

NEW YORK CITY DEPARTMENT OF DESIGN AND
CONSTRUCTION

REQUEST FOR EXPRESSIONS OF INTEREST

**IN CONNECTION WITH
SMALLER SIZE DESIGN-BUILD PROJECTS FOR PUBLIC BUILDINGS**

Issuance Date: October 3, 2022

Website: [Design-Build at the New York City Department of Design and Construction
\(nyc.gov\)](https://design-build.nyc.gov)

Response Due Date: 4:00 PM, November 7, 2022

POINT OF CONTACT:

All inquiries regarding this Request for Expressions of Interest are to be directed to the following Points of Contact, with the subject line “Smaller Size DB Projects for PB RFEI”:

Jennifer Vega, Deputy Director, Design Build
Design_build@ddc.nyc.gov
New York City Department of Design and Construction

This RFEI is not an offering for the award of any contract. Submission of a response to this RFEI is not required for future participation in any solicitation.

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I. PURPOSE

The City of New York (the “City”) by and through its Department of Design and Construction (“DDC” or the “Department”) is issuing this Request for Expressions of Interest (“RFEI”) to solicit industry feedback and to evaluate vendor interest in Design-Build procurements for smaller projects for the Division of Public Buildings.

DDC is seeking responses from interested vendors (“Vendors” or “Respondents”) on their interest in responding to a Request for Qualifications (“RFQ”) to perform Design-Build (“DB”) services for smaller size projects in the \$1.2M-\$10M range. Smaller size DB projects for consideration are the Murphy Brothers Playground Comfort Station in this RFEI, and/or other project typologies identified below in Section II as eligible for Design Build. In addition, DDC is soliciting feedback from vendors about experiences with other agencies on smaller DB projects, including considerations on variations to the procurement process, as well as effort on proposal development and procurement schedule.

Please Note: This RFEI is not an offering for the award of any contract. Submission of a response to this RFEI is not required for future participation in any solicitation.

II. BACKGROUND

DDC is the City’s primary capital construction manager. Working with other City entities and servicers, DDC delivers roadway, sewer, and water main construction projects in all five boroughs, as well as sidewalks, street reconstruction, and pedestrian ramps. DDC also builds many of the civic facilities New Yorkers use every day, including community centers, firehouses, libraries, police precincts, courthouses, senior centers and more.

The New York State Legislature passed the New York City Public Works Investment Act (“Act”) in December 2019, which authorizes DDC to award design-build contracts for certain public works within the City. A copy of the Act is available at:

<https://www.nysenate.gov/legislation/bills/2019/a7636/amendment/b>

The Act authorizes design-build for the following categories of public works:

- (a) Public works projects with an estimated value above \$10,000,000; and
- (b) Public works projects with an estimated value above \$1,200,000 if the public work:
 - a. is in connection with property within the jurisdiction of the City’s Department of Parks and Recreation (“DPR”) or the New York City Housing Authority (“NYCHA”);
 - b. is for pedestrian ramps and similar infrastructure to improve access to sidewalks in the City for people with disabilities;
 - c. is for renovation and construction of cultural institutions located on publicly owned property;
 - d. is for public libraries in the City;
 - e. is for security infrastructure, including bollards, planters and other physical structures designed to protect life and property from acts of terror or mass violence.

The Act requires that DDC utilize a two-step procurement process for design-build contracts; a request for qualifications and then a request for proposals to short-listed vendors. The Act also requires that DDC select the design-build proposal that provides the best value to the City, taking into consideration

the qualifications of the design-builder, the quality of the proposal, and the cost of the proposal. Design-build contracts awarded pursuant to the Act may be for a lump sum, guaranteed maximum price (“GMP”), or other price format.

Since the authorizing legislation was passed, DDC has initiated three separate Design Build programs; Borough Based Jails, Infrastructure Design-Build Pilot Program, and Public Buildings Design-Build Pilot Program. The Public Buildings portfolio has completed five procurements and is in the last stages of two additional procurements, estimated between \$15M to over \$30M.

III. RFEI OBJECTIVES

To allow Respondents and/or Vendors to contextualize the nature of the type of work envisaged, DDC Public Building has shaped this RFEI around the requirements for a potential upcoming project.

DDC is planning to build a new comfort station for the Department of Parks and Recreation in the Murphy Brothers Playground at the intersection of Avenue C and the FDR Drive. This Design Build project for Public Buildings will be coordinated with the East Side Coastal Resiliency Project (“ESCR”). As part of ESCR, Murphy Brothers Playground will be renovated with new ballfields, a dog run, grading, and landscaping.

DDC is in the process of developing an RFQ and a Request for Proposal (“RFP”) for the Murphy Brothers Comfort Station. DDC is also in the process of developing the project requirements, and it is anticipated that the value of the project will be less than \$5 Million. Because this project is significantly smaller than the previous projects in the Public Buildings pilot program for Design-Build, DDC is seeking feedback from the industry on adapting the current procurement process for smaller size projects. Guided by best practices promulgated by the Design-Build Institute of America (“DBIA”), DDC’s goal is to become an “owner of choice” for design-build projects of all sizes.

IV. SUBMISSION INSTRUCTIONS

1) Content Requirements:

- a) Expressions of Interest **MUST** include the following:
 - i) A completed copy of the RFEI Response Form attached to this RFEI as the cover sheet.
 - ii) A summary of Respondent’s background, qualifications and experience related to the services required for the program objectives described in **Section III** of this RFEI. This summary should include brief descriptions of Respondent’s past experience with smaller scale design-build projects, including Respondent’s experience as a design-builder, if any, and as an owner’s advisor or project management consultant on design-build projects.
 - iii) Approximate number of staff employed by Respondent in the tri-state area.
 - iv) Approximate average gross revenue for the prior three (3) years.
- b) Respondents are **ENCOURAGED**, but not required, to provide responses to the questions/topics listed in **Section V** and any other information that would be informative and responsive to this RFEI. Respondents may submit an Expression of Interest with the information requested in **sub-Section (a)**, above, without submitting any response to this **sub-Section (b)**.

- i) Respondents are not required to provide answers to all questions/topics listed in **Section V**, and may provide responses to some questions/topics and forego others.
- ii) Respondents are requested to limit the use of logos and identifying graphics in responding to **Section V** questions/topics.

2) Technical Submission Requirements:

- a) Responses should not exceed 10 pages total, exclusive of the RFEI response form attached to this RFEI, and responses must not exceed 25MB.
- b) Pages must be 8.5x11". Larger page sizes (8.5x14", 11x17", etc.) will be considered two (2) pages each.
- c) Responses to **Section IV(1)(a)**, above, should not exceed three (3) pages, total, exclusive of the RFEI Response Form.
- d) Responses should be in portable document format (PDF). Respondent's PDF file size should not exceed 25MB.
- e) The maximum size limit for emails submitted to the Point of Contact is 25MB. DDC's email system will automatically reject emails larger than 25MB.

3) How to Submit:

- a) **INQUIRIES:** Any inquiries related to this RFEI should be directed by email only, with the subject line "**Inquiry for Smaller Size DB Projects for PB RFEI**", to design_build@ddc.nyc.gov .

The deadline for submission of written Inquiries/Requests for Clarification is **October 28, 2022**. DDC will respond to the questions no later than November 2, 2022.

- b) **RESPONSE SUBMISSIONS:** Responses should be made to the points of Contact Via Email with the subject line "Submission for Smaller Size Design Build Projects RFEI". The submissions should be in PDF format and include the "RFEI Response Form" attached to this document.

The RFEI Submissions/Responses are due by November 7, 2022, at 4:00pm EST, to design_build@ddc.nyc.gov

V. QUESTIONS/TOPICS FOR RESPONDENTS

DDC requests ideas and suggestions with respect to Design Build services for smaller projects for **Division of Public Buildings**, including how best to structure the procurement (e.g., lump sum, GMP, etc.). This information will assist the agency in optimizing the development of its RFQ and RFP for the upcoming Murphy Brothers Comfort Station mentioned in this RFEI, as well as future small DB projects.

Respondents are encouraged, but not required, to respond to all topics.

- 1) Describe the Respondents experiences (if any) in proposing on smaller Design Build projects and/or programs for other agencies. Identify experiences of the procurement process, and those that the Respondent thought were/weren't beneficial from their perspective.
- 2) Describe Respondents approach to teaming on smaller DB projects.

- 3) Describe Respondent's approach to maximizing minority- and women- owned business enterprises ("MWBE") and disadvantage business enterprise ("DBE") participation in smaller design-build projects. Where the Respondent is an MWBE/DBE firm, what barriers do you see in proposing as PRIME on smaller DB projects?
- 4) Describe the Respondents expectations for the provision of Owners Project Requirements on smaller DB projects (e.g., design standards, template design, narrative or performance requirements, bridging documents etc.).
- 5) Does the respondent have ideas on how the RFQ/RFP process could be streamlined for smaller DB projects?
- 6) On larger DB procurements, DDC have been implementing a robust collaborative dialogue process. Describe Respondents expectations of engagement with DDC and the Project Sponsor during the procurement process for smaller DB projects. What engagement would be important to the Respondent and why?
- 7) If your response to the last section of this RFEI is that Respondent **DOES NOT** intend to submit a proposal. What factors would change your response to **DOES** intend to submit/participate?
- 8) Is there other information the Respondent wishes to communicate to DDC in connection with this RFEI?

VI. ADDITIONAL INFORMATION

- 1) This RFEI does not commit DDC to any specific form of procurement or delivery method.
- 2) This RFEI does not initiate a formal procurement or represent a commitment to issue an RFQ or an RFP.
- 3) Participation in this RFEI is not a requirement for participation in any future solicitation that DDC may undertake.
- 4) Participation in this RFEI as a respondent or otherwise will not provide participants with any advantage or disadvantage in any future RFQ or RFP. Responses, or lack thereof, will not be considered in any evaluation process for future solicitations.
- 5) DDC does not intend to grant or issue any agreements on the basis of this RFEI.
- 6) Respondents to this RFEI will not be deemed proposers for any project or solicitation by virtue of participating in this RFEI.
- 7) DDC, the City and their officials, officers, agents, and employees make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFEI.
- 8) Neither DDC nor the City shall be liable for any costs incurred by any Respondent in the preparation, submittal, presentation, clarification, or revision of its submission.

- 9) Neither DDC nor the City shall be obligated to pay and shall not pay any costs in connection with the preparation of such submissions.
- 10) DDC at its sole discretion reserves, without limitation, the right to:
- a. Withdraw the RFEI at any time;
 - b. Not to issue any RFQ or RFP;
 - c. To discuss various approaches with one or more respondents (including parties not responding to the RFEI);
 - d. Use the ideas and/or submissions in any manner deemed to be in the best interests of DDC and the City, including but not limited to soliciting competitive submissions relating to such ideas or proposals and/or undertake the prescribed work in a manner other than that which is set forth herein; and
 - e. Change any terms of the RFEI.
- 11) All submissions shall become the property of DDC and the City and shall not be returned. Respondents acknowledge and understand that none of the information contained in the submissions shall be deemed confidential. Furthermore, information in the submissions will likely be shared with other governmental entities. Therefore, Respondents should not submit any information deemed to be proprietary information.
- 12) DDC is subject to the New York State Freedom of Information Law, which governs the process for the public disclosure of certain records maintained by DDC. (See New York State Public Officers Law, Sections 87 and 89.) Individuals or firms that submit materials to DDC may request that DDC except all or part of such materials from public disclosure, on the grounds that the materials contain trade secrets, proprietary information, or that the information, if disclosed, would cause substantial injury to the competitive position of the individual or firm submitting the information. Such exception may extend to information contained in the request itself, if public disclosure would defeat the purpose for which the exception is sought. The request for such an exception must be in writing and state, in detail, the specific reasons for the requested exception. It must also specify the materials or portions thereof for which the exception is requested. This characterization shall not be determinative but will be considered by DDC when evaluating the applicability of any exemptions in response to a FOIL request.

RFEI RESPONSE FORM

Please complete this form upon review of the RFEI. The completed form should be included as a cover page to Respondent's submission. Responses must be emailed to the address below no later than **4:00 PM** on **November 7, 2022**.

Jennifer Vega, Deputy Director, Design Build
design_build@ddc.nyc.gov
New York City Department of Design and Construction

In the event that DDC issues an RFQ and subsequent RFP(s) for the Design-Build services described in this RFEI:

_____ Respondent **DOES** intend to respond to RFQ as a **PRIME** Design Builder.

_____ Respondent **DOES** intend to participate as a **SUBCONSULTANT OR SUBCONTRACTOR to a PRIME Design Builder.**

_____ Respondent **DOES NOT** intend to respond to an RFQ for the following reasons:

Name and Address of Respondent:

Name: _____

Address: _____

City, State, Zip: _____

Phone Number: _____

E-mail Address: _____

Contact Name, Title: _____