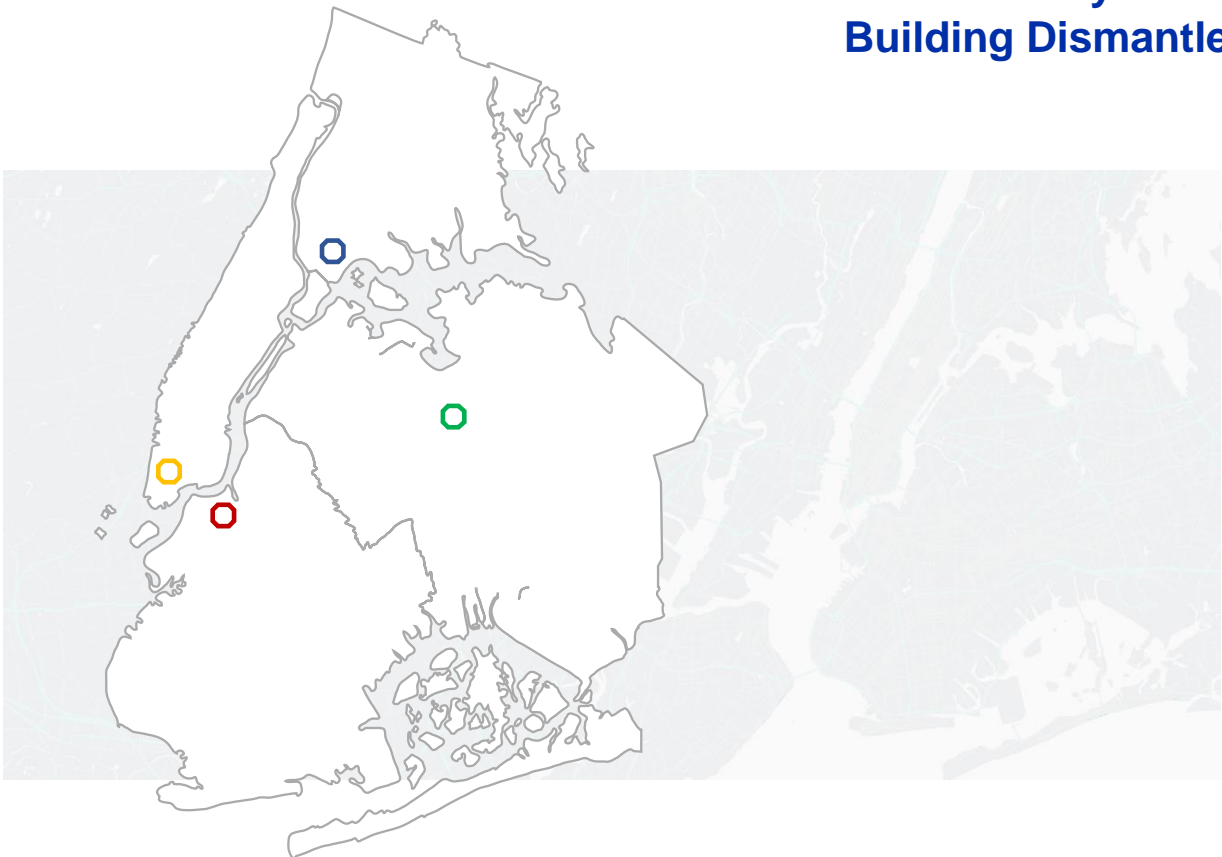


# Request for Qualification

## NYC BBJ PROGRAM

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

### Brooklyn Site Building Dismantle



**REQUEST FOR QUALIFICATIONS INTENT FORM**

**BROOKLYN SITE**  
**BUILDING DISMANTLE**

Please review this Request for Qualifications (RFQ), complete the following information, and e-mail the completed form to the DDC e-mail address shown below by the earliest date practical. This form is for DDC's information only and is not required to be included with Proposer's Statement of Qualifications (SOQ) and will not be considered as part of any SOQ submitted.

[NYCBBJ@ddc.nyc.gov](mailto:NYCBBJ@ddc.nyc.gov)

**TO RECEIVE NOTIFICATIONS FROM DDC OF FUTURE DESIGN-BUILD CONTRACTING OPPORTUNITIES, PLEASE PROVIDE AN EMAIL ADDRESS BELOW.**

Firm/Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

\_\_\_\_\_ The respondent **DOES** intend to submit an SOQ as part of a DB Team (prime or sub).

\_\_\_\_\_ The respondent **DOES NOT** intend to submit an SOQ as part of a DB Team for the following reason(s):

- |   |   |
|---|---|
| <input type="checkbox"/> Not our scope of work  | <input type="checkbox"/> Scope of work too large                              |
| <input type="checkbox"/> Present work load too heavy                                      | <input type="checkbox"/> Learned about the project too late                   |
| <input type="checkbox"/> Not enough time to propose (How much time, in total, is needed?) | <input type="checkbox"/> Unable to meet bonding requirements                  |
| <input type="checkbox"/> Specification requirements too stringent (please explain below)  | <input type="checkbox"/> Unable to meet insurance requirements                |
| <input type="checkbox"/> Commercial requirements too stringent (please explain below)     | <input type="checkbox"/> Unable to submit a competitive proposal at this time |
| <input type="checkbox"/> Scope of work too small  | <input type="checkbox"/> Key personnel unavailable at this time               |
| <input type="checkbox"/> Other (please explain below)                                     | <input type="checkbox"/> Cannot meet deliver or schedule requirements         |
|   | <input type="checkbox"/> Lack of experience                                   |

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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](mailto: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:

<b>RFQ (Phase I) Weighted Criteria</b>		
<b>Tab</b>	<b>Item Description</b>	<b>Weighting</b>
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
		<b>100 percent</b>

### 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 30<sup>th</sup> 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 Addendum number and date issued. Use the form provided in Appendix D-13. Attach and include with Appendix D-13 each signed addendum cover page. Original signature must be provided with the original SOQ.
  - 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 upload to the EEO Section of PASSPort by January 24, 2020 at 12PM. See Appendix D-1 for detailed instructions. Paper copies are not required and will not be accepted. A statement that this step has been completed must be included with the SOQ.
  - v. Doing Business Data Form  
Complete the Doing Business Data Form and submit only one original signed unbound copy in a separate, sealed, and clearly marked envelope. 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. Original signature must be provided with the original SOQ.
  - 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. Persons providing 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 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 Lead, 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 Lead (Individual)	Design Lead may also serve as the Designer-of-Record provided that they meet the qualification for both.	Degree in related field or sufficient relevant experience	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/Engineering _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 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 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 30<sup>th</sup> 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-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 B

Project Description, Design-Builder Responsibilities  
and Project Status

## PROJECT DESCRIPTION

The Project consists of Early Works necessary to realize the City's goal of closing the City's outdated jails as part of the Borough-Based Jails 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. Once the Project is completed, the City will transfer control of the Project site to a different vendor to design and construct a new, innovative facility in accordance with the Program goals.

The scope of the Project includes: construction of a temporary sally port at the courtyard of the Brooklyn Criminal Court building located at 120 Schermerhorn Street; closing-off an existing tunnel connecting the existing detention center to the court; and the demolition of the existing Brooklyn Detention Complex located at 275 Atlantic Avenue; removal and disposal of all materials that will include some contaminated and hazardous materials; and preparation of the site for a future construction of a new detention facility.

The existing detention facility will be vacated by the City.

The existing Brooklyn Detention Complex is a reinforced concrete tower built in 1957 with a total area of approximately 240,000SF. The building has a basement, eleven floors, nine mezzanine levels, and five roofs. The existing detention complex will require asbestos and hazmat abatement work to be performed.

All existing active and inactive utility lines on the site are to be investigated, and if no longer required, shall be decommissioned and removed to the source. Utility lines that are to remain shall be relocated and/or maintained to avoid disruption to other facilities.

Certain materials and items shall be removed from building and delivered to the City, at the City's direction, prior to the commencement of any other Work. The City will provide a complete list of such materials and items prior to construction mobilization.

Work must be performed in a fashion and sequence such that, at all times, operation of the remaining buildings at the site is not affected by the loss of any utility service or building access.

It is vital that the Work be performed in a manner that minimizes impacts on the adjacent residents and community, including the operation of surrounding civic and municipal facilities, including courts, police, and transportation). Compliance with noise and air quality requirements will be monitored closely.

At Project completion, the Project site should be clean, vacant and ready for future development.

The Work is expected to include the following:

### 1. Demolition and Abatement Work

- Abatement of asbestos and any other hazardous materials
- Demolition of the existing borough jail and disposal of materials

### 2. Site Work

- Clearing and site preparation of surface areas beyond the buildings, including removal of sidewalks, paving, and landscaping

### 3. Utility Work and Service

- Relocation of diesel fuel underground storage tanks (2 tanks, approximately 20,000 gallons capacity each)

4. Structures
  - Construct temporary sally port ramp and retaining structure
  - Decommission the existing tunnel connecting to the courthouse
5. Mechanical, Electrical, Plumbing, Drainage
  - Site drainage.
  - Mechanical system to be disconnected and / or relocated
  - Utility systems feeding the adjacent courthouse must be maintained
6. Systems
  - Modifications to sally port CCTV
7. Roadworks and Landscaping
  - Restore any damaged or removed street roadwork and sidewalks
8. USGBI
  - LEED Gold Certification (the City will have an independent commissioning agent)
  - All LEED required documentation

## **PROJECT SPECIFIC GOALS**

1. Safety in and around the Project site
2. Provide value to the City by providing innovative design, construction, and maintenance solutions
3. Minimize construction impacts to the surrounding community and facilities, particularly dust and noise, including impacts to civic and municipal facilities (e.g., courts, police, correctional, buses, trains, subways)
4. Minimize loss of public parking during construction
5. Complete the Project within budget and on schedule
6. Maximize MWBE participation

## **PROJECT LOCATION**

The Project is located at 275 Atlantic Avenue (Block 175, Lot 1) in the Downtown Brooklyn neighborhood of Brooklyn Community District 2 (see Figure B-1). The site occupies the entire block bounded by Atlantic Avenue, Smith Street, State Street, and Boerum Place (see Figure B-2). A tunnel below State Street connects this site to the Brooklyn Central Courts Building at 120 Schermerhorn Street.

*Figure B-1 BBJ-K Location*



*Figure B-2 BBJ-K Map Location*

## **DESIGN-BUILDER'S RESPONSIBILITIES**

This is a Design-Build project and the Design-Builder will be required to provide high-quality, innovative and transformative design and construction such that the Project is completed on-time and within budget. Accordingly, the Design-Builder, through itself or others (and in accordance with all applicable law), shall provide professional engineering and architectural services as well as technical, expediting, subprofessional, clerical, scheduling, and cost estimating services. The Design-Builder shall also furnish all labor, equipment, materials, project management, quality control/quality assurance, and architecture and engineering services required for the design, permitting, construction, and close-out of the Project, all in accordance with the requirements of the Contract.

The Design-Builder shall conduct all Work in a manner that will minimize interference with the operations of other contractors, if any, involved in the performance of related work. All Work shall comply with the Contract Documents.

## **PROJECT SCHEDULE**

DDC anticipates that a notice to proceed (NTP) will be issued to the Design-Builder in or around December 2020, with the Work to be substantially completed no later than May 2022.

It is important that the Project be timely completed to allow construction activities for the new facility to commence promptly under separate contract, which will be the subject of a future procurement.

## **PRELIMINARY PROJECT SPECIFIC BUDGET**

The preliminary project specific budget is \$50,000,000 (fifty million dollars).

# APPENDIX C

## Format and Organization for Statement of Qualifications

RFQ (Phase I) Response Table of Contents		
Tab	Category	Page Limitation
<b>0</b>	<b>FUNDAMENTAL QUALIFICATIONS</b>	<b>Up to    pages total</b>
	Cover Letter	2 pages
	Acknowledgement of Receipt of Addenda (Appendix D-13)	1 page
	Equal Opportunity Employer Statement	1 page
	Statement of Compliance with the filing of Construction Employment Report in PASSPort (Appendix D-1)	1 page
	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
<b>1</b>	<b>PROJECT PAST PERFORMANCE/EXPERIENCE</b>	<b>Up to 22 pages total</b>
	Project Profiles Form #1-5 (each project limited to 3 pages) (Appendix D-7)	15 pages
	Project Evaluation Forms (Appendix D-8)	5 pages
	Prior Experience Working Together Form (Appendix D-9)	1 page
	Project Relevancy Form (Appendix D-10)	1 page
<b>2</b>	<b>DESIGN-BUILD TEAM RESUMES</b>	<b>Up to 9 pages total</b>
	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 Lead (Individual) (Appendix D-11)	1 page
	Design-Build Construction Project Manager (Appendix D-11)	1 page
	Resume Compliance Matrix (D-12)	1 page
<b>3</b>	<b>ORGANIZATIONAL AND DB MANAGEMENT APPROACH</b>	<b>Up to 9 pages total</b>
	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

\*Only one signed original Doing Business Data Form must be submitted in a separate, sealed, clearly marked envelope.

# APPENDIX D

## SOQ FORMS



# APPENDIX D-1

## Construction Employment Report

How to complete the Construction Employment Report

The Construction Employment Report and Instructions on how to complete the report can be obtained at the following Link:

<https://www1.nyc.gov/site/sbs/businesses/contract-compliance.page>

**Where to submit the Construction Employment Report:**

The Construction Employment Report must be uploaded to the EEO section of the proposer's PASSPort Vendor Profile.

Instructions on how to upload the Construction employment report can be found at the link below and begin on Page 38 of the PDF:

[https://www1.nyc.gov/assets/mocs/passport-downloads/pdf/resources-for-vendors/UserManual-Vendors\\_Account\\_Management.pdf](https://www1.nyc.gov/assets/mocs/passport-downloads/pdf/resources-for-vendors/UserManual-Vendors_Account_Management.pdf)

Paper copies are not required and will not be accepted. A statement that this step has been completed must be included with the SOQ submission. The form must be uploaded to PASSPort no later than the SOQ due date.

# APPENDIX D-2

## Doing Business Data Form



# Doing Business Data Form

To be completed by the City agency prior to distribution Agency \_\_\_\_\_ Transaction ID \_\_\_\_\_

**Check One**      **Transaction Type (check one)**

Proposal    Award       Concession    Economic Development Agreement    Franchise    Grant    Pension Investment Contract    Contract

Any entity receiving, applying for or proposing on an award or agreement must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. **Submission of a complete and accurate form is required for a proposal to be considered responsive or for any entity to receive an award or enter into an agreement.**

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York, as will the organizations that own 10% or more of the entity. No other information reported on this form will be disclosed to the public. **This Data Form is not related to the City's PASSPort registration or VENDEX requirements.**

**Please return the completed Data Form to the City office that supplied it.** Please contact the Doing Business Accountability Project at [DoingBusiness@mocs.nyc.gov](mailto:DoingBusiness@mocs.nyc.gov) or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

*If you are completing this form by hand, please print clearly.*

## Entity Information

Entity EIN/TIN \_\_\_\_\_ Entity Name \_\_\_\_\_

Filing Status	(Select One)
<b>NEW:</b> Data Forms submitted now must include the listing of <b>organizations</b> , as well as individuals, with 10% or more ownership of the entity. Until such certification of ownership is submitted through a change, new or update form, a no change form will not be accepted.	<input type="checkbox"/> Entity has never completed a Doing Business Data Form. Fill out the entire form.
	<input type="checkbox"/> Change from previous Data Form dated _____. Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.
	<input type="checkbox"/> No Change from previous Data Form dated _____. Skip to the bottom of the last page.

Entity is a Non-Profit       Yes       No

Entity Type    Corporation (any type)    Joint Venture    LLC    Partnership (any type)    Sole Proprietor    Other (specify) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ E-mail \_\_\_\_\_

*Provide your e-mail address in order to receive notices regarding this form by e-mail.*

## Principal Officers

Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the *Doing Business Database*, and indicate the date that the change became effective.

**Chief Executive Officer (CEO) or equivalent officer**  This position does not exist  
*The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.*

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

This person replaced former CEO \_\_\_\_\_ on date \_\_\_\_\_

**Chief Financial Officer (CFO) or equivalent officer**  This position does not exist  
*The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.*

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

This person replaced former CFO \_\_\_\_\_ on date \_\_\_\_\_

**Chief Operating Officer (COO) or equivalent officer**  This position does not exist  
*The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.*

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

This person replaced former COO \_\_\_\_\_ on date \_\_\_\_\_

**Principal Owners**

Please fill in the required identification information for all individuals or organizations that, through stock shares, partnership agreements or other means, **own or control 10% or more of the entity**. If no individual or organization owners exist, please check the appropriate box to indicate why and skip to the **Senior Managers** section. If the entity is owned by other companies that control 10% or more of the entity, those companies must be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals or organizations that are no longer owners at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Owners."

**There are no owners listed because (select one):**

- The entity is not-for-profit       The entity is an individual       No individual or organization owns 10% or more of the entity

Other (explain) \_\_\_\_\_

**Individual Owners (who own or control 10% or more of the entity)**

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

**Organization Owners (that own or control 10% or more of the entity)**

Organization Name \_\_\_\_\_

Organization Name \_\_\_\_\_

Organization Name \_\_\_\_\_

**Remove the following previously-reported Principal Owners**

Name \_\_\_\_\_ Removal Date \_\_\_\_\_

Name \_\_\_\_\_ Removal Date \_\_\_\_\_

Name \_\_\_\_\_ Removal Date \_\_\_\_\_

**Senior Managers**

Please fill in the required identification information for all senior managers who oversee any of the entity's relevant transactions with the City (e.g., contract managers if this form is for a contract award/proposal, grant managers if for a grant, etc.). Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any transaction with the City. At least one senior manager must be listed, or the Data Form will be considered incomplete. If a senior manager has been identified on a previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Senior Managers."

**Senior Managers**

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

**Remove the following previously-reported Senior Managers**

Name \_\_\_\_\_ removal date \_\_\_\_\_

Name \_\_\_\_\_ removal date \_\_\_\_\_

**Certification**

I certify that the information submitted on these two pages and \_\_\_\_\_ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.

Name \_\_\_\_\_ Title \_\_\_\_\_

Entity Name \_\_\_\_\_ Work Phone # \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Please return this form to the City agency that supplied it to you, not to the Doing Business Accountability Project.

Standard Form

# APPENDIX D-3

## IRAN DIVESTMENT ACT

## IRAN DIVESTMENT ACT COMPLIANCE RIDER

**FOR NEW YORK CITY CONTRACTORS**

The Iran Divestment Act of 2012, effective as of April 12, 2012, is codified at State Finance Law (“SFL”) §165-a and General Municipal Law (“GML”) §103-g. The Iran Divestment Act, with certain exceptions, prohibits municipalities, including the City, from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Pursuant to the terms set forth in SFL §165-a and GML §103-g, a person engages in investment activities in the energy sector of Iran if:

- (a) The person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or
- (b) The person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created pursuant to paragraph (b) of subdivision three of Section 165-a of the State Finance Law and maintained by the Commissioner of the Office of General Services.

A bid or proposal shall not be considered for award nor shall any award be made where the bidder or proposer fails to submit a signed and verified bidder’s certification.

Each bidder or proposer must certify that it is not on the list of entities engaged in investment activities in Iran created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law. In any case where the bidder or proposer cannot certify that they are not on such list, the bidder or proposer shall so state and shall furnish with the bid or proposal a signed statement which sets forth in detail the reasons why such statement cannot be made. The City of New York may award a bid to a bidder who cannot make the certification on a case by case basis if:

- (1) The investment activities in Iran were made before the effective date of this section (i.e., April 12, 2012), the investment activities in Iran have not been expanded or renewed after the effective date of this section and the person has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran: or
- (2) The City makes a determination that the goods or services are necessary for the City to perform its functions and that, absent such an exemption, the City would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

**BIDDER’S CERTIFICATION OF COMPLIANCE WITH  
IRAN DIVESTMENT ACT**

Pursuant to General Municipal Law Section 103-g, which generally prohibits the City from entering into contracts with persons engaged in investment activities in the energy sector of Iran, the bidder/proposer submits the following certification:

[Please Check One]

**BIDDER’S CERTIFICATION**

- By submission of this bid or proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief, that each bidder/proposer is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law.
  
- I am unable to certify that my name and the name of the bidder/proposer does not appear on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-A of the State Finance Law. I have attached a signed statement setting forth in detail why I cannot so certify.

\_\_\_\_\_

SIGNATURE

\_\_\_\_\_

PRINTED NAME

\_\_\_\_\_

TITLE

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public Date



# APPENDIX D-4

## Preliminary Insurance Information

Preliminary Insurance Information

The policies and minimum limits provided below are for information purposes only. Details regarding insurance requirements for the Project will be specified in the RFP (Phase II). The Selected Proposer will be required to provide evidence of insurance by providing certificates of insurance and may require complete copies of policies and/or policy endorsements.

Type of Insurance	Minimum Limits Required Per Claim/Occurrence	Minimum Limits Required Aggregate Policy Limits
1. Worker's Compensation	Statutory Limits	Statutory Limits
2. Employer's Liability (Bodily Injury by Accident)	Statutory Limits	Statutory Limits
3. Commercial General Liability	\$3,000,000.00	\$6,000,000.00
a. Bodily Injury/Property Damage per occurrence limit	\$3,000,000.00	n/a
b. Bodily Injury/Property Damage aggregate limit	n/a	\$2,000,000.00
c. Products/Completed Operation aggregate limit	n/a	\$2,000,000.00
d. Personal and Advertising Injury aggregate limit	n/a	\$2,000,000.00
4. Commercial Automobile Liability	\$1,000,000.00	
5. Professional Liability Insurance	\$4,000,000.00	\$4,000,000.00
6. Contractor's Pollution Liability including coverage for microbial matter (if applicable)	TBD	TBD
7. Umbrella Excess Liability Insurance	\$10,000,000.00	
8. Builders' Risk	TBD	TBD
9. Railroad Protective Liability	TBD	TBD

Notes:

- Commercial General Liability: If the Work requires a permit from the Department of Buildings pursuant to 1 RCNY Section 101-08, the Design-Builder will be required provide Commercial General Liability Insurance with limits of at least those required by 1 RCNY section 101-08 or the limits required by the Contract, whichever is greater.
- Builders' Risk limits and requirements will apply whenever the Project includes structures. If applicable, limits and requirements will be set forth in the RFP.
- Contractor's Pollution Liability limits and requirements will apply if there are hazardous materials at the site. If applicable, limits and requirements will be set forth in the RFP.
- Railroad Protective Liability limits and requirements will apply if railroad facilities exist within or adjacent to the Project site. If applicable, limits and requirements will be set forth in the RFP.
- Other types and amounts of insurance may be required. If applicable, limits and requirements will be set forth in the RFP.
- Except as set forth in the subsequent RFP, all policies will be required to name the City of New York, including its officials and employees, as additional insured. The Selected Proposer may be required to name additional parties as additional insured and may be required to name the City of New York as loss payee. Details and requirements will be set forth in the RFP for the Project.

# APPENDIX D-5

## Safety Questionnaire

TAB 0 – SAFETY QUESTIONNAIRE

**SAFETY 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.

1 Has Federal OSHA or OSH cited and assessed penalties against the entity or any of its affiliates for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five (5) years?

Yes  No

If “yes,” on separate page describe the citations, state the case number, the party against whom the citation was made, date of citation, nature of the violation, project on which the citation was issued, owner of project, and the amount of penalty paid, if any.

2 Does the entity have an injury prevention program instituted pursuant to Occupational Safety and Health requirements? (A “No” answer is grounds for disqualification. There is no other or separate scoring of this answer.)

Yes  No

3 At what frequency does the entity require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

Weekly  Monthly  Other

If other, please describe:

4 List the entity’s Experience Modification Rate (EMR) (New York workers’ compensation insurance) for each of the past three (3) premium years:

(NOTE: An Experience Modification Rate is issued to your firm annually by your workers’ compensation insurance carrier.)

2018:

2017:

2016:

If your EMR for any of these three (3) years is 1.00 or higher you must attach a one (1) page explanation.

5 List the entity’s Total Recordable Case Incident Rate (TCIR):

2018:

2017:

2016:

6 List the entity’s Days Away, Restricted or Transfer Case Incident Rate (DART):

2018:

2017:

2016:

# 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-7

## Project Profile

[Use same form for 5 projects]		Name of Proposer: _____	
General Information:		Project Number*:	
Project Name, Location and Size:			
Original Contract Amount:		Original Completion Date:	
Final Construction Cost:		Actual Completion Date:	
Reason for Difference if more than 10%		Type of Facility:	
Proposer's Role: (Prime, Joint Venture, LLC, Integrated DB, Sub):			
Builder (Name):			
Designer of Record (Name):			
Project Delivery Method & RFP Type:			
Private Negotiated		Construction Manager at Risk	
Design-Build w/out Bridging Docs		Design-Build with Bridging Docs	
Design-Bid-Build		Other	
What type of RFP documents were used for this project?			
Performance Requirements		Describe any Awards this project received:	
Prescriptive Specifications			
Bridging Drawings and Specifications			
<b>Past Performance Reference:</b> The City of New York reserves the right to contact this organization or person and conduct a telephone interview for references. Confirm this reference is available.			
Organization:			
Contact Person Title:			
Telephone:			
Email:			
Address:			
City, State, Zip:			
<b>Self-Performance</b>			
Percentage of work self-performed:			
Detailed description of work self-performed:			
Describe any work you subcontracted to others:			
List Key DB Team Members (firm and / or individual) that were critical to this project that are also proposed for the Project.			

\* To match Project Number shown in Appendix D-8

Provide a general description of the project:

Use of this form without modification is mandatory.

Project Name	
Describe only the project attributes directly applicable to the specific Tab (Tabs 1, 2, or 3) in Section 4 of the RFQ.	

# APPENDIX D-8

## Project Evaluation Form



Project Name: \_\_\_\_\_ CAP Project Number (if applicable): \_\_\_\_\_

(Contractor - Construction Manager - Builder)

\_\_\_\_\_  
 (Project Manager)

\_\_\_\_\_  
 (Superintendent)

(Consultant - Designer)

\_\_\_\_\_  
 (Project Manager)

\_\_\_\_\_  
 (Construction Administration Observer (if applicable))

(Agency)

\_\_\_\_\_  
 (Agency Contact)

This evaluation is of the:  Contractor  Consultant  Design-Builder  Other: \_\_\_\_\_

Please rate each of the criteria on a scale of 1 to 10, with 10 representing that you were very satisfied/in complete agreement with the statement and 1 representing that you were very unsatisfied/in disagreement with the statement. Please rate each of the criteria to the best of your knowledge. If you do not have sufficient knowledge in a particular area or it is not applicable, leave it blank.

NO	EVALUATION CRITERIA	UNIT	RATING
1	Ability to manage the project cost (minimize change orders)	(1-10)	
2	Ability to maintain project schedule (complete on-time or early)	(1-10)	
3	Quality of workmanship	(1-10)	
4	Professionalism and ability to manage (includes responses and prompt payment to suppliers and subcontractors)	(1-10)	
5	Close-out process (no punch list upon turnover, warranties, operating and maintenance manuals, etc. submitted promptly)	(1-10)	
6	Communication, explanation of risk, and documentation	(1-10)	
7	Ability to follow the State's and/or Agency's rules, regulations, and requirements (housekeeping, safety, etc.)	(1-10)	
8	Overall customer satisfaction and comfort level in hiring the vendor again based on performance	(1-10)	

\_\_\_\_\_  
 (Printed Evaluator Name)

\_\_\_\_\_  
 (Evaluator Signature)

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Telephone Number)

\_\_\_\_\_  
 (Email Address)

\_\_\_\_\_  
 (Position/ Title)

\_\_\_\_\_  
 (Agency/Firm Name)

Comments:



# APPENDIX D-9

Prior Experience Working Together Form



# APPENDIX D-10

## Project Relevancy Form

Project Attributes	Project 1 Title, Location, Client	Project 2 Title, Location, Client	Project 3 Title, Location, Client	Project 4 Title, Location, Client	Project 5 Title, Location, Client
<b>Year Completed</b>					
<b>Attribute (example)</b>					
Complex Remediation and Demolition Activities					
Involves Demolition of Multi-Story Structure(s) in Dense Urban Environments					
Design-Build Project					
Design-Bid-Build Project					
Project Demonstrating Ability to Minimize Construction Impacts on Surrounding Community					
DBIA Best Practices					
Award-Winning Project (ENR, DBIA, or Similar)					

# APPENDIX D-11

## Resume Form

RESUME FORM

Position/Assignment for the Project:			
Firm Name:		Years of Experience	
Name:		This Firm:	
Title:		Other Firms:	
Degree:		Specialization:	
Year Earned:		Registration:	

# APPENDIX D-12

## Resume Compliance Matrix

Proposed Design-Build Team	Name	Qualifications					Design-Build Project Executive		Design-Build Project Manager			Design Integrator			Designer-of-Record			Design Lead			Construction Project Manager			
		Designated Design-Build Professional	Experience on Projects Involving Complex Demolition/Demolition of Multi-Story Structures	Design Experience (Insert Years)	Construction Experience (Insert Years)	Design-Build Experience (Insert Years)	Authorized to Contractually Bind Company	Percentage Dedicated to Project	Yrs Exp in Design or Const Mgmt (Insert Years)	Degree in Construction Management, Construction Science, Eng or Arch	Certified Project Management Professional (PMP) and/or Certified Construction Manager	Degree in Construction Management, Construction Science, Eng or Arch	Experience in Const and Const Mgmt of Projects of Similar Scope (Insert Years)	Experience on a large Design-Build Project	New York Licensed Architect or Engineer	Experience in Design (Insert Years)	Experience Includes Complex Demolition of Multi-Story Building in an Urban Environment	Experience Serving as Designer-Of-Record on a Design-Build Project	Experience in Design (Insert Year)	Proven design excellence in innovative and creative building design	Degree in related field or sufficient relevant experience	Degree in Construction Management, Construction Science, Eng or Arch	Yrs Experience in Const and Const Mgmt of Projects of Similar Scope (Insert Years)	Certified Project Management Professional (PMP) or Certified Construction Manager (CCM)
Example	John Doe	X	X	20	15	8	X	25	5	X	X	X	X	15	X	X	X	5	X	X	X	10	X	X
Design-Build Project Executive																								
Design-Build Project Manager																								
Design Integrator																								
Designer-of-Record																								
Design Architect																								
Design-Build Construction Project Manager																								

Conformed Copy\_Addendum #2

Use of this form without modification is mandatory.



# APPENDIX D-13

## Acknowledgement of Addendum Form

**ACKNOWLEDGEMENT OF ADDENDA**

<b>TITLE OF THE REQUEST FOR QUALIFICATIONS:</b> BBJ-KDSS, DESIGN-BUILD PROGRAM FOR THE NYC BOROUGH BASED JAIL SYSTEM, BROOKLYN SITE BUILDING DISMANTLE	<b>PIN:8502020CR0043P-45P</b>
Instructions: The submitting firm is to complete Part I or Part II of this form ( <u>CHECK ONE</u> ), whichever is applicable, and sign and date this form. This form serves as the submitter's acknowledgement of the receipt of Addenda to this Request for Qualifications (RFQ) which may have been issued by the Agency prior to the Statement of Qualifications Due Date and Time.	
<p><u>    </u> Part I</p> Listed below are the dates of issue for each Addendum received in connection with this RFQ. <p>Addendum # 1 dated _____</p> <p>Addendum # 2 dated _____</p> <p>Addendum # 3 dated _____</p> <p>Addendum # 4 dated _____</p> <p>Addendum # 5 dated _____</p> <p>Addendum # 6 dated _____</p> <p>Addendum # 7 dated _____</p> <p>Addendum # 8 dated _____</p> <p>Addendum # 9 dated _____</p> <p>Addendum #10 dated _____</p> <p>All addenda must be signed and <u>included behind this attachment</u>.</p>	
<p><u>    </u> Part II</p> <p>No Addendum was received in connection with this RFQ.</p>	
Submitting Firm Name: _____	
Submitting firm's Authorized Representative:  Name: _____  Title: _____  Signature: _____  Date: _____	

# APPENDIX E

Not Used

# APPENDIX F

## Draft Request for Proposal (Phase II) Information

## DRAFT REQUEST FOR PROPOSALS (PHASE II) INFORMATION

1. NOTICE

Information provided in this section is provided for informational purposes and understanding only. These documents may be revised prior to the issuance of the RFP (Phase II) solicitation. Clarifications and questions will NOT be addressed concerning these documents until after the start of the RFP (Phase II) competition.

2. RFP (PHASE II) - DRAFT PROCUREMENT SCHEDULE

DDC intends to conduct the RFP (Phase II) process for the Project based upon the schedule identified below. This schedule is an estimate only and is subject to change. The final solicitation schedule for the Project will be provided to the Short-listed Proposers for the Project when the RFP (Phase II) is issued.

Issue Draft RFP (Phase II):	March 2020
Proposals Due:	September 2020
Contract Award	November 2020

3. RFP (PHASE II) - PRELIMINARY INFORMATION

For the Project, complete RFP (Phase II) solicitation documents will be provided to the Short-listed Proposers. Information listed here is in summarized to provide information to Respondents in evaluating the scope of work that will be expected during contract award.

4. RFP (PHASE II) -EVALUATION CRITERIA

The overarching goal for this procurement is to select a Design-Build (DB) Team to design and construct the Project 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 and solutions, such that the Project is completed on time and within budget. This procurement is not a low-bid procurement.

<b>RFP (Phase II) Evaluation Criteria</b>
Design Excellence and Public Realm
Program, Design, Systems, and Operations
Schedule
Project Plans, Constructability, Logistics, and Site Approach
MWBE Approach
Team, Experience and Financial Strength

## 5. RFP (PHASE II) -TABLE OF CONTENTS FOR THE SOLICITATION

DDC anticipates that design criteria will be organized according to Construction Specifications Institute (CSI) Uniformat II Standard structure, employing Preferred, Allowed, and Do Not Use elements.

- a. Statement of Work - The Statement of Work will be a key part of the RFP (Phase II) and will include the following information:
  - Program – The program will describe the needed spaces within the swing space, required adjacencies, and expected populations. Information will be provided about the program objective, site, aesthetic requirements, desired innovation, and iterative design.
  - i. It is the intent of the City to allow the Design-Builder the opportunity to innovate, and creatively solve the programming challenges to design and construct the Project.
- b. Performance Specifications: DDC anticipates that the RFP will primarily utilize narrative performance specifications.
- c. Each of the following sections list some, but not all, of the requirements for design and construction after award. The intent of this information is to provide basis descriptions for each section. Full documents will be provided to the Short-listed Proposers for the Project.
  - i. Design After Award - Design after award will address the following requirements: Design Quality Control Plan, partnering & project progress, fast tracking design and construction, interim design submittals, over-the-shoulder progress reviews, final design submissions, design submittals, design and code checklists, acceptance and release for construction, record drawings, interior design requirements, and fire and life safety code review.
  - ii. Quality Control System (QCS) - QCS Software, users guide, training, database and database maintenance, quality control, submittal management, monthly coordination meetings and notifications of non-compliance.
  - iii. Project Schedule - Basis for payment and cost loading, detailed schedule requirements, submission requirements, period schedule meetings, requests for time extensions, directed changes, progress meetings.
  - iv. Submittal Procedures - Submittal classifications, approving and disapproving submittals, City approved submittals, for information only submittals, withholding payments, control of submittals, and submittal procedures.
  - v. Contractor Quality Control - General requirements of the Quality Control Plan, coordination meetings, quality control organization, submittals and deliverables, tests, complete inspections, and notification of non-compliance.

- vi. Temporary Construction Facilities - Availability and use of utility services, bulletin board, Project sign and safety sign, protection and maintenance of traffic, maintenance of construction site, and contractor provided City field office.
- vii. Closeout Submittals - Required closeout submittals, Project record documents, equipment data, construction warranty management, mechanical testing, adjusting, balancing, and commissioning, operation and maintenance manuals, red zone meeting, and final cleaning.

# APPENDIX G

List of Consultant Support Team (Ineligible Firms)



Name	
AECOM	Perkins Eastman Architects*
Hill International	Ellana Inc. Construction Consultants*
CSA Group	Ricci Greene Architects PC*
PMX	WSP Parsons Brinkerhoff*
PMA	Silman*
Deborah Bradley	
Velez	
McKissack	
Spectrum Communications	
Athena Consulting	
M-TO-Pros Development	
Voorhis Robertson Justice Services, LLC	
Stellar Services	
S1 Food Service	
Falcon	
PTG	
Unger Security Solutions, LLC	
TRC	
Orrick, Herrington & Sutcliff LLP	
Hirani Engineering and Land Surveying	
CDB Productions, LLC, DBA, iDEKO Strategies	
Infinite Consulting Corp.	
Haas Media LLC	
Queen Strategy	
Haydan Consultants	

\* These are entities providing capital project scope development services under contract with the Office of Management and Budget (OMB). These entities are expected to be eligible to participate in future procurements, including procurements for the new facilities.

# APPENDIX H

## Summary of Key Contract Provisions

This document is intended as a general description of significant terms that DDC anticipates will be included in the completed draft Contract to be released with the subsequent RFP(s). The general descriptions set forth below are subject to change by DDC in its sole discretion and is not a restatement or interpretation of the Contract or requirements set forth in any solicitation document, including this RFQ and any subsequent RFP(s). There are numerous details, exceptions and qualifications associated with the general descriptions provided below that can only be ascertained by reviewing the Contract itself, which will be released with the subsequent RFP(s).

Capitalized terms not otherwise defined in this Draft Outline of Anticipated Terms shall have the meaning set forth in Appendix A to the RFQ. The Contract may include alternative or different definitions.

Term	Provision
Price	DDC anticipates that the Contract will be fixed price (“Base Fee”) for the base scope of work, with allowances to cover contingencies, change proposal costs in certain circumstances (e.g., owner-requested change proposals), economic price adjustments for certain labor and materials, differing site conditions, incentive provisions, and other non-fixed items.
Contract Changes	DDC anticipates that the Contract will provide for Contract changes, including changes to scope and price.
Performance and Payment Bonds	DDC anticipates that the Design-Builder will be required to furnish payment and performance bonds in an amount equal to 100% of the value of the Contract.
Notice to Proceed	DDC anticipates issuing a Notice to Proceed within thirty (30) Days of Contract execution.
Notice to Proceed for Construction/Segmented Construction	DDC does not anticipate that the Contract will require the Design-Builder to receive approval from DDC prior to beginning construction activities. It is anticipated that the Contract will require the Design-Builder to submit ready-for-construction design documents (in whole or in segments, as the case may be) for conformance review and comment, and that the Design-Builder will be required to address such comments prior to starting construction. Nothing herein will be deemed to alleviate the Design-Builder’s obligation to perform all Work in accordance with applicable law, including, the Design-Builder’s obligation to obtain all required permits and approvals from authorities having jurisdiction prior to beginning or continuing construction activities, including, without limitation, DOB, DEP, PDC, FDNY, DOT.
Mobilization	DDC anticipates that the Contract will include provisions for payment of mobilization. DDC anticipates that the value of such mobilization payment will be approximately 5% of the Base Fee.
Project Labor Agreement (PLA) & Letter of Assent	The Project(s) will be subject to a PLA. The Design-Builder and its Subcontractors providing construction services, except as set forth

	in the PLA, will be required to execute a Letter of Assent and to comply with all terms set forth in the PLA.
Prevailing Wage	The Design-Builder will be required to comply with NYS Labor Law 220 and will be required to maintain and submit certified payroll records.
Indemnification	The Contract will provide for the Design-Builder to indemnify the City and the PMC to the extent set forth therein.
Limitation of Liability	DDC anticipates that the Contract will provide an aggregate limitation of liability in an amount, and subject to exclusions, to be set forth in the Contract.
Subcontracting	DDC anticipates that all Subcontractors whose subcontract values exceed a set threshold will be subject to the approval of DDC, except as set forth in the Contract.
Prompt Payment of Subcontractors	The Contract will be subject to the prompt payment provisions of PPB Rule 4-06.
Dispute Resolution	To be set forth in the Contract.
Intellectual Property	DDC anticipates that the Contract will provide for all work product of the Design-Builder created for the Project(s) will become property of the City.
Compensable Delay Events and Time Extensions	DDC anticipates that the Contract will include provisions for additional compensation payable to the Design-Builder and/or time extensions in favor of the Design-Builder for certain Project delays, to be set forth in the Contract.
Validation Period	DDC anticipates that the Contract will provide for a validation period after notice to proceed.
Responsibility for Design and Construction	The Design-Builder will be solely responsible for all design and construction in accordance with the Contract.
Standard of Care for Design Work	<p>All design Work will be required to be completed in accordance with the Contract Documents, and will be performed in accordance with the standard of care, skill and diligence as would be provided by an engineering or architecture firm experienced in supplying similar services nationally in the United States of America to entities owning projects of technology, complexity and size similar to that of the Project.</p> <p>The Design-Builder will assume full responsibility with respect to final design of the Project, including correction of any errors, omissions, inconsistencies or other defects in bridging documents affecting constructability provided by DDC during the solicitation of the Project.</p>

# APPENDIX I

## DESIGN EXCELLENCE

The City is committed to achieving design excellence in its capital program by continuing to build on a strong tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. As part of this commitment, DDC's Design and Construction Excellence program sets forth strategies and practices to ensure that all capital projects delivered to sponsor agencies and the City result in **enduring, practical, constructible, economical, and inspiring** community resources.

Proposers are required to demonstrate how they will achieve Design Excellence for the Project in compliance with DDC's Design and Construction Excellence program.

DDC's Design and Construction Excellence program is accessible here: <https://www1.nyc.gov/site/ddc/about/dc-excellence.page>