have not submitted an online disclosure application in PASSPort as a joint venture, but have done so as individual companies, may submit proof of such submission and are not required to submit the online

disclosure application as a joint venture at this time. Joint ventures selected as Short-listed Proposers will be required to submit the online disclosure application as a joint venture.

4.2 SUBMITTAL ADDRESS

SOQs shall be submitted by either mail or hand delivery to DDC's Designated Representative at the address shown below:

RFQ Response –
Solicitation Number:
Project Name:

And addressed to:
New York City
Department of Design and Construction
Contracts Section
30-30 Thomson Avenue (entrance on 30th Place)
Long Island City, NY 11101
Attn: Nicholas Mendoza

NOTE: All SOQs will be time stamped as they are received. Proposers are held responsible for ensuring that the Contracts Section of DDC receives the SOQ by the SOQ due date noted in Section 2.3. Proposers are warned not to rely on signed delivery slips from their messenger services. **Please note that the entrance to DDC is on 30th Place, not Thomson Avenue, despite the building's mailing address. Please ensure the proposal package is delivered to DDC and not the School Construction Authority, which is located in the same building and has its entrance on Thomson Avenue.**

Only hardcopy SOQs (and an electronic copy on a flashdrive) will be accepted. Oral, telephonic, electronic mail or fax submissions will not be considered.

The SOQs Responses will NOT be publicly opened.

4.3 PAGE LIMIT, FORMAT AND QUANTITIES

The page limit shall not exceed that shown in Appendix C (front and back covers, title page, table of contents, and tabs do not count as pages).

Proposers must provide one (1) original SOQ and six (6) paper copies of the SOQ, as well as one (1) electronic copy of the SOQ.

Paper copies should be all recycled materials. The City of New York requests that SOQs be submitted on paper with not less than 30% post-consumer material content, i.e., the minimum recovered fiber content level for reprographic paper recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <https://www.epa.gov/smm/comprehensive-procurement-guidelines-paper-and-paper-products>).

SOQs shall not contain plastic; plastic bindings, covers, tabs, or any other elements not permitted. The exception is three-ring binders which are allowed to contain plastic. If using three-ring binders, DDC encourages the Proposer to use recyclable binders.

Written materials: Provide 8 ½" x 11" format, using 10 point or larger font size, single space, with a cover sheet on the cover of the 3-ring binder. Within the binder, provide a title page identifying the Proposer's name, address, telephone number, email and fax number if applicable. Provide consecutive page numbering throughout the binder.

Provide a full Table of Contents in the front of the 3-ring binder that follows the format of RFQ – Response Table of Contents provided in Appendix C. Provide tabbed sections.

In the footer of each page within the document, provide the name and address of the Proposer, the volume number (if any), and date submitted.

Label each binder cover sheet in the footer with either "Original" or the copy number, i.e. "Copy 2" to clearly identify the original and each copy required.

Electronic Format: Provide one (1) USB flash drive of the SOQ, using Adobe Acrobat PDF files. Verify that files placed on electronic media are readable and are not corrupt. Adobe Acrobat PDF files should be combined and bookmarked.

4.4 CONTENT OF SOQ

This Section 4.4 describes the specific information that must be included in the SOQ. An outline of the required format for the SOQ is provided in Appendix C. Required forms for the SOQ are contained in Appendix D. Any material modification to the forms may result in the SOQ being declared non-responsive.

Proposers must submit the requested information specified in this RFQ. Any information provided that the Proposer considers proprietary must be clearly marked as such and easily separated from the submission. Unmarked information will be considered in the public domain.

Proposers should provide brief, concise information that addresses the objectives and the requirements of the RFQ and the Project(s) consistent with the evaluation factors described herein. Lengthy narratives containing extraneous information are discouraged. If the Proposer's organization has not yet been formed, information regarding the future legal structure and organization must be provided in a manner that will allow the DDC to determine whether the future organization will meet applicable requirements once it is formed.

4.4.1. RESPONSE TABS

4.4.2. TAB 0 – FUNDAMENTAL QUALIFICATIONS

Intent: Establish the fundamental qualifications of the Proposer, including team structure, level of commitment to the goals of this Project, insurance and bonding capacity to meet the expected requirements for the Project, employment practices, and teaming agreements.

Submission Requirements:

i. Cover Letter

The Proposer will provide a cover letter. The cover letter is required to provide the following information but may also include additional information about the Proposer's DB Team. The cover letter should address the following:

1. Full contact information for the person(s) authorized to contractually bind the Proposer.
 2. Email address for up to three Proposer's points of contact (POCs). Correspondence for the RFQ will be delivered to these email addresses only.
- ii. Acknowledgment of receipt of Addenda. List the Addenda number and date issued. Use the form provided in Appendix D-13.
 - iii. Equal Opportunity Employer Statement

Provide a copy of the Proposer's Equal Opportunity Employer Statement or a summary of the corporate equal opportunity policy.

- iv. Construction Employment Report

Complete the Employment Report Form and include with the SOQ. Use the form provided in Appendix D-1.

- v. Doing Business Data Form

Complete the Doing Business Data Form and include with the SOQ. Use the form provided in Appendix D-2.

- vi. Iran Divestment Act Form

Complete the Iran Divestment Act Certification and include with the SOQ. Use the form provided in Appendix D-3.

- vii. Insurance Requirements

Confirm that the DB Team carries or will carry coverage levels identified in Appendix D-4.

- viii. Letter of Commitment from Surety

1. Submit a letter of commitment from a surety, signed by an officer or agent authorized to bond, that identifies the Proposer's available bonding capacity and limits and that states that the surety will bond the Proposer, as the successful awardee for this Project, taking into consideration the Project specific budget described in this RFQ.
2. The surety company or companies providing the commitment letter must be (1) approved by the City; (2) authorized to do business in the State of New York; and (3) approved by the Department of the Treasury of the United States.

3. If the DB Team is a joint venture, and only one party intends to provide the bond, provide a complete explanation with confirmation from the surety.

viii. Legal Structure

Describe the DB Team's legal structure; (e.g. integrated Design-Builder, joint venture, limited liability company, or other). If a joint venture, the Proposer must provide (1) a copy of the executed joint venture agreement (if available), or (2) a copy of the executed Letter of Intent to joint venture.

Please note that prior to award, the Selected Proposer, in the event that it is a foreign entity, i.e., not formed in New York State, must be authorized to do business in New York State.

ix. Teaming Agreement

Provide a description of the Proposer's teaming agreement or, at minimum, the Proposer's Letter of Intent to Team. Provide information that is similar to that of the AIA-AGC Design-Build Teaming Agreement or the DBIA Teaming Checklist. You may use these teaming agreements or other agreements that are specifically developed for your Team. Include the Lead Contractor(s), Designer(s), key trade partners, and other key Subcontractors or key trade Subcontractors in the Teaming Agreement.

x. Safety Questionnaire

1. Provide a completed Safety Questionnaire. Use form provided in Appendix D-5. Any Experience Modification Rate (EMR) greater than 1.1 may be considered non-responsive.

xi. Financial Questionnaire

1. Provide a completed Financial Questionnaire. Use form provided in Appendix D-6.

Evaluation Criteria: Pass/Fail –DDC may request supplemental information from the Proposers in order to clarify the intent of the SOQ.

4.4.3. TAB 1 – PROJECT PAST PERFORMANCE/EXPERIENCE

Tab 1 allows a maximum of five (5) projects using the Project Profile Form in Appendix D-7.

Demonstrate past performance on projects of similar nature, as described in (i) below. Except as stated otherwise below, in demonstrating past performance, the Proposer may rely on the experience of firms that are part of the DB Team and that will have a significant role in the Project(s).

- i. Intent: The DB Team must demonstrate recent, relevant experience on similar projects using the Project Profile Form – Appendix D-7. At least one (1) past project must be a design-build project. Additional desired experience includes:
 - Projects involving complex remediation and demolition activities.
 - Projects involving demolition of multi-story structures in dense urban environments.
 - Projects demonstrating Proposer’s ability to minimize construction impacts, particularly dust and noise, on surrounding community, including civic and municipal facilities (e.g., courts, police, correctional, buses, trains and subways).

Projects that were successfully completed on-time and on-budget will be given additional consideration. In addition, projects that utilized DBIA Best Practices or that received an award for design excellence (e.g., DBIA, ENR, AIA, AGC, etc.) will also be given additional consideration.

- ii. Submission Requirements: Provide a Project Profile Form (Appendix D-7) for up to five (5) completed projects. On the Project Profile Form provided for this Tab, highlight only Tab 1 Evaluation Criteria.
- iii. Evaluation Criteria: Projects will be evaluated based on their relevance to this procurement.

Project Evaluation Forms

- i. Intent: For every project profiled in the submission, submit a Project Evaluation Form found in Appendix D-8. Performance surveys must highlight the role and impact a DB Team member had on the Project.
- ii. Submission Requirements: Proposers must include the Project Evaluation Forms (Appendix D-8) following the Project Profile Forms (Appendix D-7). A maximum of one (1) form per project will be considered. All Project Evaluation Forms should be completed and signed by the owner or owner’s agent for each project. In lieu of the Project Evaluation Form, Proposers may submit the last available evaluation they have from the owner, owner’s agent or client for the project considered.

Prior Experience Working Together

- i. Intent: Demonstrate the DB Team’s experience working together.
- ii. Submission Requirements:
 1. Prior Experience Matrix: Provide a matrix (see Prior Experience Working Together Form – Appendix D-9) showing projects your team has successfully completed.
 2. Project Descriptions: For each of the projects listed in the matrix, provide a brief description including the following:

Collaborative Approach to Design-Build: Describe interactions within the team and with the client during design. Describe the role and interaction between the design team and the construction team during design and then construction.

iii. Evaluation Criteria:

1. **Prior Experience Matrix:** The City will evaluate the DB Team’s prior experience working together to attain successfully completed projects. A mix of various delivery methods and private or publicly funded projects is acceptable. Matrixes that show prior experience on projects of similar size and scope will receive additional consideration. Projects will be evaluated for merit and not quantity.
2. **A Collaborative Approach to Design-Build:** DDC will evaluate how the Team worked together during design and construction.

Project Relevancy Form

- i. Intent: Demonstrate that the project profiles included in the submission are relevant to the Project goals and Program goals.
- ii. Submission Requirements: Provide a completed Project Relevancy Form found in Appendix D-10.
- iii. Evaluation Criteria: Projects will be evaluated based on their relevance to this procurement and the Project.

4.4.4. TAB 2 – DESIGN-BUILD TEAM KEY PERSONNEL RESUMES

Team Introduction and Organization Chart

- i. Intent: Introduce the Key Personnel, major team organizations and provide an organization chart showing the team structure and relationships.
- ii. Submission Requirements: Provide a narrative introducing the team organizations, including key trade and design partners, and provide an organization chart showing the team structure and relationship.
- iii. Evaluation Criteria: Proposers will be evaluated based on the Proposer’s DB Team structure, roles of the members of its DB Team, responsibilities and functional relationships, capability to perform assigned responsibilities and the Proposer’s rational for selecting the team structure.
- iv. **PLEASE NOTE:** Section 7210 of the New York State Education Law requires that business entities providing professional engineering, geology, and land surveying services in the State of New York obtain a “Certificate of Authorization” to provide such services from the New York State Education Department. For more information, please visit <http://www.op.nysed.gov/corp/>. Proposers’ Subcontractors providing professional

engineering, geology, or land surveying services must provide a copy of their Certificate of Authorization prior to award. Other Subcontractors providing these services will be required to provide a copy of their Certificate of Authorization as part of the post-award subcontractor approval process.

Resumes

- i. Intent: Demonstrate professional qualifications of Key Personnel for the type of work required.
- ii. ~~Prior to Contract Award, Designers and Key Personnel~~Persons providing ~~architect-of-record and engineer-of-record~~ professional services must be appropriately licensed and/or authorized to work in the State of New York. Information about licensing/authorization can be found on the New York State Department of Education website at <http://www.op.nysed.gov/prof/>.
- iii. All construction trades including, but not limited to electricians and plumbing and fire suppression trades, must be appropriately licensed. Information about licensing requirements for construction trades can be found on the website of the New York City Department of Buildings at <https://www1.nyc.gov/site/buildings/industry/licensing.page>.
- iv. Submission Requirements: Provide a resume for each of the positions on the following chart for the DB Team. Use the Resume Form provided in Appendix D-11. Each of the disciplines listed are not required to be a part of the DB Team firms but may be a team member such as a Subcontractor. DBIA Professional designation is desired for all personnel and will receive additional consideration.

Evaluation Criteria: Proposers will be evaluated based on the qualifications, experience and past performance of its proposed Key Personnel, with the evaluation considering, among other things, the individual's experience working in similar roles to those proposed on this Project. Past experience with projects of similar size, complexity, challenges and/or functionality as this Project preferred.

Resume Compliance Matrix

- i. Intent: Demonstrate that members of the DB Team meet as many of the competencies listed on the Resume Compliance Matrix as possible.
- ii. Submission Requirements: Provide completed Resume Compliance Matrix as found in Appendix D-12.
- iii. Evaluation Criteria: Proposers exhibiting more capabilities in the Resume Compliance Matrix will be viewed more favorably.

Note: All Key Personnel, except for the Design-Build Project Executive and Design ~~Architect~~Lead, are expected to dedicate 100% of their time to this Project.

Number	Title	Role	Education/ Certification	Preferred Experience
1	Design-Build Project Executive	This is the senior Design-Build leader with the authority to contractually bind the company. This individual is the corporate sponsor responsible to commit all necessary resources and resolve potential conflicts. Identify percentage of time devoted to this Project.	N/A	N/A
2	Design-Build Project Manager	This is the primary liaison on the DB Team and will act as the first point of contact between the Design-Builder and the City. The Design-Build Project Manager may also serve as the Project Executive provided they meet the qualifications for both.	Degree in Construction Management, Construction Science or Architecture / Engineering	Ten (10) years of experience in construction and construction management projects with similar scope of services. Demonstrate satisfactory experience to manage and control the design and construction. Additional consideration will be given if the Design-Build Project Manager is also a certified Project Management Professional (PMP).
3	Design Integrator	This is the individual responsible for the development and implementation of the integrated design work plan to ensure alignment of design deliverables with construction needs.	Degree in Construction Management, Construction Science or Architecture/ Engineering _OR_ Additional 5 years of relevant experience	Five (5) years of experience in design, construction and construction management projects with similar scope of services. Must have experience on a large design-build project.

Number	Title	Role	Education/ Certification	Preferred Experience
4	Designer-of-Record (Individual)	The Designer-of-Record may also serve as the Design Architect <u>Lead</u> , provided that they meet the qualification for both.	New York Licensed Architect or Engineer	Fifteen (15) years of experience in demolition projects, including complex demolition of multi-story buildings in urban environments. Experience serving as Designer-of-Record on Design-Build projects is required.
5	Design Architect <u>Lead</u> (Individual)	Design Architect <u>Lead</u> may also serve as the Designer-of-Record provided that they meet the qualification for both.	Degree in Architecture <u>related field or sufficient relevant experience</u>	Fifteen (15) years design experience. Proven design excellence in innovative and creative building design must be demonstrated.
6	Design-Build Construction Project Manager	This role may be filled by the Design-Build Project Manager, provided they meet the qualifications for both.	Degree in Construction Management, Construction Science or Architecture/_OR Additional 5 years of relevant experience	Ten (10) years of experience in construction and/or construction management projects with similar scope of services. Experience in administration of City, Municipal or Federal projects. Ability to effectively manage, control administer, and execute the integrated design and construction operations, safety, quality control program, and subcontracts. Additional consideration will be given if the Design-Build Construction Project Manager is also a Project Management Professional (PMP) and / or Certified Construction Manager (CCM).

4.4.5. TAB 3 – ORGANIZATIONAL AND DB MANAGEMENT APPROACH

Design-Build Management Approach

- i. Intent: Demonstrate an understanding of the fundamental Design-Build challenge, i.e. a design and construction proposal that meets RFP performance criteria within the schedule, site, and funding constraints. Demonstrate an understanding of the risk management process associated with Design-Build projects. Demonstrate the DB Team's commitment to achieving MWBE goals, which will be set forth in the RFP for the Project.

- ii. Submission Requirements:
 - a) Provide an organization and technical approach narrative on your team's approach to executing the design-build contract. Clearly and concisely describe the organizational and technical approach to project management and execution, describing how and when Subcontractors are brought on-board and the prominent role(s) of the Designer-of-Record and Design Architect-Lead during the post-award construction phase of the Project. The Lead Contractor and key Subcontractors must be actively involved in the design process. The DB Team must have an effective management system to communicate, manage, control and track revisions to the design.

 - b) Describe a proposed approach to achieving MWBE goals and maximizing MWBE participation, and address the following: (a) the DB Team's history of meeting and/or exceeding contractually imposed M/WBE goals, and (b) the DB Team's proposed organizational structure of the supplier/subcontractor diversity program for the Project.

 - c) Describe how the DB Team will keep the community apprised of the progress of the Project, how the DB Team will manage the construction activities to mitigate construction impacts, and how the DB Team intends to manage, track, and respond to community feedback and inquiries.

- iii. Evaluation Criteria: The City will evaluate the clarity and strength of the overall approach, the structure and strategy to execute the scope of work. Proposers who commit to a co-location strategy during design, having the Design Integrator collocate with the Designers during design, will be given additional consideration. DDC will evaluate the Proposer's understanding of the design process and the role of the Designer-of-Record and Design Architect-Lead. DB Teams committed to co-location will receive additional consideration. The City will evaluate the effectiveness of the MWBE proposed approach.

Design Excellence

- i. Intent: Demonstrate how the Proposer will achieve Design Excellence for the Project in compliance with Appendix I.

- ii. Submission Requirements: Submit a narrative specifically identifying opportunities for the Proposer to achieve Design Excellence through the design and construction process.

- iii. Evaluation Criteria: The City will evaluate the Proposer's submitted plan to achieve Design Excellence in accordance with the requirements of Appendix I.

Quality Assurance and Quality Control for Design and Construction

- i. Intent: Demonstrate the DB Team’s proven ability to commit to and assure design and construction quality assurance and quality control.

- ii. Submission Requirements:

Describe how the DB Team will develop excellent contract documents and implement in-house processes that the DB Team will utilize. Provide information on how design documents will be compiled from multiple sources and who will coordinate this effort. Provide information on how the DB Team has historically achieved complete incremental design documents at a pre-determined design milestones. Provide information on how the multiple design teams and personnel will collaborate to create an integrated design.

Describe the DB Team’s quality control approach, corporate systems, and capabilities to maintain quality control of the design and construction. Provide information on how you will handle internal and external requests for information, shop drawings, submittal reviews, progress meetings, site visits, contract completion, closeout, record drawings, commissioning and completion documentation. Provide a brief description of the DB Team’s quality control plan.

- iii. Evaluation Criteria: The City will evaluate the DB Team’s proven ability to develop comprehensive, integrated and complete incremental design packages in the context of design-build. Specific information on how the DB Team will implement the design quality assurance and quality control process, track design evolution and changes during design to meet the schedule and to facilitate City reviews will also be evaluated.

The City will also evaluate the DB Team’s capabilities to ensure and control quality construction. The evaluation will include how the DB Team implements all matters relating to quality assurance and quality control of construction and how this control and commitment will lessen the administrative burden on the City.

Design and Construction Scheduling

- i. Intent: Identify the scheduling methodology and software programs intended for use on this Project.
- ii. Submission Requirements: Provide information on the type of scheduling program to be used for this Project. Describe how you will integrate design, construction and City milestones into a comprehensive schedule. Describe any additional features you will provide such as cost loaded scheduling or, if offering building information modeling (BIM) for extraordinary reasons, how 4D Scheduling will be managed.
- iii. Evaluation Criteria: The City will evaluate the Proposer’s integrated scheduling capabilities on the systems that will be utilized to implement the schedule. Proposers that provide fast track design-build will be given additional consideration.

5.0 PROTESTS

This Section 5.0 sets forth the exclusive protest remedies available with respect to this RFQ. Each Proposer, by submitting its SOQ recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies and agrees that the decision rendered on any protest, as provided herein, shall be final and conclusive. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Proposers. If a Proposer disregards, disputes or does not follow the exclusive protest remedies set forth in this Section 5.0, it shall indemnify, defend and hold the City, including its officials and employees, and the Consultant Support Team harmless from and against all liabilities, expenses, costs (including attorneys' fees and costs), fees and damages incurred or suffered as a result of such actions. The submission of an SOQ shall be deemed the Proposer's irrevocable and unconditional agreement with such indemnification obligation.

- a) Subject to applicable New York law, contents of SOQs, exclusive of proprietary information to the extent protected under applicable New York State law, will become public information upon execution of the Contract. By submitting an SOQ in response to this solicitation, the Proposer acknowledges that it has reviewed and acquainted itself with the protest procedures herein and agrees to be bound by such procedures as a condition of submitting an SOQ.
- b) To be considered, a protest must be timely delivered and must include: (1) the name, street address, and email address of the aggrieved party; (2) the name of the project for which the protest is submitted; (3) a detailed description of the specific grounds for the protest and any supporting legal and/or factual documentation; and (4) a clear statement of the specific ruling or relief requested.
- c) All protests must be in writing and delivered to the Agency Head at the address below by: (1) personal service, or (2) United States Postal Service Certified Mail or other delivery service that provides both proof of mailing and confirmation at delivery. The protest will be considered received on the date of actual delivery or five (5) Days after mailing, whichever is sooner.

Agency Head
Department of Design and Construction
30-30 Thomson Avenue (Entrance on 30th Place)
Long Island City, NY 11101

- d) Time for Protest:
 1. Any Protest based on the form or content of this RFQ which is or should have been apparent prior to the date established for submittal of the SOQ, will not be considered if received by the Agency Head later than fourteen (14) Days prior to the specified SOQ due date.
 2. If DDC selects the Short-listed Proposers, a debriefing will be made available to any Proposer that submitted a SOQ in response to this RFQ. A qualifying Proposer, if it wishes to have a debriefing, must make a request in writing to DDC's Designated Representative within four (4) business days of notification of the Short-list. DDC will make every effort to ensure that debriefings occur within seven (7) business days of DDC's receipt of a Proposer's request. An unsuccessful Proposer may not file a protest until after the debriefing. The protest shall be filed no later than four (4) business days after the debriefing.

- e) A copy of the protest must also be sent by regular mail to:

Agency Chief Contracting Officer
Department of Design and Construction
30-30 Thomson Avenue
Long Island City, NY 11101

and

New York City Comptroller
Office of Contract Administration
1 Centre Street, Room 835
New York, NY 10007

- f) The City will not be obligated to stay the procurement process in any manner during the protest. By responding to this solicitation, Proposers acknowledge that a stay of procurement activities for any procurement authorized pursuant to the Rikers Island Jail Complex Replacement Act would cause substantial harm to the City and result in a delay of the closure of the Rikers Island Jail Complex, contrary to the intent and purposes of the Act.
- g) Agency Head Determination:
1. The Agency Head may, in their sole discretion, invite written comment from the selected vendor (if any) or other interested party, and/or convene an informal conference with the protesting Proposer, the selected Proposer(s), and/or any other interested party to resolve the protest by mutual consent. No hearing shall be held.
 2. The Agency Head's determination shall set forth the reasons upon which it is based.
 3. The Agency Head's determination with respect to the merits of the protest shall be mailed (via regular mail or electronic mail) to the protesting vendor and the selected vendor (if any) within thirty (30) Days of receipt of the protest documents.
 4. Copies of all documents required by this paragraph shall be forwarded to the CCPO and the Comptroller as such documents become available to the agency.
- h) If the protest is denied, the protestor may be liable for the City's costs reasonably incurred in any action to defend against or resolve the protest, including legal and consultant fees and costs, and any unavoidable damages sustained by the City as a consequence of the protest. If the protest is granted, the City shall not be liable for payment of the protestor's costs, including, but not limited to, legal and consultant fees and costs.
- i) In computing any period of time prescribed by this procedure, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included. Any document received after the close of regular business hours (5:00 p.m. EST) shall be deemed received the following business day.

j) Right of Appeal:

1. The determination of the Agency Head shall be final unless appealed to OATH. If a protestor wishes to contest the Agency Head determination, it may appeal to OATH, which shall hear and take final action in the matter in accordance with its rules. The petition to OATH shall be filed by the vendor within fifteen (15) Days of the date of the Agency Head determination. Supporting documentation, if any, shall be included. The protestor must, at the same time, send a copy of appeal to the Agency Head, the CCPO, and the Comptroller.
2. The Agency shall forward a copy of all appeal-related documentation within fourteen (14) Days of its receipt of the copy of the protester's appeal to OATH. OATH shall review the determination and determine whether that decision is arbitrary and capricious and whether it is based on substantial evidence.

6.0 DDC'S RIGHTS AND DISCLAIMERS

6.1 DDC'S RIGHTS

DDC may investigate the qualifications of any Proposer under consideration, including DB Team members, may require confirmation of information furnished by a Proposer, and may require additional evidence of qualifications to perform the Work described in this RFQ. Proposers must cooperate fully with DDC. Failure to cooperate fully may result in disqualification of the Proposer from this RFQ. DDC reserves the right, in its sole and absolute discretion, to:

- A) Reject any or all SOQs;
- B) Issue a new RFQ;
- C) Cancel, modify or withdraw this RFQ;
- D) Issue Addenda, supplements and modifications to this RFQ;
- E) Modify the RFQ process (with appropriate notice to Proposers);
- F) Appoint a selection committee and/or evaluation teams and Selection Official to review SOQs, and seek the assistance of outside experts, including the Consultant Support Team, in the SOQ evaluation;
- G) Approve or disapprove the use of any member of a DB Team and/or substitutions and/or changes in SOQs;
- H) Revise and modify, at any time before the SOQ due date, the factors it will consider in evaluating SOQs and to otherwise revise or expand its evaluation methodology. DDC will post any such revisions or modifications on DDC's web site. DDC may extend the SOQ due date if such changes are deemed by DDC, in its sole discretion, to be material and substantive;
- I) Hold meetings and exchange correspondence with the Proposers responding or intending to respond to this RFQ to seek an improved understanding and evaluation of the SOQs;
- J) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the SOQs;
- K) Waive minor weaknesses, minor informalities and minor irregularities in SOQs;
- L) Disqualify any Proposer whose conduct/and or SOQ fails to conform to the requirements of this RFQ.
- M) Seek clarification of and revisions to SOQs.

- N) Direct Proposers to submit modifications addressing subsequent RFQ amendments.
- O) Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Proposer's SOQ and/or to determine a Proposer's compliance with the requirements of this RFQ.
- P) Disqualify any Proposer that changes its SOQ without DDC written approval;
- Q) Remove or add a Short-listed Proposer or change the selected Proposer for the Project;
- R) Allow a competing Proposer to add or remove a DB Team member with or without the City notifying the other Proposers;
- S) Modify or adjust any aspect of the procurement process, as the City determines is reasonably necessary, in its sole and absolute discretion; and/or
- T) Refuse to consider an SOQ or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:
 - 1) Failure on the part of the Proposer or a Principal Participant, or Subcontractor deemed significant to Proposer's SOQ to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with DDC (or other City agency);
 - 2) Default on the part of the Proposer or a Principal Participant, or Subcontractor deemed significant to Proposer's SOQ, under previous contracts DDC (or other City agency);
 - 3) Unsatisfactory performance by the Proposer or a Principal Participant, or Subcontractor deemed significant to Proposer's SOQ under previous contracts with DDC (or other City agency);
 - 4) Issuance of a notice of debarment or suspension to the Proposer, a Principal Participant, or Subcontractor deemed significant to Proposer's SOQ;
 - 5) Submittal by the Proposer of more than one SOQ for the same work under the Proposer's own name or under a different name;
 - 6) Existence of a conflict of interest or evidence of collusion between a prospective Proposer or any member of a DB Team and other Proposer(s) or member of their DB Team in the preparation of an SOQ or Proposal for any DDC construction project;
 - 7) Uncompleted work or default on a contract in another jurisdiction for which the prospective Proposer or a Principal Participant, Lead Contractor(s), or Designer(s) is responsible, which in the judgment of DDC might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded;
 - 8) Failure on the part of a Principal Participant to submit and certify the online application in PASSPort, or other agency prior to the SOQ due date; and/or
 - 9) Submittal by the Proposer of an SOQ that contains any false information or statements, or references to any documents that have been proven to be falsified.

This RFQ does not commit DDC to enter into a Contract, nor does it obligate DDC to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting an SOQ, a Proposer disclaims any right to be paid for such costs.

In no event shall DDC be bound by, or liable for, any obligations with respect to the Work or the Project until such time (if at all) as the Contract, in form and substance satisfactory to DDC, has been executed and authorized by DDC and approved by all required parties and, then, only to the extent set forth therein.

6.2 DDC'S DISCLAIMERS

In issuing this RFQ and undertaking the procurement process contemplated hereby, DDC specifically disclaims the following:

- A) Any obligation to Short-list any Proposer, issue a subsequent RFP, award or execute a Contract pursuant to a subsequent RFP; and
- B) Any obligation to reimburse a Proposer for any costs it incurs under this RFQ.

In submitting an SOQ in response to this RFQ, the Proposer is specifically acknowledging these disclaimers.

7.0 PARTICIPATION BY MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES IN CITY PROCUREMENT

7.1 POLICY

The Contract resulting from the subsequent RFP(s) will be subject to M/WBE participation requirements under Section 6-129 of the Administrative Code of the City of New York. Proposers will be required complete a Schedule B – M/WBE Utilization Plan and submit it with their Proposals, which schedule will be included with the subsequent RFP(s). Waivers described below are not required at the time of submission of an SOQ.

If the Proposer intends to seek a full or partial waiver of the Participation Goals on the grounds described in Section 10 of the Notice to All Prospective Design-Builders, including but not limited to, Proposer's intention to use its own forces to perform any or all of the required contract work would result in a failure to attain the Participation Goals, the Proposer must request and obtain from the Agency a full or partial waiver of the Participation Goals (M/WBE Utilization Plan, Part III) in advance of Proposal submission and submit the waiver determination with the Proposal. Please note that if a partial waiver is obtained, the Proposer is required to submit a completed Schedule B-M/WBE Utilization Plan with their Proposals, in accordance with the RFP, based on the revised Participation Goals in order to be found responsive.

7.2 M/WBE PARTICIPATION GOAL

The Project(s) is/are subject to NYC Administrative Code Section 6-129. Proposers shall take necessary and reasonable steps to ensure that certified Minority and Women-Owned Business Enterprises (M/WBE) are provided with a fair opportunity to participate in this Project.

The goals for M/WBE participation has yet to be determined for the Project(s) and will be included in the subsequent RFP(s). The goal(s) will be assessed in consideration of, but not limited to, the contract value, term, location, M/WBE availability, and primary vs secondary operations. DDC is currently in the process of securing required approvals of the proposed goal(s).

7.3 EQUAL EMPLOYMENT OPPORTUNITY

This Project is subject to the requirements of City Executive Order No. 50 (1980) ("E.O. 50"), as revised, and the rules set forth at 66 RCNY §§ 10-01 et seq. No agreement will be awarded unless and until these requirements have been complied with in their entirety. The Design-Builder must agree that it:

- A) Will not discriminate unlawfully against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation or citizenship status with respect to all employment decisions including, but not limited to, recruitment, hiring, upgrading, demotion, downgrading, transfer, training, rates of pay or other forms of compensation, layoff, termination, and all other terms and conditions of employment;

- B) Will not discriminate unlawfully in the selection of subcontractors on the basis of the owners', partners' or shareholders' race, color, creed, national origin, sex, age, disability, marital status, sexual orientation, or citizenship status;
- C) Will state in all solicitations or advertisements for employees placed by or on behalf of the Design-Builder that all qualified applicants will receive consideration for employment without unlawful discrimination based on race, color, creed, national origin, sex, age, disability, marital status, sexual orientation or citizenship status, and that it is an equal employment opportunity employer;
- D) Will send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or memorandum of understanding, written notification of its equal employment opportunity commitments under E.O. 50 and the rules and regulations promulgated thereunder;
- E) Will furnish before the Contract is awarded all information and reports including an Employment Report which are required by E.O. 50, the rules and regulations promulgated thereunder, and orders of the SBS, Division of Labor Services ("DLS"); and
- F) Will permit DLS to have access to all relevant books, records, and accounts for the purposes of investigation to ascertain compliance with such rules, regulations, and orders.

8.0 COMPLIANCE WITH APPLICABLE LAWS

In connection with this RFQ and the Contract, Proposers shall comply with all applicable laws in all aspects in connection with the procurement process of the Project and the performance of the Contract.

9.0 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.

APPENDIX A

Abbreviations and Definitions

“Act” or “New York City Rikers Island Jail Complex Replacement Act” means the design-build authorizing legislation.

“Addenda/Addendum” means written supplemental additions, deletions, and modifications to the provisions of the RFQ or RFP issued by DDC, after the date of issuance.

“Agency Chief Contracting Officer” or “ACCO” means the position delegated authority by the Agency Head to organize and supervise the procurement activity of subordinate Department staff in conjunction with the City Chief Procurement Officer.

“Architect-of-Record (Firm)”, “Designer-of-Record (Firm)”, or “Engineer-of-Record (Firm)”, as identified in Section 4 of the RFQ, means the entity that has primary responsibility for signing and sealing design packages, and for certifying that work has been performed in accordance with the requirements of the Contract Documents.

“Architect-of-Record (Individual)”, “Designer-of-Record (Individual)”, or “Engineer-of-Record (Individual)”, as identified in Section 4 of the RFQ, means the individual that has the primary responsibility for design services for the Project.

“Borough-Based Jails Program” or “BBJ” or “Program” means DDC’s Design-Build program for the City’s Borough Based Jail System to design and build a network of modern and humane borough-based detention centers.

“CCPO” means the New York City Chief Procurement Officer.

“City” means the City of New York.

“Clarifications” means a written or oral exchange of information that takes place between a Proposer and DDC after the receipt of all SOQs and / or Proposals during the evaluation process. The purpose of Clarifications is to address minor ambiguities, omissions, errors or mistakes and clerical revisions in an SOQ or Proposal.

“CHS” means the New York City Correctional Health Services, which is part of NYC Health + Hospitals.

“Commissioner” or “Agency Head” means the Commissioner of the New York City Department of Design and Construction.

“Comptroller” means the Comptroller of the City of New York, their successors, or duly authorized representatives.

“Conflict of Interest” means that a Person or organization: (1) had or has relations with Persons; (2) engaged or is engaging in activities; or (3) performed or is performing services for DDC or another entity concerning the Project or a related project, that afford such Person or organization with a competitive advantage or that might otherwise impair the Person or organization’s objectivity, or that render such Person or organization unable, or potentially unable, to render impartial assistance or advice on the Project.

“Consultant Support Team” means the Persons who will support the City in connection with the pre-award activities, including procurement, and/or management of the Project(s).

“Contract” means the written agreement between DDC and the Design-Builder setting forth the obligations of the parties with respect to the Project, including, but not limited to, the performance of the Work and the basis of payment, and including all provisions required by law to be inserted in the Contract whether actually inserted or not.

“Contract Documents” means the documents identified as such in the Contract, including all provisions required by law to be inserted in the Contract whether actually inserted or not.

“CPC” means the New York City Planning Commission.

“**Day**” or “**Days**” means calendar days unless otherwise specifically noted to mean business days.

“**DCAS**” means the New York City Department of Citywide Administrative Services.

“**Department**” or “**DDC**” means the Department of Design and Construction of the City of New York acting by and through the Commissioner thereof, or their duly authorized representative.

~~“**Design Architect (Firm)**” means the entity that has primary responsibility for creative architectural design for the Project.~~

~~“**Design Architect (Individual)**” means the individual that has primary responsibility for creative architectural design for the Project.~~

“**Design-Build**” or “**DB**” means a Project delivery methodology by which a single Design-Builder has responsibility for the design and construction of the Project under a single contract with DDC.

“**Design-Builder**” means the Person selected pursuant to the RFP that enters into the Contract with DDC to design and construct the Project.

“**Design-Build Team**” or “**DB Team**” means Principal Participants, Key Personnel, Subcontractors, and all other Persons making up the team and acting on behalf of, or at the direction of, the Design-Builder to provide the Work.

“**Design Excellence**” means the priorities, criteria, and standards as defined in Appendix I of the RFQ.

~~“**Design Lead (Firm)**” means the entity that has primary responsibility for creative architectural design for the Project.~~

~~“**Design Lead (Individual)**” means the individual that has primary responsibility for creative architectural design for the Project.~~

“**Designated Representative**” means the individual identified in Section 1.12(1) of the RFQ.

“**Designer(s)**” means the Principal Participant(s), Subcontractor(s), or in-house designer(s) that provide design services for the Project(s).

“**DOC**” means the New York City Department of Corrections.

“**DOT**” means the New York City Department of Transportation.

“**Early Works**” means the design and construction work for demolition, swing space, and a new parking garage in this Boroughs of Queens and Brooklyn in advance of design and construction of new detention facilities.

“**Key Personnel**” means the individuals identified pursuant to in Section 4.4.4 of the RFQ and those additional individuals that may be designated as such in a subsequent RFP or by DDC’s designated project manager at a later date.

“**Lead Contractor**” means the Person or Persons primarily responsible for the construction of the Project.

“**MOCS**” means the New York City Mayor’s Office of Contract Services.

“**MOCJ**” means the New York Mayor’s Office of Criminal Justice.

“**M/WBE**” means Minority and Woman-Owned Business Enterprises certified by the City Department of Small Business Services.

“**OATH**” means the New York City Office of Administrative Trials and Hearings.

“**OMB**” means the New York City Office of Management and Budget.

“**Person**” means any individual, firm, corporation, company, sole proprietorship, limited liability company (LLC), joint venture, voluntary association, partnership, trust, unincorporated organization, or other legal entity.

“**PDC**” means the New York City Public Design Commission.

“**Phase I**” means the RFQ phase of the procurement process.

“**Phase II**” means the RFP phase of the procurement process.

“**PPB Rules**” means the rules of the Procurement Policy Board as set forth in Title 9 of the Rules of the City of New York (“RCNY”), § 1-01 et seq.

“**Principal Participant**” means any of the following entities:

- A) If the Proposer is a corporation, the Proposer;
- B) If the Proposer is or will be a consortium, partnership or any other form of joint venture, each member of the consortium, partnership or joint venture;
- C) If the Proposer is or will be a limited liability company, each member or owner of such entity.

“**Procurement Policy Board**” or “**PPB**” means the board established pursuant to New York City Charter § 311 whose function is to establish comprehensive and consistent procurement policies and rules which have broad application throughout the City.

“**Program Management Consultant**” or “**PMC**” or “**Owner’s Representative**” means AECOM-Hill-JV, which entity is providing program and project management services to DDC.

“**Project(s)**” means the improvements to be designed and constructed by the Design-Builder and all other Work product to be provided by the Design-Builder in accordance with the Contract Documents.

“**Project Labor Agreement**” or “**PLA**” means the project labor agreement entered into or designated by the City for the Program or any Project. The PLA will be included with the RFP.

“**Proposal**” means the proposal submitted by a Proposer in response to the RFP, including any revisions thereto. If the RFP requests submittal of best and final offers, the term “Proposal” means the best and final offer submitted by the Proposer, including any revisions thereto.

“**Proposer(s)**” means the Person or Persons submitting an SOQ(s) in response to this RFQ or a Proposal in response to an RFP.

“**Request For Proposals**” or “**RFP**” means a written solicitation, including all Addenda thereto, seeking Proposals (including quality and price) to be used to identify the Proposer offering the best value to DDC. The RFP will be issued only to Persons who are on the Short-List.

“**Request For Qualifications**” or “**RFQ**” means the written solicitation issued by DDC, including all Addenda thereto, issued by DDC seeking SOQs in order to identify and Short-List the Proposers to receive the RFP for the Project.

“**RFP Evaluation Criteria**” means the criteria and standards that constitute the basis for evaluating Proposals. RFP Evaluation Criteria will be defined in the RFP.

“**RFQ Evaluation Criteria**” means the criteria and standards set forth in the RFQ, which constitutes the basis for evaluating the SOQs and determining the Short-listed Proposers.

“**Round**” or “**Rounds**” refers to the organization of the RFQ process whereby Proposers are invited to submit SOQs for Projects 1 and 2, in Round 1, and Projects 3 and 4, in Round 2.

“**Selected Proposer**” means the Proposer determined to be the most qualified based on the RFP Evaluation Criteria and whose Proposal is found to provide the best value to the City.

“Short-list” means the list of Proposers that the City determines are the most highly qualified potential Design-Builders for a Project, based on an evaluation of the SOQs submitted by such Proposers.

“Short-listed Proposers” means the Proposers deemed most qualified to perform the Work based on the RFQ Evaluation Criteria.

“Statement of Qualifications” or “SOQ” means the information prepared and submitted by a Proposer in response to an RFQ.

“Subcontractor” means a Person or Persons, other than Principal Participants and employees of the Proposer or Principal Participants, who or which contracts or will contract with the Proposer to furnish, or actually furnishes services, labor, or labor and materials, or labor and equipment hereunder.

“Work” means all of the administrative, design, engineering, utility support services, procurement, legal, professional, manufacturing, supply, installation, construction, supervision, management, testing, verification, labor, materials, equipment, maintenance, warranty, documentation, and other duties and services to be furnished and provided by the Design-Builder as required by the Contract Documents, including all efforts necessary or appropriate to achieve final acceptance of the Project and to fulfill the Design-Builder’s warranties. In certain cases, the term is also used to mean the products of the Work.

APPENDIX C

Format and Organization for Statement of Qualifications

RFQ (Phase I) Response Table of Contents		
Tab	Category	Page Limitation
0	FUNDAMENTAL QUALIFICATIONS	Up to 29 pages total
	Cover Letter	2 pages
	Acknowledgement of Receipt of Addenda (Appendix D-13)	1 page
	Equal Opportunity Employer Statement	1 page
	Construction Employment Report (Appendix D-1)	12 pages
	Doing Business Data Form (Appendix D-2)	2 pages
	Iran Divestment Act Form (Appendix D-3)	1 page
	Preliminary Insurance Confirmation (Appendix D-4)	1 page
	Letter of Commitment from Surety	1 page
	Legal Structure	1 page
	Teaming Agreement	1 page
	Safety Questionnaire (Appendix D-5)	1 page
	Financial Questionnaire (Appendix D-6)	5 pages
1	PROJECT PAST PERFORMANCE/EXPERIENCE	Up to 1924 pages total
	Project Profiles Form #1-5 (each project limited to 2 3 pages) (Appendix D-7)	10 15 pages
	Project Evaluation Forms (Appendix D-8)	5 pages
	Prior Experience Working Together Form (Appendix D-9)	3 pages
	Project Relevancy Form (Appendix D-10)	1 page
2	DESIGN-BUILD TEAM RESUMES	Up to 89 pages total
	Team Introduction and Organization Chart	2 pages
	Design-Build Project Executive (Appendix D-11)	1 page
	Design-Build Project Manager (Appendix D-11)	1 page
	Design Integrator (Appendix D-11)	1 page
	Designer-of-Record (Individual) (Appendix D-11)	1 page
	Design <u>Architect Lead</u> (Individual) (Appendix D-11)	1 page
	Design-Build Construction Project Manager (Appendix D-11)	1 page
	<u>Resume Compliance Matrix (D-12)</u>	<u>1 page</u>
3	ORGANIZATIONAL AND DB MANAGEMENT APPROACH	Up to 9 pages total
	Design-Build Management Approach	5 pages
	Design Excellence	2 pages
	Quality Assurance and Quality Control for Design and Construction	1 page
	Design and Construction Scheduling	1 page

APPENDIX D-6

Financial Questionnaire

FINANCIAL QUESTIONNAIRE

Attachments and explanations provided on a separate page, as requested in the questions below, shall not be counted against Proposer’s page count limit.

Provide the following information about the Proposer:

1. Name of Proposer:

2. Date of formation:

3. State of formation:

4. Number of employees?

5. If a corporation, provide the following:
Provide information for each officer of the corporation.

Position	Name	Years with Co.	% Ownership
CEO			
President			
Secretary			
Treasurer/CFO			
Other (Title)			
Other (Title)			
Other (Title)			
Other (Title)			

6. If an individual doing business as a sole proprietorship, please complete the following:

Owner	Years as Owner

7. If a joint venture, partnership, limited liability company (“LLC”), or other association, provide the following for each member of the joint venture, each partner, each member or manager of the LLC, or other association member. (Attach additional pages if necessary)

Name of Individual Or Entity	Principal Contact	Position	Years with Joint Ven- ture/ Part- nership/ LLC/Other	% Ownership Interest

8. Has there been and change in ownership during the last three (3) years?

(Note: A corporation whose shares are publicly traded is not required to answer this question with regard to public trades.)

If “yes”, please explain on a separate page.

Yes No

9. Is the entity a subsidiary, parent, holding company or affiliate of another firm?

(NOTE: Include information about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.)

Yes No

If “yes”, explain on a separate page.

State gross revenue for each of the last three (3) years:

2018: \$

2017: \$

2016: \$

10. Is the entity or any of its affiliates currently the debtor in a bankruptcy case?

Yes No

If "yes," indicate the case number, bankruptcy court, and the date on which the petition was filed.

Case Number	Bankruptcy Court	Date Filed
-------------	------------------	------------

11. Was the entity or any of its affiliates in bankruptcy at any time during the last five (5) years?

Yes No

If "yes," indicate the case number, bankruptcy court, and the date on which the petition was filed.

Case Number	Bankruptcy Court	Date Filed
-------------	------------------	------------

12. In the last five (5) years has any insurance carrier, for any form of insurance, refused to renew an insurance policy due to non-payment or contractor losses?

Yes No

If "yes," on a separate page give name of the insured, name the insurance carrier, the form of insurance, and the year of the refusal.

13. Please provide the following information from most recent financial statement:

Current Assets:	\$
Current Liabilities:	\$
Total Net Worth:	\$
Current Ratio (Assets/Liabilities):	\$
Working Capital (Current Assets - Current Liabilities):	\$
Debt to Equity Ratio	

History of Performance (Past Performance)

14. Has the entity or any of its affiliates ever been terminated for default on a construction contract?

Yes No

If "yes," explain on a separate page.

15. In the last five (5) years has the entity or any of its affiliates, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

Yes No

If "yes," explain on a separate page. State the name of the organization debarred, the year of the event, the owner of the project, and the basis for the action.

16. In the past five (5) years has any claim in excess of \$50,000 been filed or made in court or arbitration against the entity or any of its affiliates concerning their work on a construction project?

Yes No

If "yes," on a separate page identify the claim(s) by providing the project name, date of the claim, name of the claimant, the name of the entity the claim was filed against, a brief description of the nature of the claim, the court and case number, and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

17. In the past five (5) years has the entity or any of its affiliates made any claim in excess of \$50,000 against a project owner concerning work on a project or payment for a contract and filed or made that claim in court or arbitration?

Yes No

If "yes," on a separate page identify the claim by providing the name of claimant, the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court and case number, and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

18. Has the entity or any of its affiliates (or any manager of an affiliate if the affiliate is not a person) ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public entity?

Yes No

If "yes," explain on a separate page, including identifying who was found liable or guilty, the court and case number, the name of the public entity, the civil or criminal verdict, the date and the basis for the finding.

19. Has there been more than one occasion during the last five (5) years in which the entity or any of its affiliates was required to pay either back wages or penalties for failure to comply with the State's prevailing wage laws?

Yes No

If "yes," attach a separate page, describing the violator, nature of each violation, name of the project, date of its completion, the public agency for which it was constructed, the number of employees who were initially underpaid and the amount of back wages and penalties that were assessed.

20. During the last five (5) years, has there been an occasion in which the entity or any of its affiliates have been penalized or required to pay back wages for failure to comply with the Federal Davis-Bacon prevailing wage requirements?

Yes No

If "yes," attach a separate page, describing the violator, nature of each violation, name of the project, date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that were assessed.

APPENDIX D-9

Prior Experience Working Together Form

PRIOR EXPERIENCE WORKING TOGETHER FORM

	Project 1	Project 2	Project 3	Project 4	Project 5
Design-Build Project Executive					
Design-Build Project Manager					
Design Integrator					
Designer-of-Record					
Design <u>Architect Lead</u>					
Design-Build Construction Project Manager					

For each of the five (5) projects listed in this matrix and identified on the Project Profile Forms, indicate the proposed Design-Build Team members who participated. Intent is to show individual’s experience working together on the projects. Clearly indicate project number on the Project Profile Form.

APPENDIX D-12

Resume Compliance Matrix

Brooklyn Dismantle Pre-Submittal Conference

RFI Responses

- 1) **Question:** Will a list of all of attendees at the Pre-Solicitation conference be provided?
 - **Answer:** Yes, the list has been provided on DDC's website.
- 2) **Question:** Will the January 10th submission date be extended?
 - **Answer:** No. Due to the tight schedule, we do not anticipate an extension at this time.
- 3) **Question:** Do you have to register with Passport for each project individually?
 - **Answer:** No, firms only need to register in PASSPort once. Firms may be requested to submit a Certification of No Change for future submissions so long as no required information has changed.
- 4) **Question:** Do JV's need to be in Passport during the RFQ phase or just the individual partners?
 - **Answer:** No, JVs do not need to be registered in PASSPort as the JV. Individual firms that make up a JV need to be registered in PASSPort.
- 5) **Question:** Why is there a performance bond for early work, but possibly not for the facilities?
 - **Answer:** Yes, there will be 100% bonding for the early works packages. There will be payment and performance bond requirements for the new facilities packages as well, however, specific requirements are currently under review.
- 6) **Question:** What are the M/WBE goals for this project?
 - **Answer:** At this RFQ phase we do not yet have goals specified. M/WBE goals will be provided in the RFP phase, once the scope of work is finalized.
- 7) **Question:** Can Asian MBEs participate as MBEs in this contract?
 - **Answer:** Projects within this program that are awarded after April 12, 2020 will permit Asian MBE firms to participate as an MBE for professional services.
- 8) **Question:** Can proposers include M/WBE firms in the RFP response, if they were not included in the RFQ response?
 - **Answer:** Yes. The RFQ only requires, at a minimum, the identification of the Lead Contractor(s), the Principal Participants, the Designers and Key Personnel, all other Subcontractors are not required to be identified at the RFQ phase and will only be required during the RFP phase.
- 9) **Question:** Can MWBE's be on more than one proposing team?
 - **Answer:** Yes. M/WBE firms are encouraged to join more than one team. In accordance with the RFQ, subcontractors participating on more than one team must inform all teams and certify it is not working as a conduit of information between teams. Proposers are advised that capacity will be considered at both the RFQ and RFP phases.
- 10) **Question:** Can an MEP Sub-contractor be on more than one Team?
 - **Answer:** Yes. In accordance with the RFQ, subcontractors participating on more than one team must inform all teams and certify it is not working as a conduit of information between teams.

- 11) **Question:** Can a proposer qualify with the project experience of its wholly-owned (100% owned) subsidiaries?
- **Answer:** Yes, a proposer may rely on the project experience of its wholly owned subsidiary if the wholly owned subsidiary is included as part of the DB Team. Proposers are advised that both the Project Profile Form in Appendix D-7 and the Prior Experience Working Together Form in Appendix D-9 require disclosure of DB Team members that worked on the prior project. DDC will review whether and to what extent the prior project experience includes currently proposed DB Team members.
- 12) **Question:** Will there be a separate construction (CM) oversight contract?
- **Answer:** No, the Design-Builder will be responsible for managing its own construction. The AECOM-Hill Joint Venture (PMC) will manage the program on behalf of DDC.
- 13) **Question:** How will you ensure timely payments?
- **Answer:** DDC and the PMC will work with the Design-Builder to make sure payments are processed efficiently. Proper supporting documentation provided by the Design-Builder will allow the process to flow more quickly. Additionally, allowances will also be used to assist in managing funding and expediting payments.
- 14) **Question:** Will Firms/Teams that are awarded Early Works projects be precluded from proposing on the facility contracts?
- **Answer:** Successful proposers that are awarded early works packages are permitted and encouraged to propose on the new facility projects.
- 15) **Question:** Would DDC consider hiring a special consultant / employee to oversee and process Change Orders?
- **Answer:** The PMC will be assisting DDC with managing change orders.
- 16) **Question:** Is there an M/WBE requirement for Project and Program Management under the PMC?
- **Answer:** Yes. The M/WBE participation goals for the PMC's contract only is set at more than thirty percent (30%). See also Questions #6.
- 17) **Question:** Should the Design-Build Team include a Special Inspection Agency?
- **Answer:** At this time, DDC anticipates that the special inspections team will work directly with DDC and PMC; not in privity with the Design-Builder.
- 18) **Question:** Will DDC share the list of Proposers?
- **Answer:** DDC will publicly announce the firms shortlisted for the RFP.
- 19) **Question:** Would a major sub-contractor's qualifications be part of the Team's qualifications?
- **Answer:** Yes, DDC will review each Proposer's SOQ based on qualifications presented.
- 20) **Question:** Who will the Design Builder work with for design finalization and prevention of scope creep?
- **Answer:** The Design-Builder will be working with DDC and the PMC. DDC and PMC are currently working with sponsor agencies to define the scope and project requirements prior to issuance of the RFP.
- 21) **Question:** Will construction staging be provided by DDC?
- **Answer:** No, construction staging will be the responsibility of the Design-Builder. DDC will advise on locations that cannot be used for staging.

22) **Question:** Will Design Guidelines be provided beyond performance criteria?

- **Answer:** Yes.

23) **Question:** Will Allowances be included in the \$70M value or in addition?

- **Answer:** Yes, allowances are reflected in the preliminary budget of \$70M. DDC will coordinate with the Proposers at the RFP phase to negotiate the terms of the Design-Build agreement, which may include the allowances.

24) **Question:** Is BIM (Building Information Modeling) a requirement under this project?

- **Answer:** Yes, BIM is required for the Queens Garage.

25) **Question:** Do the team and supporting sub-consultants need to remain the same from the SOQ to the RFP phase?

Answer: The DB Team, including Principal Participants, Subcontractors and Key Personnel, identified in the SOQs submitted by Proposers should remain intact for the duration of the procurement process and the resulting Contract. A Short-listed Proposer may propose substitutions for participants; however, such changes will require written approval by DDC. Approval may be granted or withheld in DDC's sole discretion. During the subsequent RFP phase, requests for changes to the Proposer's organization must be made in writing no later than the date listed in the procurement schedule in the subsequent RFP. Requests by Short-listed Proposers for changes in any of the Principal Participants or DB Team will be particularly scrutinized. Proposers with changes, whether such changes are approved or not, may have their scores impacted during the review process. The Proposer should carefully consider the make-up of its Team, prior to the submittal of the SOQ, to reduce the likelihood of occurrence of any such changes during the Proposal period and throughout the term of the Contract.

DB Teams should be aware that the Key Personnel positions identified in the RFQ shall be carried forward to the subsequent RFP. The scoring of those Key Personnel positions in the evaluation of the SOQ will likewise carry forward in the scoring of those Key Personnel positions in the Proposals submitted from the Short-listed Proposers.

Proposers that make changes to the Principal Participants, Subcontractors, or Key Personnel identified in the SOQs without DDC approval may be disqualified.

26) **Question:** Is the intent to have a single team for both dismantle and new? If separate, describe management of interface between two (2) Teams? If same, why separate RFQ's.

Answer: In Queens and Brooklyn there will be separate procurements and contracts for the dismantle and new facilities at each site. Therefore, while it is possible the same team may win both the dismantle contract and the new facility contract for the same site, no such requirement will be applicable, desired or requested by DDC. In order to meet the tight schedule, the dismantle will be required to have achieved substantial completion prior to each applicable new facility Design-Builder beginning site work. As a result, there should be nominal or no interface between the two separate contracts.

27) **Question:** Will a Schematic Design and/or As-Built drawings of the existing facilities be provided with the RFP?

- **Answer:** There are no schematic design documents for this contract; however, it is possible that for the contracts involving demolition of existing facilities that as-built drawings of the existing facilities will be made available to Proposers, should such as-built drawings be available to DDC. DDC will provide as much information as possible about the existing conditions of the site, including As-Built or original construction documents where available for informational purposes.

28) **Question:** Are the geotechnical and environmental reports available for the site?

- **Answer:** During the RFP phase, DDC will provide all available geotechnical and environmental reports and other available documentation in connection with the site for informational purposes.

29) **Question:** Is NYC DOB permitting required?

- **Answer:** Yes, DOB permitting is required by the Design-Builder. DDC is partnering with the DOB Design-Build Unit to find ways to expedite the review and approval process for this program.

30) **Question:** Does DDC expect the Design-Build Team to be its own legal entity?

- **Answer:** The Design-Builder entering into the DB agreement must be an entity capable of entering into and performing contracts under the laws of the State of New York. However, subject to the foregoing, the formation and/or corporate form of any DB Team will be in each Proposer's discretion.

31) **Question:** Will one-on-one meetings be scheduled during the RFP phase?

- **Answer:** Yes. We anticipate at least two (2) one-on-one, confidential dialog meetings for each of the short-listed teams in the RFP phase. DDC is also working with other City partners to find ways for DB Teams to receive confidential feedback on interim proposal submissions from authorities having jurisdiction, such as the Public Design Commission.

32) **Question:** Please explain the Award Fee Program.

- **Answer:** DDC is considering the use of award fees to reward the Design-Builder for exceptional performance exhibited in multiple factors throughout the execution of the Work, such as (without limitation) collaborative design, quality and craftsmanship, team integration, responsiveness, communication, professionalism, safety, and commitment to partnering. If an Award Fee Program is implemented, the award fees will be in addition to the Contract Price and a written Award Fee Plan will be issued by DDC.

33) **Question:** Can proposers include images on the Project Profile form and how would that affect the page limit?

- **Answer:** Yes, proposers may use images on the Project Profile form. No additional pages will be permitted.