

March 15, 2021

ADDENDUM NO. 2

PROJECT: Design-Build Services – New Community Educational Facility and Greenhouse in the Borough of Brooklyn
PIN: 8502021HR0002P

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

Request for Qualifications

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

- **RFQ, Table of Contents**
- **Page 18, RFQ Section 5.4 D xiii**
- **Page 18, RFQ Section 5.4 E**
- **Page 20, RFQ Section 5.4 F**
- **Page 21, RFQ Section 5.4 G**
- **Page 31, RFQ Section 8**
- **Page 38 and 39, Exhibit A**
- **Page 42, Exhibit B**
- **Page 50, Exhibit B-2**
- **Page 53, Exhibit B-3**
- **Page 56, Exhibit B-4**
- **Page 61, Exhibit C**
- **Page 96 and 97, Exhibit E-12**
- **Page 98, Exhibit F**

Contact: Jennifer Vega

Email: Design_Build@ddc.nyc.gov

Phone: **Please Email for Information**

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

THIS ADDENDUM MUST BE SIGNED BY THE SUBMITTING FIRM AND INCLUDED WITH Exhibit E-7 – Acknowledgement of Addenda.

Name of Submitting Firm

By _____

Title _____

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EXHIBITS

EXHIBIT A: ABBREVIATIONS AND DEFINITIONS

EXHIBIT B: PROCUREMENT INFORMATION

B-1: Procurement Information and Schedule

B-2: SOQ Content and Evaluation

B-3: RFP Lookahead

B-4: SOQ Checklist and Page Count

EXHIBIT C: PROJECT INFORMATION AND REQUIREMENTS

EXHIBIT D: PROJECT EXCELLENCE

EXHIBIT E: SOQ FORMS

E-1: Construction Employment Report

E-2: Doing Business Data Form

E-3: Iran Divestment Act

E-4: Safety Questionnaire

E-5: Financial Questionnaire

E-6: DB Team Qualifications Form

E-7: Acknowledgment of Addenda Form

E-8: Key Personnel Commitment Form

E-9: Project Team Summary Form

E-10: Reference Project Information Form

E-11: Reference Project Relevancy Form

E-12: Reference Project Owner Evaluation Form

E-13: M/WBE Program Experience Form

EXHIBIT F: SUMMARY OF SELECT DBA COMMERCIAL TERMS~~DRAFT DBA TERMS~~

partners, and other key Subcontractors or key trade Subcontractors in the teaming agreement.

- (X) **Safety Questionnaire.** Provide a completed Safety Questionnaire. Use the form provided in Exhibit E-4 (*Safety Questionnaire*). Any Experience Modification Rate greater than 1.1 may be considered non-responsive.
- (XI) **Financial Questionnaire.** Provide a completed Financial Questionnaire. Use the form provided in Exhibit E-5 (*Financial Questionnaire*).
- (XII) **Conflicts of Interest.** Provide a description of any known or potential Conflicts of Interest.
- (XIII) **DB Team Qualifications Form.** Provide a completed Major Participant Qualifications Form provided in Exhibit E-6 (DB Team Qualifications Form). [Persons, including Key Personnel and Major Participants, performing services for which authorization or licenses are required in accordance with state or local law, must be duly authorized or licensed. Proposers are referred to Section 8.4 \(Key Authorization and Licensing Requirements\). This form must be completed in compliance with SOQ Sections 4.4 & 8.4.](#)
- (XIV) **Acknowledgement of Receipt of Addenda.** List the Addenda number and date issued and attach a copy of each Addenda cover page signed by the Proposer, using the form provided in Exhibit E-7 (*Acknowledgment of Addenda Form*).

(E) Design-Build Approach (Tab 2)

The purpose of Tab 2 is to describe the team's collaborative approach to design-build and demonstrate that the team possesses the design approach and management strategy required to provide design-build services for the project. [assigned under this Contract.](#)

(i) Team Approach and Organization

Provide a brief description of the Proposer's team approach and organization, including:

- The history, ownership, organization, and background of the Proposer.
- The approach to ensuring successful collaboration within the proposed DB team, including the rationale for teaming. This may include the history of relationships among team members and a description of past working relationships, where applicable. If team members do not have experience working together, the Proposer shall explain their

Respondents are encouraged to provide comments related to any or all of the following:

- Project schedule, including the procurement schedule and the amount of time necessary between execution of a Design-Build Contract and the date of Substantial Completion and final completion.
- Project Cost
- Bonding, Project Guarantor and Design-Build Contract security requirements as discussed in Section 5.4.d.
- Required and Desirable Experience as listed in Section B-2.
- Project goals and objectives as described in Section C.

(F) Key Personnel and Team Organization (Tab 3)

The purpose of Tab 3 is to demonstrate that all Key Personnel have the qualifications, expertise, experience, resources, and competence required to provide design-build services for ~~the project assigned under this Contract~~. Key Personnel are listed in Exhibit B-2 (SOQ Format, Content and Evaluation). The Proposer may also be required to provide Additional Personnel for roles listed within Exhibit B-2. Exhibit B-2 identifies the minimum qualification requirements that must be met by the personnel proposed for those roles, as well as additional preferred qualifications for each role.

~~Other than the Design-Build Project Executive, none of the individuals proposed as Key Personnel are required to be employees, officers, or principals of the Proposer or its Principal Participants (i.e., Key Personnel, other than the Design-Build Project Executive, may be Subcontractors).~~ **There is no role-requirement for the leadership of the team; for example, teams may be designer-led.** Additionally, Key Personnel ~~and Additional Personnel~~ are not required to be employees of the same ~~Major/Principal~~ Participants (e.g., the Design Lead (Individual) and Project Architect of Record (Individual)) may be employees of separate ~~companies/Principal Participants~~.

The following information shall be provided:

(i) Team Introduction and Organization Chart

Provide a narrative introducing Key Personnel, Additional Personnel, and major team organizations, including key design and trade partners, and provide an organization chart showing the team structure and relationship. The organizational chart must clearly indicate the name of each individual, their role on the DB team, and their firm affiliation. The organizational chart should be labeled or color-coded to identify Major Participants and supporting subcontractors or subconsultants.

(ii) Resumes

Provide resumes for each Key Personnel and Additional Personnel detailing the individual's technical qualifications, area of expertise, and years of experience. Resumes must clearly demonstrate how the individual meets the minimum qualification requirements indicated in

Exhibit B-2, for instance by indicating licensure and listing project experience that meets the stated criteria.

(iii) Key Personnel and Additional Personnel Commitment

Provide a completed Key Personnel Commitment Form (Exhibit E-8) indicating the amount of time (expressed as a percentage of a workload) that the Key Personnel and Additional will be available to work on the Project during the pre-construction, design, construction and commissioning phases.

(iv) Project Team Summary Form

Provide a completed Project Team Summary Form (Exhibit E-9 (*Project Team Summary Form*)) showing recent and relevant projects that members of the DB Team are working on currently or have successfully completed.

The objective of the Project Team Summary Form is to summarize the extent to which the proposer's team, including proposed personnel and subcontractors, were involved on recent projects including Reference Projects with characteristics detailed in Exhibit B-2.

The Project Team Summary Form must include all Reference Projects provided under Tab 4 and may list additional projects that demonstrate experience working together, for a total of up to 15 projects.

Proposers that demonstrate project involvement by Key Personnel and Additional Personnel on both Reference Projects and the additional projects will be given additional consideration in evaluation.

Proposers forming a team that has not worked together in the past are encouraged to list additional projects that demonstrate the work of the Key Personnel or Additional Personnel.

(G) Project Experience and Past Performance (Tab 4)

The purpose of Tab 4 is to demonstrate that the proposing team, including Major Participants, Key Personnel and Additional Personnel, has the project experience and record of performance required to provide design-build services for the project [assigned under this Contract](#). Tab 4 may refer to "Required Experience" and/or "Desirable Experience" as stipulated in Exhibit B-2.

Required Experience is mandatory and lack thereof may serve as a basis for deeming a Proposer as non-responsive. Desirable Experience is not mandatory, and Proposers are not required to satisfy all criteria for Desirable Experience.

To demonstrate Required Experience and Desirable Experience, Proposers must describe reference projects completed within the last ten (10) years or currently under construction. The reference projects should collectively represent the work of the DB team members, including the work of the Designer and the work of the Builder, and are not required to represent prior experience working together.

8. **PUBLIC POLICY AND LEGAL REQUIREMENTS**

8.1 **M/WBE Policy**

(A) **M/WBE Applicable Laws**

The New York City Public Works Investment Act provides that the DB Agreement comply “with the objectives and goals” of NYC Administrative Code Section 6-129 (the “**City M/WBE Law**”), as opposed to strict conformance with the City M/WBE Law. As a result, the DDC is afforded flexibility to choose the means, methods and processes to comply with City M/WBE Law objectives and goals. The authorizing legislation also provides that State certified M/WBEs may be utilized for credit under applicable M/WBE goals.

The following provides a high-level summary of those means, methods and processes which DDC will utilize for the Project:

(B) **M/WBE Program Components**

DDC anticipates that some of the aspects of DDC’s M/WBE policy for the Project are similar to, and borrow aspects from, Article 15-A of the Executive Law and Title 5, Chapter XIV, Part 142 of the State’s Codes, Rules and Regulations (the “**State M/WBE Law**”) including:

- **State & City M/WBE Utilization** – the Design-Builder will be credited for M/WBEs certified with either the State’s or the City’s applicable certification agencies;
- **Evaluating M/WBE** – at the RFQ step, as part of its Short-list selection, the City will evaluate the Proposer’s past record of compliance with M/WBE requirements and a narrative describing the Proposer’s commitment and ability to satisfy the anticipated M/WBE goals; at the RFP step, the City will evaluate the Proposer’s preliminary M/WBE utilization plan submitted with its Proposal, as well as the Proposer’s approach on how the Proposer will partner with the City to achieve the M/WBE goals, as part of its best-value determination;
- **Subcontractors at any Tier & Suppliers** – the Design-Builder will be credited for M/WBEs at any tier, as well as for suppliers, truckers, brokers and manufacturers. Joint venture entities will be credited for M/WBE participation based on the amount of Work performed by the M/WBE joint venture member, not by profit shared;
- **Goal Setting** – The goal setting and reporting process for the utilization of M/WBEs will be separated between the design phase and the construction phase of the Project. While no final determination has been made at this RFQ stage, each anticipated M/WBE participation goal on construction and design work is set forth in Exhibit [B-2G \(SOQ Content and Evaluation Project Information and Requirements\)](#). Final M/WBE participation goals will be set forth in the RFP.
- **Reporting** – similar to the State, DDC anticipates utilizing a digital reporting system to track M/WBE compliance;
- **Compliance** – DDC will review the Design-Builder’s M/WBE compliance as a key performance indicator for the Project; and
- **Enforcement** – the DDC will utilize the City M/WBE Law for purposes of exercising legal remedies or assessing damages, including, where applicable, liquidated damages for a Design-Builder’s failure to comply with the M/WBE obligations in the DB Agreement.

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

“**Additional Personnel**” means those titles of personnel identified in this RFQ as “Additional Personnel,” and may be employees of subcontractors or Major Participants. ~~are employees of Major Participants that may be a member of, or participant in, more than one DB Team, either during any step I or step II~~

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

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

“**Builder**” means the Major Participant with overall responsibility for performance of the construction work necessary to deliver the Project.

“**City**” means the City of New York.

“**City Chief Procurement Officer**” or “**CCPO**” means the position delegated authority by the Mayor of the City of New York to coordinate and oversee the procurement activity of mayoral agency staff, including the ACCO.

“**City M/WBE Law**” means Section 6-129 of the New York City Administrative Code.

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

“**Conflicts of Interest**” means that a Person or organization had or has relations with Persons: (1) engaged or engaging in activities; or (2) performed or is performing services, for DDC or another entity concerning the Project or a related project, that afford such Person or organization or any DB Team with an unfair 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, performance or advice to any DB Team.

“**Consultant Support Team**” is defined in Section 3.3 (*The City’s Consultant Support Team*).

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

“**DB Agreement**” 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, the furnishing of labor and materials, and the basis of payment, and including all provisions required by law to be inserted in the DB Agreement whether actually inserted or not.

“**DB Team**” means Principal Participants, Major Participants, Subcontractors, and all other Persons making up the team and acting on behalf of, or at the direction of, a Proposer.

“**DDC**” means the Department of Design and Construction of the City of New York.

“**DDC’s Designated Representative**” is defined in Section 3.2(a) (*Designated DDC Representative*).

“Design-Build” or **“DB”** means a project delivery methodology by which a single Design-Builder has responsibility for the design and construction of a project under a single design-build agreement.

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

“Designer” means the Major Participant, appropriately authorized or licensed in New York State to perform design services, that has the primary responsibility for design services for the Project. This entity must be included as part of the DB Team during the RFP phase and must be hired/employed by the Design-Builder to perform design services for the Project.

“Draft Goal” is defined in Section 8.1(b) (*M/WBE Program Components*).

“Equity Participant” means any Person holding (directly or indirectly) a 15% or greater interest in the Proposer.

“Key Personnel” means those titles of personnel identified in this RFQ as “Key Personnel”. Additional titles of Key Personnel may be identified in the subsequent RFP. Individuals identified by the Proposer for Key Personnel titles must be contracted by the Design-Builder to perform services for the Project in the applicable title for which they were identified. are employees of Major Participants that may only be a member of, or participant in, one DB Team, either during any step I or step II.

“M/WBE” means minority owned business enterprises and/or woman-owned business enterprises.

“Major Participant” means the Proposer, each Principal Participant, the Designer and the Builder.

“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.

“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) The Proposer;
- B) If the Proposer is a partnership, joint venture, or limited liability company, any general partner or any member of the partnership, joint venture or LLC; and/or
- C) Any Equity Participant.

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

“Project” means the work described in Exhibit C (Project Information and Requirements).

“Proposal” means the proposal submitted by a Proposer in response to the subsequent RFP for the Project, 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.

1. DDC’s Designated Representative
 - a. DDC’s Designated Representative for the Project is: Jennifer Vega
 - b. DDC’s Designated Representative identified above is Proposers’ single point of contact and source of information for the procurement.

2. SOQ Submission Location

SOQs must be submitted by the SOQ Due Date at the following link:

Click on <https://ddcnyc.app.box.com/f/2cded5a1de9b41ec813e1d1e20e28e0a>

Box.com link to upload HAM17GHSE SOQ to upload the SOQ

3. Requests for Information (RFI) Instruction

- a. RFIs should be submitted to DDC’s Designated Representative at the following e-mail address(es):

Design_Build@ddc.nyc.gov

4. Procurement Schedule & Activities

The following represents the current procurement schedule for the Project. The schedule is subject to change at the discretion of DDC.

Activities	Timeline
RFQ Issued	02/18/21
Pre-Submission Conference	03/04/21
Final Date for Receipt of RFIs	03/05/21 at 4:00 pm
Final Date for RFQ Addenda and/or Answers to RFIs	03/10/21
SOQ Due Date	03/25/21 at 4:00 pm
Short-listed Proposers Announced	05/21/21
Draft RFP Issued	05/24/21
Final RFP to Short-listed Proposers	06/25/21
Proposals Due	08/27/21
Contract Award	December 2021
Notice to Proceed	February 2022

5. Pre-Submission Conference Information

The Pre-Submission Conference will be held on **3/04/21 at 10:00 am**. The WebEx link is:

<https://nycddc.webex.com/nycddc/j.php?MTID=mf1a58d8d17531e5e10c335ce95748988>

To join by meeting number: Meeting number (access code): 177 648 9758
Meeting password: FQdavEuX689

Please note registration for this WebEx meeting is not required.

C. Anticipated M/WBE Participation Goal: The M/WBE participation goal for this Design-Build project is anticipated to be 30% for construction work and ~~between~~ 30% for design work. Refer to Section 8 of this RFQ for more information about M/WBE participation and requirements.

3. **Qualitative Evaluation Factor Weighting**

The weightings that accompany the qualitative evaluation factors as described in Section 4.5 of the RFQ are as follows.

Factors	Weighting
Design-Build Approach	25 percent
Key Personnel and Team Organization <i>Sub-weighting for Design Lead</i>	30 percent <i>10 percent</i>
Project Experience and Past Performance	40 percent
M/WBE Program Experience and M/WBE Approach	5 percent
Total	100 percent

4. **Shortlist**

A. The maximum number of Short-listed Proposers under this RFQ is three (3).

- f. Adjacent Works Plan
 - g. Logistics Plan
 - h. Project Activation Plan
 - i. Operations and Maintenance Plan
 - D. M/WBE Approach
 - E. Schedule
 - F. Management
 - i. Team Approach and Organization
 - ii. Organizational Structure
 - iii. Project Management Approach
 - G. Team Qualifications and Experience

5. **Design Build Agreement**

A draft of the Design Build Agreement is expected to be made available to the Short-listed Proposers in connection with the issuance of the RFP. A [summary of select DBA commercial terms sheet for the anticipated form of the DB Agreement](#) is included with the RFQ as Exhibit F.

Key Personnel and Team Organization (Tab 3)	
Team Introduction and Organizational Chart	1 page
Resumes	2 pages / person
Key Personnel and Additional Personnel Commitment (Exhibit E-8)	1 page
Project Team Summary Form (Exhibit E-9)	1 page
Project Experience and Past Performance (Tab 4)	
Project Experience Overview	1 page
Reference Project Information Form (Exhibit E-10)	1 page
Reference Project Relevancy Form (Exhibit E-11)	1 page
Reference Project Description and Images	2 pages / project
Reference Project Owner Evaluation Forms (Exhibit E-12)	1 page / project
M/WBE Program Experience and M/WBE Approach (Tab 5)	
	No limit
M/WBE Program Experience Forms (Exhibit E-13) Reference Project Owner Evaluations	54 pages / project

Document 2: Doing Business Data Form

Contents	Page Limit
<input type="checkbox"/> Doing Business Data Form (Exhibit E-2)	2 pages

construction- and operations-related impacts to the surrounding community and to neighboring properties and facilities;

4. Anticipated Project Schedule/Schedule Constraints

The project is expected to be completed within 46 months from NTP, inclusive of closeout phase work.

5. Environmental Review/Acquisition Status

The Project is subject to environmental review under city law. The Phase 1 Environmental Site Assessment Report (ESA) has been completed and will be provided in the RFP. City Environmental Quality Review (CEQR) must be completed by the Design Builder prior to issuance of construction permits.

6. City’s Consultant Support Team/Conflicts of Interest

Proposers are required to disclose known or potential conflicts of interest in their SOQs. Because of their past or present work as part of the City’s Consultant Support Team, the following firms have been identified as ineligible for consideration as part of a Proposer or DB Team.

Proposers may not include the services of the following firm(s):

Firm Name
<u>Ove Arup & Partners</u> N/A

Proposers utilizing firms identified above will be disqualified from participating on this Project and may be found non-responsive pursuant to PPB 2-07.

7. Exclusivity

The following types of services are subject to the restrictions described in Section 3.8:

- greenhouse specialty services, and
- controlled environmental agriculture specialty services.

7.8. Preliminary Project Budget (anticipated total contract value)

The total DB Agreement value is anticipated to be no greater than \$16M.

8.9. Project Funding

The Project is funded with City capital funds.

EXHIBIT E-12

Reference Project Owner Evaluations s Form

REFERENCE PROJECT OWNER EVALUATION FORM Vendor Evaluation

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:

EXHIBIT F

Summary of Select DBA Commercial
Terms~~Draft DBA Terms~~