

Michael W. Bloomberg
Mayor

The City of New York
Department of Transportation
Division of Bridges

Janette Sadik-Khan
Commissioner

REQUEST FOR PROPOSALS

FOR

**DESIGN, CONSTRUCTION AND CONSTRUCTION SUPPORT SERVICES
FOR THE REHABILITATION OF THE NORTHBOUND AND SOUTHBOUND
BRUCKNER EXPRESSWAY BRIDGES OVER CSX AND AMTRAK**

BIN'S 2-07535-2 AND 2-07535-1

BOROUGH OF THE BRONX

CONTRACT NO.: HBX1123

PIN: 84107BXBR171

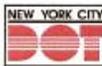
RELEASE DATE OF THE RFP: September 27, 2007

ANTICIPATED CONTRACT TERM: 730 consecutive calendar days (CCDs) from the date of written Notice to Proceed to the date of contract close-out

AUTHORIZED AGENCY CONTACT PERSON

Proposers are advised that the Authorized Agency Contact Person for all matters concerning this Request for Proposals is:

Richard Solomon
Project Manager
2 Rector Street, 7th Floor
New York, NY 10006
Telephone: (212) 442-7346
Fax: (212) 788-1911



**New York City
Department of Transportation**

Janette Sadik-Khan, Commissioner

Division of Bridges
2 Rector Street – 7th Floor
New York, New York 10006
Tel: 212/442-7346
Fax: 212/788-1911

Web: www.nyc.gov/dot

September 27, 2007

Re: Request for Proposals in Connection with the
Design, Construction and Construction Support Services for the
Rehabilitation of the Northbound and Southbound Bruckner Expressway Bridges
over CSX and Amtrak Railroads, Borough of the Bronx
Contract No. HBX1123
PIN 84107BXHR171

To Whom It May Concern:

I am pleased to invite your organization to submit a proposal for Design Build Services to assist the Division of Bridges with its Capital Infrastructure Improvement Program. Specifically, the proposal will be for design, construction and construction support services in connection with the above noted contract.

Please be advised that a Pre-Proposal Conference has been scheduled for **October 11, 2007** at 10:00 AM at 2 Rector Street, 8th Floor Conference Room. Due to limited space, please RSVP the number of representatives who will be attending.

Enclosed for your use in developing your proposal is a set of forms with instructions for the above-referenced project. Be further advised that the selected proposer should not subcontract more than 49% of the contract work. **Schedule B: Subcontractor Utilization Plan must be submitted in a separate sealed envelope along with the technical proposal.** You should follow the submittal instructions carefully.

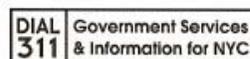
You should hand deliver your proposal, as indicated in Section IV of the RFP, to the **NYC Department of Transportation, Contract Section, 8th Floor - Room 824A, 40 Worth Street, New York, New York 10013 on or before November 30, 2007 between the hours of 9:00am and 2:00pm only on business days.**

In order that we can expeditiously disseminate additional information regarding this RFP, please complete the attached "**ACKNOWLEDGEMENT OF RECEIPT OF REQUEST FOR PROPOSALS FORM**" and return to Richard Solomon within 48 Hours of receipt of this RFP by Fax: (212) 788-1911.

If you have any questions concerning this invitation please call (212) 442-7346.

Very truly yours,

Richard Solomon
Project Manager
Design Build/Emergency Contracts



ACKNOWLEDGEMENT OF RECEIPT OF REQUEST FOR PROPOSALS

**WE STRONGLY RECOMMEND THAT YOU FAX THIS SHEET TO US TO ENSURE THAT YOU RECEIVE ALL
FUTURE ADDENDA
ATTN.: Richard Solomon - FAX: (212) 788-1911**

WE WILL PARTICIPATE IN THE RFP - SEND ANY TECHNICAL ADDENDA TO THE CONTACT PERSON LISTED BELOW:

Consultant:			
Address:			
City	State	ZIP	
Contact Person:	Phone #:	Fax #	Email:
RFP Contract Number: Contract No. HBX1123 , PIN 84107BXBR171			
RFP Contract Title: Design, Construction and Construction Support Services in connection with the Rehabilitation of the Northbound and Southbound Bruckner Expressway Bridges over CSX and Amtrak Railroad, Borough of the Bronx.			

OR

WE DO NOT PLAN TO SUBMIT A PROPOSAL, BECAUSE (Please check as many as apply).

Please check **all** the reasons that apply and return this form to **Richard Solomon** by
Fax: (212) 788-1911; Email:rsolomon@dot.nyc.gov.

- 1) Size of this contract is not within the interest of consultant.
- 2) Consultant had an insufficient amount of time to prepare proposal. (Please give the date that the Consultant acquired RFP and any other pertinent information.)
- 3) Contract work not within the specialty of the Consultant. (Please cite Consultant's area of specialty.)
- 4) Other. (Please explain in comment section below.)
- 5) Please remove me from your solicitation list.

Comments: (Please use additional sheets if necessary)

Signature

Title

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SECTION I - TIMETABLE

A. Release Date of the Request for Proposals:

September 27, 2007

All questions and requests for additional information concerning this Request for Proposals should be directed to **Richard Solomon**, Project Manager the Authorized Agency Contact Person at:

Telephone: (212) 442-7346

Fax: (212) 788-1911

Email: rsolomon@dot.nyc.gov

Proposers should submit questions no later than 5 working days prior to the proposal due date since the Agency may be unable to respond to questions received after that date.

B. Pre-Proposal Conference:

Date: October 11, 2007

Time: 10:30 AM

Location: 2 Rector Street, 8th Floor Conference Room, NY, NY 10006

Attendance by proposers is optional but recommended by the Agency. All questions and requests for additional information concerning the pre-proposal conference should be directed to the Authorized Agency Contact Person

C. Proposal Due Date and Time and Location:

- Technical Proposal (Open to all proposers)
Date: November 30, 2007
Time: 2:00 PM
Location: NYCDOT Contract Section, 40 Worth Street,
8th Floor, Room 824 A, New York, NY

Proposals should be hand delivered to NYCDOT Contract Section located at 40 Worth Street, 8th Floor, Room 824A, New York, New York 10013, between the hours of 9am-2pm only.

E-mailed or faxed proposals will not be accepted by the Agency.

Proposals received at this Location after the Proposal Due Date and Time are late and shall not be accepted by the Agency, except as provided under New York City's Procurement Policy Board Rules.

The Agency will consider requests made to the Authorized Agency Contact Person to extend the Proposal Due Date and Time prescribed above. However, unless the agency issues a written addendum to this RFP that extends the Proposal Due Date and Time for all proposers, the Proposal Due Date and Time prescribed above shall remain in effect.

SECTION II - SUMMARY OF THE REQUEST FOR PROPOSALS

A. Purpose of the RFP

The Department is seeking an appropriately qualified firm to perform Design, Construction and Construction Support Services for the complete reconstruction of the Southbound and Northbound of the Bruckner Expressway Bridges, borough of Bronx. The proposing entity (the "Company") may be a diversified construction company, a joint venture, or a design firm or construction company utilizing one or more appropriate sub-contractors.

NYCDOT will select a Design/Build Company (the "Company") through a RFP process. The selected Company may form a joint venture with other(s) and/or may use subcontractors' services to perform specialized tasks as required to complete the project. NYCDOT, Division of Bridges, will have an agreement with the selected Company as a single entity that will have the responsibility for providing/performing all of the tasks necessary to complete the project.

Part of this entity will be a Design Consultant firm (the "Consultant") and will be responsible for Design and Construction Support Services as described in the Agreement (See [Book 1](#) of 2 of the Request for Proposal, Agreement, Section 1.03). The Consultant shall perform and coordinate all design work and shall seek all appropriate approvals from New York City affected agencies/entities as needed for the completion of the design work.

Conversely, part of the entity will be a Construction firm (the "Contractor") and will perform the construction, based on the Consultant's approved design, and provide shop drawings as described in the Agreement (See [Book 1](#) of 2 of the Request for Proposal, Agreement, Section 1.03).

The Company shall coordinate and schedule design and construction activities so that the specified product is delivered in a timely manner.

The work to be performed under this contract calls for the complete reconstruction of the superstructure and rehabilitation of the abutments of the northbound and rehabilitation of the superstructure leaving in place the truss and floor beams and rehabilitation of the abutments of the southbound of the Bruckner Expressway Bridges, the Bronx. The project purpose is to rehabilitate or reconstruct the two bridges and provide a minimum of 50 years of service life (30 years for deck) for each structure.

Any company awarded, either as a Prime Consultant or Sub-Consultant, the Resident Engineering Inspection Services for the Rehabilitation of the Southbound and Northbound of Bruckner Expressway Bridges over CSX and Amtrak railroads, BIN's 2-08535 and 2-07535-2, Bronx, shall not be eligible for award of this Contract.

B. Anticipated Contract Term

1. It is anticipated that the term of the contract awarded from this Design/Build RFP will be **730** Consecutive Calendar Days from the date of written Notice to Proceed to the date of contract close-out
2. Anticipated Period of Design Term: 182 CCDs
3. Anticipated Period of Construction Term: 548 CCDs

C. Anticipated Payment Structure

It is anticipated that the payment structure of the contract awarded from this RFP will be a combination of a lump sum payment, performance outcome measures and related financial liquidated damages. However, the Department will consider proposals to structure payments in a different manner and reserves the right to select any payment structure that is in the City's best interest.

SECTION III : SCOPE OF SERVICES

A. Agency Goals and Objectives

The agency's goals and objectives are to expeditiously arrest the deterioration of the two bridges by reconstructing and rehabilitating the superstructures and the substructures respectively in order to extend their useful life to 50 years (30 years for deck).

B. Agency Assumptions Regarding Company Approach

The Department's assumptions regarding which approach will best achieve the goals and objectives set out above are described in the contract pages (the "Agreement"), included in [Book 1](#) of 2 of The Request For Proposal, Section 1.03, as well as in all Exhibits in [Book 2](#) of 2 of the Request for Proposal.

In addition, the Department will also consider the following qualifications:

Proposers whose firm(s) includes the following certifications:

- National Institute Certification for Engineering Technology (NICET) certified superintendents.
- Professional engineers licensed by the State of New York.
- Traffic Engineers Licensed by the State of New York.

Proposers that demonstrate the following relevant construction experience and qualifications:

- Prior relevant successful construction experience as the prime contractor for at least two bridges within the last 10 years, each of which was substantially completed prior to 2007 and had a construction cost of at least \$30 million.
- Prior experience working over railroads such as AMTRAK and CSX or any other railroad similar in size and scope.
- Employ at least three full-time superintendents that have supervised bridge reconstruction projects of \$30 million or greater, at least one of whom will be assigned full-time to this project.
- Availability of a regional office.

Proposers that demonstrate the following relevant consulting experience and qualifications:

- Prior relevant successful experience as the prime consultant for at least three bridge design projects, each of which had a construction cost of at least \$30 million, was completed within the last five years, and was managed by the regional office.
- Employ at least 30 full-time technical employees at regional offices.
- Employ at least 10 full-time bridge design engineers at regional offices.
- The attrition rate of the technical employees of the firm has not exceeded 20% annually over the last three years.
- At least 15% of the technical employees of the firm are licensed professional engineers.
- The average total relevant experience of the firm's licensed professional engineers is 8 years or more.
- The firm has adopted and published a QA/QC procedures manual.
- The firm has at least two CADD stations and at least two trained CADD operators on staff to provide CADD drawings.

Proposers that demonstrate the following relevant design/build experience and Qualifications:

- The firm includes at least 3 traffic engineers, at least 2 of whom have relevant experience with projects located in high traffic volume areas similar to NYC.
- The firms have at least 2 engineers who are familiar with working over AMTRAK and/or CSX or any other railroad similar in size and scope.

C. Agency Assumptions Regarding Performance Outcome Measures and Liquidated Damages

The Department's assumptions regarding which performance outcome measures and related liquidated damages that will best assure that the selected proposer will perform the work under the contract awarded from this RFP in a manner that is cost-effective for the Department and most likely to achieve the Department's goals and objectives set forth above are described below. **The contract calls for the following liquidated damages**

- \$4,000 per day for each day the contractor fails to mobilize at the site past the pre-construction duration. The pre-construction duration is defined as the time frame from NTP to site mobilization and is 6 months for this contract.

- This will ensure timely site mobilization so that NYCDOT avoids the expenses associated with monitoring clearance over the tracks, costs to railroads due to their taller cars under the bridge and other managerial expenses. \$8,000 per day for each day the contractor fails to substantially complete the job pass the deferred construction duration of 548 consecutive calendar days. This will ensure timely completion of construction to avoid expenses associated with continued public and railroad inconvenience with DOT's supervision expenses including extended REI services.
- \$350 per minute for each minute of late roadway opening or earlier roadway closure from the times identified in the traffic stipulations of this contract; as such stipulations have been established by OCMC.

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

This procurement is subject to the Minority-Owned and Women-Owned Business Enterprise (“M/WBE”) program created by Local Law No. 129 of 2005, which added Section 6-129 to the Administrative Code of the City of New York. The requirements of M/WBE participation and goals for this procurement are set forth in Appendix H - Minority/Women Business Enterprise Program/Schedule B. The selected proposer must comply with all M/WBE requirements in this procurement and the subsequent negotiated Contract. The participation goals established for this contract are set forth on Attachment H. M/WBE firms must be certified by the Department of Small Business Services (“DSBS”) to be eligible for participation. Such certification must occur prior to the firms’ commencement of work as subcontractors. A list of M/WBE firms may be obtained from the DSBS website at www.nyc.gov/getcertified, by e-mailing mwbe@sbs.nyc.gov or lbe@sbs.nyc.gov, by calling the DSBS certification hotline at (212) 513-6311, or by visiting or writing DSBS at 110 William Street, New York, New York 10038, 7th Floor. Eligible firms that have not yet been certified may contact DSBS (as indicated above) in order to seek certification.

NOTE: Proposers who intend to subcontract laboratory services to M/WBE firm(s) shall include such services in Schedule B, provided the dollar amount intended to be subcontracted is under \$1 million for each subcontract. The agency shall consider such subcontract(s) as part of the proposers’ utilization plan.

Rejection of the Proposal

The proposer must fully complete the Subcontractor Utilization Plan set forth in Section VII, Attachment H. Proposals that do not include a completed Subcontractor Utilization Plan will be deemed to be non-responsive, unless a full or partial waiver of the Target Subcontracting Percentage is granted. In the event that the proposer does not intend to award the Target Subcontracting Percentage, the proposal will be deemed to be non-responsive, unless the Agency has granted a waiver if the target Subcontracting Percentage (Subcontractor Utilization Plan, Part III).

For additional information on the requirements of the M/WBE participation for this procurement, please refer to Section VII Appendix H – Notice to All Prospective Contractors / Schedule B.

E. PERFORMANCE AND PAYMENT BOND REQUIREMENTS

The successful proposer shall be required to secure performance and payment bonds in an amount equal to 100% of the value of the work in connection with the resultant contract. The performance and payment bonds shall be secured from a Surety Company authorized to do business in the State of New York. The procurement of the performance and payment bonds is a condition precedent to the execution of the resultant contract.

***Please note that all Insurance must be maintained during performance and up to final acceptance of the contract work. The types and amounts of insurance required by the City are fully described in the Agreement (Section 1.03, Book 1 of 2 of the RFP) and Schedule A (See Book 1 of 2, Section 1.05.3).**

SECTION IV: FORMAT AND CONTENT OF THE PROPOSAL

Instructions: Proposers should provide all information required in the format below. The proposal should be typed on both sides of 8 1/2" X 11" paper. The City of New York requests that all proposals be submitted on paper with no less than 30% postconsumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>). Pages should be paginated.

The Proposal package should consist of individually sealed components as listed in Section IV - B. Proposal Package Contents ("Checklist"), each bound in an 8 1/2" x 11" plastic spiral binding. The cover should be hard cardboard or laminated plastic, the cover should feature the name of the responding firm(s) and the contract name and number. Responses should be typed using 12 point font. Responses on pre-printed forms should be no smaller than 8 point font, and then only when necessary. The response may include a one page bound transmittal letter, which summarizes the respondent's understanding of the project and its ability to successfully accomplish the job.

The proposal will be evaluated on the basis of its content, not length. Failure to comply with any of these instructions will not make the proposal non-responsive.

In response to this RFP, All Propers should provide information required in STEP I of Proposal Format listed below:

A. Proposal Format

STEP I:.....(APPLICABLE TO ALL PROPOSERS)

Technical Proposal

(Please refer to Section IV - B - STEP I: Technical Proposal Package Contents ("Checklist"))

- **Proposal Cover Letter**
The Proposal Cover Letter form (**Attachment A**) transmits the proposer's Proposal Package to the Department. It should be completed, signed and dated by an authorized representative of the proposer.
- **Technical Proposal**
The technical proposal is a clear, concise narrative that addresses the criteria outlined in **Appendix B**.
- **Form 1**
- **Acknowledgment of Addenda/Step I**

The Acknowledgment of Addenda / Step I form (**Appendix C**) serves as the proposer's acknowledgment of the receipt of addenda to this RFP which may have been issued by the Department prior to the Technical Proposal Due Date and Time. The proposer should complete this form as instructed on the form.

- **Affirmation (Appendix D)**
- **Schedule B:** Subcontractor Utilization Plan must be submitted in a separate sealed envelope along with the technical proposal. (**Appendix H**)
 - a) – **Schedule B for Construction Utilization**
 - b) – **Schedule B for Design and Construction Support Services Utilization**

STEP II: APPLICABLE ONLY TO SHORT LISTED PROPOSERS
See Step II of the Section V: Evaluation Procedures

Price Proposal

(Please refer to Section IV: B - STEP II Price Proposal Package Contents (“Checklist”))

- **Price Proposal** - The Price Proposal comprises of section 1.02 of [Book 1](#) outlined in Appendix E
- **Progress Payment Schedule** - outlined in Appendix E
- **Acknowledgment of Addenda** (Appendix F)

- **Performance Outcome Measures and Financial Incentives and/or Disincentives**
List and describe outcome measures of the work to be performed by the proposer under the contract and the related financial incentives and/or disincentives that could potentially be applied to the contract, in whole or in part, as a reliable means for measuring and paying for success, as described in the “Scope of Services” section of the RFP. The Department’s assumptions regarding performance outcome measures and related financial incentives and/or disincentives represent what the Department believes to be the best approach. However, proposers are encouraged to propose measures, incentives and disincentives which they believe will best achieve the Department’s goals and objectives in a cost-effective manner. While the proposer’s proposed performance outcome measures and related financial incentives and/or disincentives will not be scored by the Department’s Evaluation Committee, they may be considered by the Department in awarding the contract and structuring its payments to contractors.

B. Proposal Package Contents (“Checklist”)

STEP I. Technical Proposal Package Contents (“Checklist”)

Proposers should utilize this section as a “checklist” to assure completeness prior to submitting their proposal to the Department.

A sealed inner envelope labeled “Technical Proposal” containing one original set and the stated number (in the parentheses, if any) of duplicate sets of the documents listed below in the following order:

- Proposal Cover Letter Form (**Attachment A**)
- Technical Proposal: Narrative and any drawings the proposer may deem appropriate in response to the guidelines of **Appendix B** (6 copies).
- Form 1 (6 copies)
- Acknowledgment of Addenda (**Appendix C**)
- Affirmation (**Appendix D**)
- Schedule B: Subcontractor Utilization Plan must be submitted in a separate sealed envelope along with the technical proposal. (**Appendix H**)

A sealed outer envelope, enclosing the sealed inner envelope:

Address all packages, outer envelopes or wrappers as follows:

Proposer's Name Address	NYCDOT Contract Section 40 Worth Street 8th Floor, Room 824A New York, New York 10013
PIN 84107BXBR171 CONTRACT NO. HBX1123 DESIGN, CONSTRUCTION AND CONSTRUCTION SUPPORT SERVICES FOR THE REHABILITATION OF THE NORTHBOUND AND SOUTHBOUND BRUCKNER EXPRESSWAY BRIDGES OVER CSX AND AMTRAK BOROUGH OF THE BRONX PROPOSAL SUBMISSION DEADLINE IS <u>November 30, 2007</u> NO LATER THAN 2:00 PM	

STEP II Price Proposal Package Contents (“Checklist”)

The package should be sealed in a manner similar to the Technical Proposal Package and contain the items identified in Appendix E, as follows:

- Price Proposal – Section 1.02, [Book 1](#) of 2 of the RFP (only 1 original)
- Acknowledgement of Addenda (Appendix F)

SECTION V: PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES

A. Evaluation Procedures

All Technical Proposals accepted by the Agency will be reviewed to determine whether they are responsive or non-responsive to the requisites of this RFP. Proposals that are determined by the agency to be non-responsive will be rejected. The Agency's Evaluation Committee will evaluate and rate all responsive proposals based on the Evaluation Criteria prescribed below.

The following two (2) step selection process will be used:

STEP I - Submission of Technical Proposal and establishment of a Short List of Qualified Proposers

Proposers are to submit by the applicable due date and time prescribed in the RFP (See Section I - Timetable), a Technical Proposal that addresses the information requested in Appendix B - and Form 1.

B. Evaluation Criteria

Evaluation of Technical Proposal

The Evaluation Committee will rate all responsive Technical Proposals pursuant to the following criteria:

1. Demonstrated level of organizational capability; Quantity and quality of firm's and staff's relevant successful consultant experience; Quantity and quality of firm's and staff's relevant successful construction experience; Quantity and quality of successful relevant experience of key personnel	12%
2. Demonstrated effectiveness of firm's quality assurance and quality control procedures; Design approvals; design quality; and quality control	8%
3. Constructability, problems during construction, long term maintenance considerations	20%
4. Quality of MPT, staging and impact.	15%
5. Railroad Coordination, issues and proposed solutions.	15%
6. Schedule and Company's ability to adhere to schedule based on demonstrated level of Company's resources	15%
7. Demonstrated effectiveness of firm's safety program. Specific project issues related to safety and proposed pro-active plan to avoid accidents	15%
	<u>100%</u>

Establishment of a "Short-List" based on Technical Proposals

Upon completion of the evaluation of the Technical Proposal, proposers will be ranked in descending order of score. A "short-list" of only those proposers who submit highly relevant and acceptable proposals with better than adequate understanding of approach and innovativeness in most project areas, which have scored 80% or higher, will be established. Proposers not included on the "short-list" will not be further considered.

- All proposers will be notified in writing as to whether or not they are included on the "short-list".

Upon completion of the evaluation of Technical Proposals, each short listed proposer will be invited to make an oral presentation in support of their proposal to the Evaluation Committee. As a result of a proposer's oral presentation, the Evaluation Committee may request that a proposer submit written clarifications to their proposal. Subsequent to any such presentations, the Evaluation Committee will prepare revised rating sheets.

Based upon the information provided at the oral presentations and, where applicable, written clarifications to technical proposals, the Evaluation Committee will have the opportunity to revise the proposers' Technical Scores, as appropriate. Proposers will then be re-ranked in descending order based on their final Technical Scores.

STEP II – Submission of Price Proposals

Proposers whose proposals are included on the “short list” will submit, by the due date and time requested by DOT, a Price Proposal that addresses the information requested in Appendix E. Each Price Proposal for the short listed proposers will be opened and reviewed by the evaluation committee to determine whether it is responsive or non-responsive. Price Proposals determined to be non-responsive will be eliminated from further consideration.

Following analysis of the responsive price proposals by the selection committee, a price per technical point value for each short listed firm will be determined by dividing each proposed price by their corresponding final rating. The proposer that offers the lowest price per technical point will be recommended for award and invited for contract negotiations.

The final selection will be made of that proposal which is deemed to be most advantageous to the city.

In the event that the agency has chosen to negotiate a fair and reasonable price with the proposer that offers the lowest price per technical point, if such a fee is not successfully negotiated, the agency may conclude such negotiations, and enter into negotiations with the next proposer(s) that offers the lowest price per technical point, as necessary.

Although discussions may be conducted with proposers submitting acceptable proposals, the Agency reserves the right to award contract on the basis of initial proposals received, without discussions. Therefore, the proposer’s initial proposal should contain its best technical and price terms.

C: Basis for Contract Award

A contract will be awarded to the responsible proposer whose proposal is determined to be the most advantageous to the City, taking into consideration the overall cost to the City and such other factors or criteria that are set forth in this RFP.

D: Conflict of Interest

- Any company awarded, either as a Prime Consultant or Sub-Consultant, the Resident Engineering Inspection Services for the Rehabilitation of the Southbound and Northbound of Bruckner Expressway Bridges over CSX and Amtrak railroads, BIN's 2-08535 and 2-07535-2, Bronx, shall not be eligible for award of this Contract.
- Further, the successful proposer (and its subconsultants) is prohibited from knowingly receiving any advice or discussing any aspect relating to this contract or the procurement of the Design Build contract with any person or entity with an organizational conflict of interest. It is the firm’s obligation to bring forth any conflict of interest that would prevent them from performing properly on this or the related Resident Engineering Inspection Services contract.

SECTION VI - GENERAL INFORMATION TO PROPOSERS

A. Complaints. The New York City Comptroller is charged with the audit of contracts in New York City. Any proposer who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 1005, New York, NY 10007; the telephone number is (212) 669-3173. In addition, the New York City Department of Investigation should be informed of such complaints at its Investigations Division, 80 Maiden Lane, New York, NY 10038; the telephone number is (212) 825-5959.

B. Applicable Laws. This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable provisions of New York State Law, the New York City Administrative Code, New York City Charter and New York City Procurement Policy Board (PPB) Rules. A copy of the PPB Rules may be obtained by contacting the PPB at (212) 788-0010.

C. General Contract Provisions. Contracts shall be subject to New York City's general contract provisions, is substantially the form that they appear in "Appendix A"- General Provisions Governing Contracts for Consultants, Professional and Technical Services' or , if the Agency utilizes other than the formal Appendix A, in substantially the form that they appear in the Agency's general contract provisions. If a copy of the applicable document is not attached, it is available through the Authorized Agency Contact Person.

D. Contract Award. Contract award is subject to each of the following applicable conditions: New York City Fair Share Criteria; New York City MacBride Principles Law; submission by the proposer of the New York City Department of Business Services/Division of Labor Services Employment Report and certification by that office; submission by the proposer of the requisite VENDEX Questionnaires/Certificate of No Change and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity; and Section 6-108.1 of the New York City Administrative Code relating to the Local Based Enterprises program and its implementation rules.

E. Proposer Appeal Rights. Pursuant to New York City's Procurement Policy Board Rules, proposers have the right to appeal agency non-responsiveness determinations and agency non-responsibility determinations and to protest an agency's determination regarding the solicitation or award of a contract.

F. Multi-Year Contracts. Multi-year contracts are subject to modification or cancellation if adequate funds are not appropriated to the agency to support continuation of performance in any City fiscal year succeeding the first fiscal year and/or if the contractor's performance is not satisfactory. The agency will notify the contractor as soon as is practicable that the funds are, or are not, available for the continuation of the multi-year contract for each succeeding City fiscal year. In the event of cancellation, the contractor will be reimbursed for those costs, if any, which are so provided for in the contract.

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

H. Prices Irrevocable. Prices proposed by the proposer shall be irrevocable until contract award, unless the proposal is withdrawn. Proposals may only be withdrawn by submitting a written request to the agency prior to contract award but after the expiration of 90 days after the opening of proposals. This shall not limit the discretion of the agency to request proposers to revise proposed prices through the submission of best and final offers and/or the conduct of negotiations.

I. Confidential, Proprietary Information or Trade Secrets. Proposers should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification of why such materials, upon request, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the proposal.

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

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

L. Charter Section 312(a) Certification.

The New York City Department of Transportation has determined that the contract to be awarded through this Request for Proposals (PIN 84107BXBR171) for Design, Construction and Construction Support Services in connection with the Rehabilitation of the Northbound and Southbound Bruckner Expressway Bridges over CSX and Amtrak Railroad in the Bronx will not directly result in the displacement of any New York City employee.

Agency Chief Contracting Officer

Date

**Message from the New York City Vendor Enrollment Center
Get on mailing lists for New York City contract opportunities!
Submit a NYC-FMS Vendor Application - Call 212/857-1680**

SECTION VII

ATTACHMENTS

1. ATTACHMENT A: PROPOSAL COVER LETTER
2. APPENDIX B: TECHNICAL PROPOSAL FORMAT
3. FORM 1: KEY PERSONNEL - DESIGN, CSS & CONSTRUCTION
4. APPENDIX C: ACKNOWLEDGMENT OF ADDENDA/STEP I
5. APPENDIX D: AFFIRMATION
6. APPENDIX E : PRICE PROPOSAL FORMAT
7. APPENDIX F: ACKNOWLEDGMENT OF ADDENDA/STEP II
8. APPENDIX G: VENDEX REQUIREMENTS & CONFIRMATION OF VENDEX COMPLIANCE
9. APPENDIX H: **M/WBE PROGRAM (LOCAL LAW 129)**
(To be submitted in a separate sealed envelope along with Technical Proposal)

Attachment A

PROPOSAL COVER LETTER

**Request for Proposals for Design, Construction and Construction Support Services
In Connection with
the Rehabilitation of the
NB and SB Bruckner Expressway Bridges over CSX and AMTRAK Railroad
Borough of the Bronx
Contract No. HBX1123 PIN 84107BXBR171**

Proposer:

Name: _____

Address: _____

Tax Identification #: _____

Proposer's Contact Person:

Name: _____

Title: _____

Telephone #: _____ **Fax #:** _____ **Email:** _____

Proposer's Authorized Representative:

Name: _____

Title: _____

Telephone #: _____ **Fax #:** _____ **Email:** _____

Signature: _____ **Date:** _____

Is the response printed on both sides, on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in the instructions to this solicitation?

Yes **No**

APPENDIX B

TECHNICAL PROPOSAL FORMAT

All proposers are requested to provide responses to each of the following criteria listed below as their Technical proposal.

1. ORGANIZATIONAL CHART

- Provide organization chart(s) that show(s) the functional structure of the Company and all major participants. Include the names of key personnel.
- Identify the legal structure of the Design/Build Company and/or consortium of firms. Describe the business experience of the firm(s) relative to the proposed project.
- Identify and document how suggested lines of authority, essential management function and proposed interaction of contractor, consultant and NYCDOT best serve: quality of design, quality of construction, communication with third parties (private utilities, community boards, AMTRAK, CSX and other city agencies, etc.)
- If significant changes to the organizational structure of the Company are planned for different phases of the project, separate charts should be provided for each phase. The rationale for such changes should be provided.

CONSULTANT EXPERIENCE

The Department will consider for the staff assigned to this project and for the Company as a whole:

- Bridge design experience
- Managerial experience on bridge design projects.
- Managerial experience on projects above \$30 million.
- CSS experience.
- References such as: Consultant Performance Evaluations records, statements of previous jobs.
- Familiarity with AMTRAK and CSX railroads.

CONTRACTOR EXPERIENCE

The Department will consider for the staff assigned to this project and for the Company as a whole:

- Bridge construction experience
- Bridge construction experience on a managerial level
- Bridge construction experience on projects \$30 million and above
- Number and magnitude of projects undertaken within the last five years
- Number of the above mentioned projects that finished within the expected construction duration as it was stated at the time of the bid; excepting unforeseen field conditions
- Number of the above mentioned projects that did not raise significant complaints from the community.
- Bridge construction experience over railroads' especially AMTRAK and CSX.
- Contractor performance evaluations record.

KEY PERSONNEL

Provide résumés for all individuals identified in Form 1, (Key Personnel – Design, CSS, and Construction), including their qualifications and experience. Only these résumés shall be evaluated for technical points. Provide a brief discussion that addresses the following:

Principal-in-Charge: Identify the person(s) who will be responsible for ensuring that adequate personnel and other resources are made available for this project; will handle contractual matters; and will be ultimately responsible for the quality and timeliness of the Company's performance. State that person's position and authority within the Company. Discuss previous similar projects for which this person has performed a similar function and identify total years of relevant experience.

Design Project Manager: State who will actively manage the design of this project. Identify any other projects that person may be involved with, and indicate time committed to each project. List recent similar projects for which this person has performed a comparable function. Discuss relevant experience, professional licenses, registrations, education and other qualifications applicable to this project.

Construction Support Service Manager: State who will actively manage the construction support of this project. Identify any other projects that person may be involved with, and indicate time committed to each project. List recent similar projects for which this person has performed a comparable function. Discuss relevant experience, professional licenses, registrations, education and other qualifications applicable to this project.

Design/CSS Engineer: A licensed engineer (P.E.) dedicated to this project is to be located at the field office from the day of site mobilization to the date of substantial completion

Construction Project Manager: State who will actively manage the construction of this project. Identify any projects that person will be involved with concurrently and time committed to each project. List recent similar projects for which this person has performed a comparable function. Discuss relevant experience, professional licenses, registrations, education and other qualifications applicable to this project. Individual should have at least three years of experience in the construction of similar projects.

Project Engineer(s), Superintendent(s): Identify other members of the project team including subconsultants/subcontractors that provide special expertise or will perform key tasks. Describe their anticipated roles and previous experience.

Quality Assurance / Quality Control Personnel: Identify Key Personnel for the QA/QC team, for design and construction phases, previous experience, and extent of anticipated involvement.

Note: The Design Project Manager, Construction Support Services Manager should devote at least 50% of their time exclusively to this project. Construction Project Manager and Project Superintendent(s) should devote 100% of his/her time to this project. Design / CSS engineer is also to devote 100% of his/her time to this project. The Company should also demonstrate how they would achieve continuity between the design and construction phases of the project.

2. QUALITY ASSURANCE/QUALITY CONTROL

- Identify the company's existing policies and procedures for Quality Assurance /Quality Control.
- Provide a copy of the Company's proposed Quality Assurance/Quality Control Procedures.
- List the previous experience of the team members involving design and construction Quality Assurance (QA) and Quality Control (QC) programs.
- Describe how the Company has structured the QA/QC function so as to ensure independent and professional QA/QC decisions and control.
- Show the Company's flowchart depicting shop drawings, quality assurance, and quality control procedures.
- Describe the anticipated role between the REI and QA/QC Personnel.

DESIGN APPROVAL, DESIGN QUALITY / QUALITY CONTROL

The proposers are to identify the required design approvals and their time frames as it relates to fabrication, site mobilization and execution of the construction work. Proposers must demonstrate how they will ensure design quality as well as quality control during product delivery.

3. CONSTRUCTABILITY, PROPOSED SCHEME, PROBLEMS DURING CONSTRUCTION, LONG TERM MAINTENANCE CONSIDERATIONS

Proposers are required to outline the advantages/disadvantages of their proposed scheme and the constructability issues it raises as well as a plan to address such issues. Considerations should be given but not limited to fabrication time-frames, delivery at the site and erection issues, placement of equipment, noise, etc. Finally proposers must elaborate on the anticipated maintenance considerations and costs associated to their scheme within the life cycle of the various bridge components.

4. QUALITY OF MPT, STAGING AND IMPACT

Proposers will be evaluated for the quality of their MPT. The MPT must be in compliance with all traffic stipulations outlined in this contract. Special consideration will be given to vehicular/pedestrian conflicts if any, and to the smooth transition of lanes and to the safety considerations as a result of the proposed scheme. The contractor's staging of operations must also be clearly outlined and the impact and duration of such staging to both traveling public and the railroads below must be explained. Proposers must demonstrate the effectiveness of their staging in terms of safety, impact and schedule.

5. RAILROAD COORDINATION, ISSUES AND PROPOSED SOLUTIONS

Proposers must outline the anticipated coordination with AMTRAK and CSX and elaborate on how their technical requirements affect the proposed scheme and the execution of work. They must also elaborate on the need for support services (flagmen, outages, etc.) from the railroads and explain the issues arising due to such considerations and the plan proposers have in place to address them. Last but not least, proposers are expected to describe in qualitative terms the extent of force account services needed (like required hours, required supervision personnel by AMTRAK and CSX) based on the specifics of their proposal and their prior experience with such railroads.

6. SCHEDULE AND COMPANY'S ABILITY TO ADHERE TO SCHEDULE BASED ON DEMONSTRATED LEVEL OF COMPANY'S RESOURCES

Proposers must demonstrate through the submittal of a detailed CPM schedule their ability to deliver the project within the identified contract and construction time-frames. The completeness and logical flow of such CPM schedule will be evaluated in order to establish the proposers ability to achieve its time frames. The schedule will be evaluated on the Company's ability to adhere to the schedule based on demonstrated level of the Company's resources.

- Demonstrate that the Company has been (or will be) properly formed and has (or will have) due power to enter into the Design/Build contract. Describe the entity, which will enter into the contract, indicating key personnel of the Company and his/her legally binding relationship with the contracting entity. If the contracting entity is already formed, provide copies of the organizational documents. If the contracting entity is not yet formed, provide a letter of agreement signed by the members of the Company who will have ownership interest, setting forth their intention to enter into appropriate documentation to form the entity.
- Indicate the financial resources that will be made available and from what source to perform the work for the project. Demonstrate that appropriate financial resources will be committed to perform the work.
- What method does the Company have in place for addressing claims, contract modifications and schedule recovery to maintain the completion date?
- Furnish examples of projects in which the major participants have completed their task ahead of schedule and/or below budget, including an explanation of how this was accomplished. Also examples of projects over railroads especially AMTRAK and CSX.
- Discuss quantitatively how this project would impact the current and anticipated workload of the offices performing this work. If staff increases will be necessary, discuss in which areas and how that would be accomplished.
- Identify the Design/Build Company's expected community involvement.
- Identify previous projects in which members of the team have worked together.

7. **SAFETY PROGRAM**

- Provide an overview of the Company's safety program.
- Provide documentation of the past 5 years safety record on all construction projects (i.e. OSHA citations-list circumstances and outcome, etc.) in the New York Metropolitan area (75 miles from Columbus Circle).
- List OSHA-rated qualified persons who will be assigned to the project.
- List individuals holding First Aid certification who will be assigned to the project.
- Submit résumé of the Company's Safety Officer.
- Provide a pro-active plan to avoid accidents on this project.

3.

DESIGN

	Name	Consultant Firm	% time committed to project
Principal -In-Charge	_____	_____	_____
Project Manager	_____	_____	_____
Quality Control Engineer	_____	_____	_____
Project Engineer(s)	_____	_____	_____
Structural	_____	_____	_____
Utilities	_____	_____	_____
MPT	_____	_____	_____
Community Outreach*	_____	_____	_____

No firm, organization or individuals named as part of the Company and whose experience the company relies upon to support its application for qualifications, can be a member of any other Company proposing on this project, excluding those positions marked with an asterisk (*).

Individuals may have dual roles.

4.

CONSTRUCTION SUPPORT SERVICES

	Name	Consultant Firm	% time committed to project
Principal -In-Charge	_____	_____	_____
Project Manager	_____	_____	_____
Project Engineer	_____	_____	_____
(To be dedicated at the site upon mobilization)			

5.

CONSTRUCTION

	Name	Construction Firm	% time committed to project
Principal -In-Charge	_____	_____	_____
Project Manager	_____	_____	_____
Project Superintendent(s)	_____	_____	_____
	_____	_____	_____
Quality Control	_____	_____	_____

APPENDIX C

ACKNOWLEDGMENT OF ADDENDA/STEP I

NOTE: This page must be submitted with the Technical Proposal of the RFP.

RFP TITLE: _____

PIN: _____

Directions: Complete Part I or Part II, whichever is applicable, and sign your name in Part III.

Part I

Listed below are the dates of issue for each Addendum received in connection with this RFP:

Addendum # 1, Dated: _____

Addendum # 2, Dated _____

Addendum # 3, Dated _____

Addendum # 4, Dated _____

Addendum # 5, Dated _____

Addendum # 6, Dated _____

Addendum # 7, Dated _____

Addendum # 8, Dated _____

Addendum # 9, Dated _____

Addendum #10, Dated _____

Part II Acknowledgement of No Receipt

_____ No Addendum was received in connection with this RFP.

Part III

Proposer's Name: _____

Proposer's Authorized Representative:

Name: _____

Title: _____

Signature: _____

Date: _____

APPENDIX D

AFFIRMATION

The undersigned proposer or bidder affirms and declares that said proposer or bidder is not in arrears to the City of New York upon debt, contract or taxes and is not a defaulter, as surety or otherwise, upon obligation to the City of New York, and has not been declared not responsible, or disqualified, by any agency of the City of New York, nor is there any proceeding pending relating to the responsibility or qualification of the proposer or bidder to receive public contracts

Except _____

Full Name of Proposer or Bidder

Address

City State Zip Code

Check below and include appropriate number:

____ Individual or Sole Proprietorship *
Social Security Number ___ - ___ - ___ - ___ - ___

____ Partnership, Joint Venture or unincorporated company
Employer Identification Number ___ - ___ - ___ - ___ - ___

____ Corporation
Employer Identification Number ___ - ___ - ___ - ___ - ___

If a corporation, place seal here:

by Signature _____

Print Name _____

Title _____

Must be signed by an officer or duly authorized representative.

* Under the Federal Privacy Act the furnishing of Social Security Numbers by bidders on City contracts is voluntary. Failure to provide a Social Security Number will not result in a bidder's disqualification. Social Security Numbers will be used to identify bidders, proposers, or vendors to ensure their compliance with laws, to assist the City in enforcement of laws as well as to provide the City a means of identifying of businesses which seek City contracts.

APPENDIX E

PRICE PROPOSAL SHEET

Item No.	Item	Construction	CSS	Design	Dollars in Figures
1	Mobilization Cost (NTE 4%)				
2	Permits, Bonds, Insurances, and Upfront Coordination (NTE 6%)				
3	Allowance for Amtrak	\$3,500,000.00	-	\$500,000.00	\$4,000,000.00
4	Allowance for CSXT	\$2,300,000.00	-	\$200,000.00	\$2,500,000.00
5	Community Coordination				
BIN 2-07535-1					
6	Maintenance & Protection of Traffic				
7	Demolition				
8	Hauling and Disposal of Contaminated Excess Excavation/Concrete Demo Material Classified as Non-Hazardous, Non-Petroleum Industrial Waste (Assume 34 Cubic Yards)				
9	Hauling and Disposal of Contaminated Excess Excavation/Concrete Demo Material Classified as Non-Hazardous, Petroleum Contaminated Waste (4 Cubic Yards)				
10	Hauling and Disposal of Contaminated Excess Excavation/Concrete Demo Material Classified as Hazardous Waste (2 Cubic Yards)				
11	Substructure Rehabilitation				
12	Superstructure Steel Rehabilitation				
13	Superstructure (Including Deck, Parapets, & Sidewalk)				
14	Roadway/Approach Work				
15	Public Utility Work (Excludes Street Lighting)				
16	Street Lighting Work				
17	Bridge Painting				
18	Railroad Coordination				

BIN 2-07535-2					
19	Maintenance & Protection of Traffic				
20	Demolition				
21	Hauling and Disposal of Contaminated Excess Excavation/Concrete Demo Material Classified as Non-Hazardous, Non-Petroleum Industrial Waste (Assume 5 Cubic Yards)				
22	Hauling and Disposal of Contaminated Excess Excavation/Concrete Demo Material Classified as Non-Hazardous, Petroleum Contaminated Waste (40 Cubic Yards)				
23	Hauling and Disposal of Contaminated Excess Excavation/Concrete Demo Material Classified as Hazardous Waste (15 Cubic Yards)				
24	Substructure Rehabilitation				
25	Superstructure (Including Deck, Parapets, & Sidewalk)				
26	Roadway/Approach Work				
27	Public Utility Work (Excludes Street Lighting)				
28	Street Lighting Work				
29	Bridge Monitoring				
30	Railroad Coordination				
31	Engineer's Office/PC/Supplies				
32	Demobilization (Including Site Restoration)				
33	Incidental Repairs (Allowance)	\$1,000,000.00			\$1,000,000.00
34	Flag Repairs (Allowance)	\$500,000.00			\$500,000.00
Total					

APPENDIX F

ACKNOWLEDGMENT OF ADDENDA/STEP II

NOTE: This page must be submitted with the Price Proposal of the RFP.

RFP TITLE: _____

PIN: _____

Directions: Complete Part I or Part II, whichever is applicable, and sign your name in Part III.

Part I

Listed below are the dates of issue for each Addendum received in connection with this RFP:

Addendum # 1, Dated: _____

Addendum # 2, Dated _____

Addendum # 3, Dated _____

Addendum # 4, Dated _____

Addendum # 5, Dated _____

Addendum # 6, Dated _____

Addendum # 7, Dated _____

Addendum # 8, Dated _____

Addendum # 9, Dated _____

Addendum #10, Dated _____

Part II Acknowledgement of No Receipt

_____ No Addendum was received in connection with this RFP.

Part III

Proposer's Name: _____

Proposer's Authorized Representative:

Name: _____

Title: _____

Signature: _____

Date: _____

APPENDIX G

VENDEX Requirements

Pursuant to Section 6-112.2(b) of the New York City Administrative Code, all vendors that are under consideration for the award of a sole source contract or a contract valued at \$100,000 or more, or whose aggregate business with the City in the last 12 months, including the proposed contract, is \$100,000 or more, must complete and submit a VENDEX Business Entity or Not-For-Profit Organization Questionnaire when notified by the Agency. The principals and individuals thereof must also submit a Principal of Individual Questionnaire.

Upon selection, each successful proposer (including their subconsultants) will be required to submit proof of filing of the appropriate VENDEX Questionnaires. Upon written notification, the proposer must submit a Confirmation of VENDEX Compliance to the NYCDOT Vendor Responsibility Unit within five days of official notification.(Section VII, Attachment G). A form for this confirmation is set forth in the RFP.

The proposer is advised that VENDEX Questionnaires and procedures have changed. See www.nyc.gov/vendex to download the new VENDEX Questionnaires and a Vendor's Guide to VENDEX or contact NYCDOT's Vendor Responsibility Unit. at 212-442-7757.

(a) **Submission:** VENDEX Questionnaires (if required) must be submitted directly to the Mayor's Office of Contract Services, ATTN: VENDEX, 253 Broadway, 9th Floor, New York, New York 10007.

(b) **Requirement:** Pursuant to Administrative Code Section 6-116.2 and the PPB Rules, proposers may be obligated to complete and submit VENDEX Questionnaires. If required, Vendex Questionnaires must be completed and submitted before any award of contract may be made or before approval is given for a proposed subcontractor. Non-compliance with these submission requirements may result in the disqualification of the proposal, disapproval of a subcontractor, subsequent withdrawal of approval for the use of an approved subcontractor, or the cancellation of the contract after award.

APPENDIX G

CONFIRMATION OF VENDEX COMPLIANCE
--

The Proposer (including its subconsultant) shall submit this Confirmation of VENDEX Compliance

Name of Proposer: _____

Proposer's Address: _____

Proposer's Telephone Number: _____

Proposer's Fax Number: _____

Date of Proposal Submission: _____

Project ID: _____

VENDEX Compliance: To demonstrate compliance with VENDEX requirements, the Proposer shall complete either Section (1) or Section (2) below, whichever applies.

- (1) **Submission of Questionnaires to MOC:** By signing in the space provided below, the Proposer certifies that as of the date specified below, the Proposer has submitted VENDEX Questionnaires to the Mayor's Office of Contract Services, Attn: VENDEX, 253 Broadway, 9th Floor, New York, New York 10007.

Date of Submission: _____

By: _____
(Signature of Partner or corporate officer)

Print Name: _____

- (2) **Submission of Certification of No Change to NYCDOT:** By signing in the space provided below, the Proposer certifies that it has read the instructions in a "Vendor's Guide to VENDEX" and that such instructions do not require the Proposer to submit VENDEX Questionnaires. The Proposer has completed **TWO ORIGINALS** of the Certification of No Change.

By: _____
(Signature of Partner or corporate officer)

Print Name: _____

APPENDIX H

MINORITY/WOMEN BUSINESS OWNED ENTERPRISES PROGRAM

1. NOTICE TO ALL PROSPECTIVE CONTRACTORS (4 Pages)

2. SCHEDULE B - SUBCONTRACTOR UTILIZATION PLAN

(To be submitted as part of Technical Proposal)

a) – Schedule B for Construction Utilization

b) – Schedule B for Design and Construction Support Services Utilization

PART I: AGENCY'S TARGET

(To be completed by NYCDOT)

PART II: BIDDER/PROPOSER SUBCONTRACTING PLAN

(pages 2 and 3 to be completed by Design/Build Company)

PART III: REQUEST FOR WAIVER OF TARGET SUBCONTRACTING PERCENTAGE

(page 4, if applicable, to be submitted no later than 7 days prior to the proposal due date by the Design/Build Company)

NOTICE TO ALL PROSPECTIVE CONTRACTORS

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

ARTICLE I. M/WBE PROGRAM

Local Law No. 129 of 2005 added Section 6-129 to the Administrative Code of the City of New York. The local law creates a program for participation by minority-owned and women-owned business enterprises (MBEs and WBEs) in City procurement. As stated in the Section 6-129, the intent of the program is to address the impact of discrimination on the City's procurement process, and to promote the public interest in avoiding fraud and favoritism in the procurement process, increasing competition for City business, and lowering contract costs. The contract provisions contained herein are made pursuant to Local Law 129, and the rules of the Department of Small Business Services ("DSBS") promulgated thereunder.

If this Contract is subject to the Minority-Owned and Women-Owned Business Enterprise ("M/WBE") program created by Local Law 129, the specific requirements of M/WBE participation for this Contract are set forth in Schedule B of the Contract (entitled the "Subcontractor Utilization Plan"), and are detailed below.

The Contractor must comply with all applicable M/WBE requirements for this Contract.

Article I, Part A, below, sets forth provisions related to the participation goals for construction and professional services contracts.

Article I, Part B, below, sets forth miscellaneous provisions related to the M/WBE program.

PART A

PARTICIPATION GOALS FOR CONSTRUCTION AND PROFESSIONAL SERVICES CONTRACTS

1. The **Target Subcontracting Percentage** applicable to this Contract is set forth on Schedule B, Part I to this Contract (see Page 1, line (1)).

The "**Target Subcontracting Percentage**" is the percentage of the total Contract which Agency anticipates that the prime contractor for this Contract would in the normal course of business award to one or more subcontractors for amounts under \$1 million for construction and professional services.

A prospective contractor may seek a full or partial pre-award waiver of the **Target Subcontracting Percentage** in accordance with Local Law 129 and Part A, Section 10 below. To apply for the a full or partial waiver of the **Target Subcontracting Percentage**, a prospective contractor must complete Part III (Page 4) of Schedule B, and must submit such request no later than seven (7) days prior to the date and time the bids or proposals are due, in writing to the Agency by e-mail at zrasool@dot.nyc.gov or via facsimile at (212) 442-7449. Bidders/proposers who have submitted requests will receive a response by no later than two (2) calendar days prior to the date bids or proposals are due, provided, however, that if that date would fall on a weekend or holiday, a response will be provided by close-of-business on the business day before such weekend or holiday date.

2. The **Subcontractor Participation Goals** established for this Contract are set forth on Schedule B, Part I to this Contract (see Page 1, line (2) and/or line (3)).

The **Subcontractor Participation Goals** represent a percentage of the total dollar value of all construction and/or professional services subcontracts under this Agreement for amounts under \$1 million.

3. If **Subcontractor Participation Goals** have been established for this Contract, Contractor agrees or shall agree as a material term of the Agreement that, with respect to the total amount of the Agreement to be awarded to one or more subcontractors pursuant to subcontracts for amounts under \$1 million, Contractor shall be subject to the Subcontractor Participation Goals, unless the goals are modified by Agency in accordance with Local Law 129 and Part A, Section 11 below.

4. If **Subcontractor Participation Goals** have been established for this Contract, a prospective contractor shall be required to submit with its bid or proposal, as applicable, a completed Schedule B, Part II Subcontractor Utilization Plan (see Page 2-3) indicating: (a) the percentage of work it intends to subcontract; (b) the percentage of work it intends to award to subcontractors for amounts under \$1 million; (c) in cases where the prospective contractor intends to award subcontracts for amounts under \$1 million, a description of the type and dollar value of work designated for participation by MBEs and/or WBEs; and (d) the general time frames in which such work by MBEs and/or WBEs is scheduled to occur. In the event that this Subcontractor Utilization Plan indicates that the bidder or proposer, as applicable, does not intend to award the **Target Subcontracting Percentage**, the bid or proposal, as applicable, shall be deemed non-responsive, unless Agency has granted the bidder or proposer, as applicable, a pre-award waiver of the **Target Subcontracting Percentage** in accordance with Local Law 129 and Part A, Section 10 below.

THE BIDDER/PROPOSER MUST FULLY COMPLETE THE SUBCONTRACTOR UTILIZATION PLAN INCLUDED HEREIN (SCHEDULE B, PART II). BIDS/PROPOSALS WHICH DO NOT INCLUDE A COMPLETED SUBCONTRACTOR UTILIZATION PLAN WILL BE DEEMED TO BE NON-RESPONSIVE, UNLESS A FULL WAIVER OF THE TARGET SUBCONTRACTING PERCENTAGE IS GRANTED (SCHEDULE B, PART III). IN THE EVENT THAT THE SUBCONTRACTOR UTILIZATION PLAN (SCHEDULE B, PART II) INDICATES THAT THE BIDDER/PROPOSER DOES NOT INTEND TO AWARD THE TARGET SUBCONTRACTING PERCENTAGE, THE BID/PROPOSAL WILL BE DEEMED TO BE NON-RESPONSIVE, UNLESS THE AGENCY HAS GRANTED A WAIVER OF THE TARGET SUBCONTRACTING PERCENTAGE (SCHEDULE B, PART III).

5. Where a Subcontractor Utilization Plan has been submitted, the Contractor shall, within 30 days of issuance by Agency of a notice to proceed, submit a list of proposed persons or entities to which it intends to award subcontracts within the subsequent 12 months. In the case of multi-year contracts, such list shall also be submitted every year thereafter. In the event that the Contractor's selection of a subcontractor is disapproved, the Contractor shall have a reasonable time to propose alternate subcontractors.

6. M/WBE firms must be certified by DSBS in order for the Contractor to credit such firms' participation toward the attainment of the M/WBE participation goals. Such certification must occur prior to the firms' commencement of work as subcontractors. A list of M/WBE firms may be obtained from the DSBS website at www.nyc.gov/getcertified, by emailing DSBS at MWBE@sbs.nyc.gov, by calling the DSBS certification hotline at (212) 513-6311, or by visiting or writing DSBS at 110 William St., New York, New York, 10038, 7th floor. Eligible firms that have not yet been certified may contact DSBS (as indicated above) in order to seek certification.

7. Where a Subcontractor Utilization Plan has been submitted, the Contractor shall, with each voucher for payment, and/or periodically as Agency may require, submit statements, certified under penalty of perjury, which shall include, but not be limited to, the total amount paid to subcontractors (including subcontractors that are not MBEs or WBEs); the names, addresses and contact numbers of each MBE or WBE hired as a subcontractor pursuant to such plan as well as the dates and amounts paid to each MBE or WBE. The Contractor shall also submit, along with its voucher for final payment, the total amount paid to subcontractors (including subcontractors that are not MBEs or WBEs); and a final list, certified under penalty of perjury, which shall include the name, address and contact information of each subcontractor that is an MBE or WBE hired pursuant to such plan, the work performed by, and the dates and amounts paid to each.

8. If payments made to, or work performed by, MBEs or WBEs are less than the amount specified in the Contractor's Subcontractor Utilization Plan, Agency shall take appropriate action, in accordance with Local Law 129 and Article II below, unless the Contractor has obtained a modification of its Subcontractor Utilization Plan in accordance with Local Law 129 and Part A, Section 11 below.

9. Where a Subcontractor Utilization Plan has been submitted, and the Contractor requests a change order the value of which exceeds 10 percent of the Agreement, Agency shall establish participation goals for the work to be performed pursuant to the change order.

10. Pre-award waiver of **Target Subcontracting Percentage**. Agency may grant a full or partial waiver of the **Target Subcontracting Percentage** to a bidder or proposer, as applicable, who demonstrates—before submission of the bid or proposal—that it has legitimate business reasons for proposing the level of subcontracting in its Subcontractor Utilization Plan. In making its determination, Agency shall consider factors that shall include, but not be limited to, whether the bidder or proposer, as applicable, has the capacity and the bona fide intention to perform the Contract without any subcontracting, or to perform the Contract without awarding the amount of subcontracts for under one million dollars represented by the Target Subcontracting Percentage. In making such determination, Agency may consider whether the Subcontractor Utilization Plan is consistent with past subcontracting practices of the bidder or proposer, as applicable, and whether the bidder or proposer, as applicable, has made good faith efforts to identify portions of the Contract that it intends to subcontract.

11. Modification of Subcontractor Utilization Plan. A Contractor may request a modification of its Subcontractor Utilization Plan (**Subcontractor Participation Goals**) after award of this Contract. The Agency may grant such request if it determines that the Contractor has established, with appropriate documentary and other evidence, that it made reasonable, good faith efforts to meet the **Subcontractor Participation Goals**. In making such determination, Agency shall consider evidence of the following efforts, as applicable, along with any other relevant factors:

- (a) The Contractor advertised opportunities to participate in the Contract, where appropriate, in general circulation media, trade and professional association publications and small business media, and publications of minority and women's business organizations;
- (b) The Contractor provided notice of specific opportunities to participate in the Contract, in a timely manner, to minority and women's business organizations;
- (c) The Contractor sent written notices, by certified mail or facsimile, in a timely manner, to advise MBEs and WBEs that their interest in the Contract was solicited;
- (d) The Contractor made efforts to identify portions of the work that could be substituted for portions originally designated for participation by MBEs and/or WBEs in the Subcontractor Utilization Plan, and for which the Contractor claims an inability to retain MBEs or WBEs;
- (e) The Contractor held meetings with MBEs and/or WBEs prior to the date their bids or proposals were due, for the purpose of explaining in detail the scope and requirements of the work for which their bids or proposals were solicited;
- (f) The Contractor made efforts to negotiate with MBEs and/or WBEs as relevant to perform specific subcontracts;
- (g) Timely written requests for assistance made by the Contractor to Agency's M/WBE liaison officer and to DSBS;
- (h) Description of how recommendations made by DSBS and Agency were acted upon and an explanation of why action upon such recommendations did not lead to the desired level of participation of MBEs and/or WBEs. Agency's M/WBE officer shall provide written notice to the Contractor of the determination.

12. If **Subcontractor Participation Goals** have been established for this Contract, Agency shall evaluate and assess the Contractor's performance in meeting those goals, and such evaluation and assessment shall become part of the Contractor's overall contract performance evaluation.

PART B **MISCELLANEOUS**

1. The Contractor shall take notice that, if this solicitation requires the establishment of a Subcontractor Utilization Plan, the resulting contract may be audited by DSBS to determine compliance with Section 6-129. See 6-129(e)(10). Furthermore, such resulting contract may also be examined by the City's Comptroller to assess compliance with the Subcontractor Utilization Plan.
2. Pursuant to DSBS rules, construction contracts that include a requirement for a Subcontractor Utilization Plan shall not be subject to the law governing Locally Based Enterprises set forth in Administrative Code Section 6-108.1.
3. DSBS is available to assist contractors and potential contractors in determining the availability of MBEs and WBEs to participate as subcontractors, and in identifying opportunities that are appropriate for participation by MBEs and WBEs in contracts.
4. Prospective contractors are encouraged to enter into joint ventures with MBEs and WBEs.
5. By submitting a bid or proposal the Contractor hereby acknowledges its understanding of the M/WBE requirements set forth herein and the pertinent provisions of Local Law 129 of 2005, and any rules promulgated thereunder, and if awarded this Contract, the Contractor hereby agrees to comply with the M/WBE requirements of this Contract and pertinent provisions of Local Law 129 of 2005, and any rules promulgated thereunder, all of which shall be deemed to be material terms of this Contract. The Contractor hereby agrees to make all reasonable, good faith efforts to solicit and obtain the participation of M/WBE's to meet the required Subcontractor Participation Goals.

ARTICLE II. ENFORCEMENT

1. If Agency determines that a bidder or proposer, as applicable, has, in relation to this procurement, violated Section 6-129 or the DSBS rules promulgated pursuant to Section 6-129, Agency may disqualify such bidder or proposer, as applicable, from competing for this Contract and the Agency may revoke such bidder's or proposer's prequalification status, if applicable.

2. Whenever Agency believes that the Contractor or a subcontractor is not in compliance with Section 6-129 or the DSBS rules promulgated pursuant to Section 6-129, or any provision of this Contract that implements Section 6-129, including, but not limited to any Subcontractor Utilization Plan, Agency shall send a written notice to the Contractor describing the alleged noncompliance and offering an opportunity to be heard. Agency shall then conduct an investigation to determine whether such Contractor or subcontractor is in compliance.

3. In the event that the Contractor has been found to have violated Section 6-129, the DSBS rules promulgated pursuant to Section 6-129, or any provision of this Contract that implements this Section 6-129, including, but not limited any Subcontractor Utilization Plan, Agency may determine that one of the following actions should be taken:

(a) entering into an agreement with the Contractor allowing the Contractor to cure the violation;

(b) revoking the Contractor's pre-qualification to bid or make proposals for future contracts;

(c) making a finding that the Contractor is in default of the Contract;

(d) terminating the Contract;

(e) declaring the Contractor to be in breach of Contract;

(f) withholding payment or reimbursement;

(g) determining not to renew the Contract;

(h) assessing actual and consequential damages;

(i) assess liquidated damages or reduction of fees, provided that liquidated damages may be based on amounts representing costs of delays in carrying out the purposes of the program established by Section 6-129, or in meeting the purposes of the Contract, the costs of meeting utilization goals through additional procurements, the administrative costs of investigation and enforcement, or other factors set forth in the Contract;

(j) exercise rights under the Contract to procure goods, services or construction from another contractor and charge the cost of such contract to the Contractor that has been found to be in noncompliance; or

(k) take any other appropriate remedy.

4. Whenever Agency has reason to believe that an MBE or WBE is not qualified for certification, or is participating in a contract in a manner that does not serve a commercially useful function (as defined in Section 6-129), or has violated any provision of Section 6-129, Agency shall notify the commissioner of DSBS who shall determine whether the certification of such business enterprise should be revoked.

5. Statements made in any instrument submitted to Agency pursuant to Section 6-129 shall be submitted under penalty of perjury and any false or misleading statement or omission shall be grounds for the application of any applicable criminal and/or civil penalties for perjury. The making of a false or fraudulent statement by an MBE or WBE in any instrument submitted pursuant to Section 6-129 shall, in addition, be grounds for revocation of its certification.

6. The Contractor's record in implementing its Subcontractor Utilization Plan shall be a factor in the evaluation of its performance. Whenever a contracting agency determines that a contractor's compliance with a Subcontractor Utilization Plan has been unsatisfactory, the agency shall, after consultation with the city chief procurement officer, file an advice of caution form for inclusion in VENDEX as caution data.

A - CONSTRUCTION UTILIZATION

SCHEDULE B – Subcontractor Utilization Plan – Part I: Agency’s Construction Target

This page to be completed by contracting agency

Contract Overview

Pin # 84107BXBR171 **FMS Project ID#:** HBX1123
Project Title Design, Construction and Construction Support Services in Connection with the Rehabilitation of the Northbound and Southbound Bruckner Expressway Bridges over Amtrak/CSX Railroads, the Bronx.
Contracting Agency New York City Department of Transportation
Agency Address 40 Worth Street, 8th Floor, Room 824A **City** New York **State** NY **Zip Code** 10013
Contact Person Richard Solomon **Title** Project Manager
Telephone # (212) 442-7346 **Email** rsolomon@dot.nyc.gov

Project Description *(attach additional pages if necessary)*

The Northbound and Southbound Bruckner Expressway Bridges (BIN 2-07535-2 and 2-07535-1) over CSX and Amtrak, the Bronx are in the Division’s FY 2008 Reconstruction Program. The work to be performed under this Design Build Contract includes Design, Construction, and Construction Support Services (CSS) for the complete reconstruction of the Northbound superstructure and the rehabilitation of the Southbound superstructure and rehabilitation of abutments of the Northbound and Southbound Bruckner Expressway Bridges as described in the Scope of Work. NYCDOT will select a Design/Build “Company” through a RFP process. If this rehabilitation is not timely addressed the frequent hitting of the bridge girders by CSX cars due to the bridge’s reduced clearance as a result of the October 2005 fire on the bridge could jeopardize public safety.

(1) ✓ Target Subcontracting Percentage

Percentage of total **Construction** contract dollar value that agency estimates will be awarded to subcontractors in amounts under \$1 million for construction services.

8%

Subcontractor Participation Goals
Complete and enter total for Construction Services

Group	Construction		
Black American	%	%	%
Hispanic American	%	%	%
Asian American	%	No Goal	
Caucasian Female	No Goal		%
Total Participation Goals	(2)	20%	(3)
			%

*Note: for this procurement, based on a limited number of likely subcontracting opportunities, individual ethnicity and gender goals are not specified. Bidders/proposers may meet the Total Participation Goal through subcontracts with vendors certified in one or more of the ethnicity or gender categories. For reference, the Citywide Subcontractor Participation Goals for construction services are 12.63% Black American, 9.47% Asian American and 9.06% Hispanic American. For Professional Services, the Citywide Subcontractor Participation Goals are 9% Black American, 5% Hispanic American and 16.5% Caucasian Female.

SCHEDULE B – Subcontractor Utilization Plan – Part II: Bidder/Proposer Subcontracting Plan

This page and the next (Part II herein) are to be completed by the bidder/proposer. NOTE: Bids/proposals which do not include a completed subcontractor utilization plan (Part II herein) will be deemed to be non-responsive, unless a full waiver of the target subcontracting percentage is granted (Part III herein).

Section I: Prime Contractor Contact Information

Tax ID # _____ FMS Vendor ID # _____
 Business Name _____ Contact Person _____
 Address _____
 Telephone # _____ Email _____

Section II: General Contract Information

1. Define the industry in which work is to be performed.

- **Construction** includes all contracts for the construction, rehabilitation, and/or renovation of physical structures. This category does include CM Build as well as other construction related services such as: demolition, asbestos and lead abatement, and painting services, carpentry services, carpet installation and removal, where related to new construction and not maintenance.
- **Professional Services** are a class of services that typically require the provider to have some specialized field or advanced degree. Services of this type include: legal, management consulting, information technology, accounting, auditing, actuarial, advertising, health services, pure construction management, environmental analysis, scientific testing, architecture and engineering, and traffic studies, and similar services.

a. Type of work on Prime Contract (Check one):

- Construction
 Professional Services

b. Type of work on Subcontract (Check all that apply):

- Construction Other
 Professional Services

2. What is the expected percentage of the total contract dollar value that you expect to award to all subcontracts? _____ %

3. Will you award subcontract(s) in amounts below \$ 1 million for construction and/or professional services contracts within the first 12 months of the notice to proceed on the contract? Yes No

Section III: Subcontractor Utilization Summary

IMPORTANT: If you do not anticipate that you will subcontract at the target level the agency has specified, because you will perform more of the work yourself, you must seek a waiver of the Target Subcontracting Percentage by completing p. 4).

Step 1:	Subcontracts under \$1M (4) (construction/professional services)	Total Bid/Proposal Value	Calculated Target Subcontracting Percentage
Calculate the percentage (of your total bid) that will go towards subcontracts under \$1M for construction and/or professional services	\$ _____	\$ _____	_____ %
		÷	x 100 =

- **Subcontracts under \$1M (construction/professional services):** Enter the value you expect to award to subcontractors in dollars for amounts under \$1 million for construction and/or professional services. This value defines the amount that participation goals apply to, and will be entered into the first line of Step 2.
- **Total Bid/Proposal Value:** Provide the dollar amount of the bid/proposal.
- **Calculated Target Subcontracting Percentage:** The percentage of the total contract dollar value that will be awarded to one or more subcontractors for amounts under \$1 million for construction and/or professional services. **This percentage must equal or exceed the percentage listed by the agency on page 1, at line (1).**

! Important: The “Calculated Target Subcontracting Percentage” MUST equal or exceed the Target Subcontracting Percentage listed by the agency on Page 1, Line (1) or the bid/proposal will be deemed non-responsive.

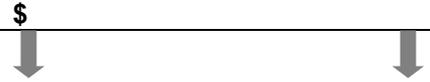
SCHEDULE B – cont.

Step 2:

Calculate value of subcontractor participation goals

Subcontracts under \$1M
(construction/professional services)

a. Copy value from Step 1, line (4) – the total value of all expected subcontracts under \$1M for construction and/or professional services



- b.
- From line a. above, allocate the dollar value of "Subcontracts under \$1M" by Construction and Professional Services,
 - If all subcontracts under \$1M are in one industry, enter '0' for the industry with no subcontracts.
 - Amounts listed on these lines should add up to the value from line a.

Construction

Professional Services

Subcontracts under \$1M by Industry

\$ _____

\$ _____

- c.
- For Construction enter percentage from line (2) from Page 1.
 - For Professional Services enter percentage from line (3) from Page 1.

These Percentages must be copied from the Agency Plan, or the bid/proposal will be

x _____ %

x _____ %

d. Value of Total Participation Goals

\$ _____

\$ _____

Step 3:

✓ **Subcontracts in Amounts Under \$1 M Scope of Work – Construction**

Enter brief description of type(s) of subcontracts in amounts under \$1M anticipated, by type of work, not by name of subcontractor

✓ **Subcontracts in Amounts Under \$1 M Scope of Work – Professional Services**

Enter brief description of type(s) of subcontracts in amounts under \$1M anticipated, by type of work, not by name of subcontractor

Section IV: Vendor Certification

I hereby 1) acknowledge my understanding of the M/WBE requirements as set forth herein and the pertinent provisions of Local Law 129 of 2005, and the rules promulgated thereunder; 2) affirm that the information supplied in support of this subcontractor utilization plan is true and correct; 3) agree, if awarded this Contract, to comply with the M/WBE requirements of this Contract and the pertinent provisions of Local Law 129 of 2005, and the rules promulgated thereunder, all of which shall be deemed to be material terms of this contract; and 4) agree, if awarded this contract, to make all reasonable, good faith efforts to attain the Target Subcontracting Percentage as specified by the Agency, and to solicit and obtain the participation of M/WBEs so as to meet the required Subcontractor Participation Goals.

Signature _____

Date _____

Print Name _____

Title _____

SCHEDULE B – PART III – REQUEST FOR WAIVER OF TARGET SUBCONTRACTING PERCENTAGE

Contract Overview

Tax ID # _____ FMS Vendor ID # _____

Business Name _____

Contact Name _____ Telephone # _____ Email _____

Type of Procurement Competitive Sealed Bids Other Bid/Response Due Date _____

PIN # (for this procurement) _____ Type of work on Prime Contract _____ Type of work on Subcontract (Check all that apply): _____

(Check one):

Construction

Construction

Other

Professional Services

Professional Services

SUBCONTRACTING as described in bid/solicitation documents (Copy this % figure from Schedule B, Part I, line 1)

_____ % of the total contract value anticipated by the agency to be subcontracted for construction/professional services subcontracts valued below \$1 million (each)

ACTUAL SUBCONTRACTING as anticipated by vendor seeking waiver

_____ % of the total contract value anticipated in good faith by the bidder/proposer to be subcontracted for construction/ professional services subcontracts valued below \$1 million (each)

Basis for Waiver Request: Check appropriate box & explain in detail below (attach additional pages if needed)

Vendor does not subcontract construction/professional services, and has the capacity and good faith intention to perform all such work itself.

Vendor subcontracts *some* of this type of work but at *lower* % than bid/solicitation describes, and has the capacity and good faith intention to do so on this contract.

Other

References

List 3 most recent contracts/subcontracts performed for NYC agencies (if any)

CONTRACT NO. _____ AGENCY _____ DATE COMPLETED _____

CONTRACT NO. _____ AGENCY _____ DATE COMPLETED _____

CONTRACT NO. _____ AGENCY _____ DATE COMPLETED _____

List 3 most recent contracts/subcontracts performed for other agencies/entities

(complete ONLY if vendor has performed fewer than 3 NYC contracts)

TYPE OF WORK _____ AGENCY/ENTITY _____ DATE COMPLETED _____

Manager at agency/entity that hired vendor (Name/Phone No.) _____

TYPE OF WORK _____ AGENCY/ENTITY _____ DATE COMPLETED _____

Manager at agency/entity that hired vendor (Name/Phone No.) _____

TYPE OF WORK _____ AGENCY/ENTITY _____ DATE COMPLETED _____

Manager at agency/entity that hired vendor (Name/Phone No.) _____

VENDOR CERTIFICATION: I hereby affirm that the information supplied in support of this waiver request is true and correct, and that this request is made in good faith.

Signature: _____ Date: _____

Print Name: _____ Title: _____

Shaded area below is for agency completion only

AGENCY CHIEF CONTRACTING OFFICER APPROVAL

Signature: _____ Date: _____

CITY CHIEF PROCUREMENT OFFICER APPROVAL

Signature: _____ Date: _____

B - DESIGN AND CONSTRUCTION SUPPORT SERVICES UTILIZATION

SCHEDULE B – Subcontractor Utilization Plan – Part I: Agency’s Design and CSS Target

This page to be completed by contracting agency

Contract Overview

Pin # 84107BXBR171 **FMS Project ID#:** HBX1123
Project Title Design, Construction and Construction Support Services in Connection with the Rehabilitation of the Northbound and Southbound Bruckner Expressway Bridges over Amtrak/CSX Railroads, the Bronx.
Contracting Agency New York City Department of Transportation
Agency Address 40 Worth Street, 8th Floor, Room 824A **City** New York **State** NY **Zip Code** 10013
Contact Person Richard Solomon **Title** Project Manager
Telephone # (212) 442-7346 **Email** rsolomon@dot.nyc.gov

Project Description *(attach additional pages if necessary)*

The Northbound and Southbound Bruckner Expressway Bridges (BIN 2-07535-2 and 2-07535-1) over CSX and Amtrak, the Bronx are in the Division’s FY 2008 Reconstruction Program. The work to be performed under this Design Build Contract includes Design, Construction, and Construction Support Services (CSS) for the complete reconstruction of the Northbound superstructure and the rehabilitation of the Southbound superstructure and rehabilitation of abutments of the Northbound and Southbound Bruckner Expressway Bridges as described in the Scope of Work. NYCDOT will select a Design/Build “Company” through a RFP process. If this rehabilitation is not timely addressed the frequent hitting of the bridge girders by CSX cars due to the bridge’s reduced clearance as a result of the October 2005 fire on the bridge could jeopardize public safety.

(1) Target Subcontracting Percentage

Percentage of total **Design and CSS** contract dollar value that agency estimates will be awarded to subcontractors in amounts under \$1 million for professional services.

8%

Subcontractor Participation Goals

Complete and enter total for Professional Services

Group	Professional Services	
Black American	%	%
Hispanic American	%	%
Asian American	%	No Goal
Caucasian Female	No Goal	%
Total Participation Goals	(2) %	(3) 20%

*Note: for this procurement, based on a limited number of likely subcontracting opportunities, individual ethnicity and gender goals are not specified. Bidders/proposers may meet the Total Participation Goal through subcontracts with vendors certified in one or more of the ethnicity or gender categories. For reference, the Citywide Subcontractor Participation Goals for construction services are 12.63% Black American, 9.47% Asian American and 9.06% Hispanic American. For Professional Services, the Citywide Subcontractor Participation Goals are 9% Black American, 5% Hispanic American and 16.5% Caucasian Female.

SCHEDULE B – Subcontractor Utilization Plan – Part II: Bidder/Proposer Subcontracting Plan

This page and the next (Part II herein) are to be completed by the bidder/proposer. NOTE: Bids/proposals which do not include a completed subcontractor utilization plan (Part II herein) will be deemed to be non-responsive, unless a full waiver of the target subcontracting percentage is granted (Part III herein).

Section I: Prime Contractor Contact Information

Tax ID # _____ FMS Vendor ID # _____
 Business Name _____ Contact Person _____
 Address _____
 Telephone # _____ Email _____

Section II: General Contract Information

1. Define the industry in which work is to be performed.

- **Construction** includes all contracts for the construction, rehabilitation, and/or renovation of physical structures. This category does include CM Build as well as other construction related services such as: demolition, asbestos and lead abatement, and painting services, carpentry services, carpet installation and removal, where related to new construction and not maintenance.
- **Professional Services** are a class of services that typically require the provider to have some specialized field or advanced degree. Services of this type include: legal, management consulting, information technology, accounting, auditing, actuarial, advertising, health services, pure construction management, environmental analysis, scientific testing, architecture and engineering, and traffic studies, and similar services.

a. Type of work on Prime Contract (Check one):

- Construction
 Professional Services

b. Type of work on Subcontract (Check all that apply):

- Construction Other
 Professional Services

2. What is the expected percentage of the total contract dollar value that you expect to award to all subcontracts? _____ %

3. Will you award subcontract(s) in amounts below \$ 1 million for construction and/or professional services contracts within the first 12 months of the notice to proceed on the contract? Yes No

Section III: Subcontractor Utilization Summary

IMPORTANT: If you do not anticipate that you will subcontract at the target level the agency has specified, because you will perform more of the work yourself, you must seek a waiver of the Target Subcontracting Percentage by completing p. 4).

Step 1:	Subcontracts under \$1M (4) (construction/professional services)	Total Bid/Proposal Value	Calculated Target Subcontracting Percentage
Calculate the percentage (of your total bid) that will go towards subcontracts under \$1M for construction and/or professional services	\$ _____	\$ _____	_____ %
		÷	x 100 =

- **Subcontracts under \$1M (construction/professional services):** Enter the value you expect to award to subcontractors in dollars for amounts under \$1 million for construction and/or professional services. This value defines the amount that participation goals apply to, and will be entered into the first line of Step 2.
- **Total Bid/Proposal Value:** Provide the dollar amount of the bid/proposal.
- **Calculated Target Subcontracting Percentage:** The percentage of the total contract dollar value that will be awarded to one or more subcontractors for amounts under \$1 million for construction and/or professional services. **This percentage must equal or exceed the percentage listed by the agency on page 1, at line (1).**

! Important: The "Calculated Target Subcontracting Percentage" MUST equal or exceed the Target Subcontracting Percentage listed by the agency on Page 1, Line (1) or the bid/proposal will be deemed non-responsive.

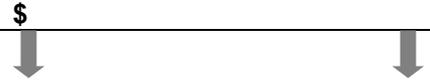
SCHEDULE B – cont.

Step 2:

Calculate value of subcontractor participation goals

Subcontracts under \$1M
(construction/professional services)

a. Copy value from Step 1, line (4) – the total value of all expected subcontracts under \$1M for construction and/or professional services



- b.
- From line a. above, allocate the dollar value of "Subcontracts under \$1M" by Construction and Professional Services,
 - If all subcontracts under \$1M are in one industry, enter '0' for the industry with no subcontracts.
 - Amounts listed on these lines should add up to the value from line a.

Construction

Professional Services

Subcontracts under \$1M by Industry

\$ _____

\$ _____

- c.
- For Construction enter percentage from line (2) from Page 1.
 - For Professional Services enter percentage from line (3) from Page 1.

These Percentages must be copied from the Agency Plan, or the bid/proposal will be

x _____ %

x _____ %

d. Value of Total Participation Goals

\$ _____

\$ _____

Step 3:

✓ **Subcontracts in Amounts Under \$1 M Scope of Work – Construction**

Enter brief description of type(s) of subcontracts in amounts under \$1M anticipated, by type of work, not by name of subcontractor

✓ **Subcontracts in Amounts Under \$1 M Scope of Work – Professional Services**

Enter brief description of type(s) of subcontracts in amounts under \$1M anticipated, by type of work, not by name of subcontractor

Section IV: Vendor Certification

I hereby 1) acknowledge my understanding of the M/WBE requirements as set forth herein and the pertinent provisions of Local Law 129 of 2005, and the rules promulgated thereunder; 2) affirm that the information supplied in support of this subcontractor utilization plan is true and correct; 3) agree, if awarded this Contract, to comply with the M/WBE requirements of this Contract and the pertinent provisions of Local Law 129 of 2005, and the rules promulgated thereunder, all of which shall be deemed to be material terms of this contract; and 4) agree, if awarded this contract, to make all reasonable, good faith efforts to attain the Target Subcontracting Percentage as specified by the Agency, and to solicit and obtain the participation of M/WBEs so as to meet the required Subcontractor Participation Goals.

Signature _____

Date _____

Print Name _____

Title _____

SCHEDULE B – PART III – REQUEST FOR WAIVER OF TARGET SUBCONTRACTING PERCENTAGE

Contract Overview

Tax ID # _____ FMS Vendor ID # _____
 Business Name _____
 Contact Name _____ Telephone # _____ Email _____
 Type of Procurement Competitive Sealed Bids Other Bid/Response Due Date _____

PIN # (for this procurement) _____ Type of work on Prime Contract (Check one): _____ Type of work on Subcontract (Check all that apply): _____
 Construction Construction Other
 Professional Services Professional Services

SUBCONTRACTING as described in bid/solicitation documents (Copy this % figure from Schedule B, Part I, line 1)
 _____ % of the total contract value anticipated by the agency to be subcontracted for construction/professional services subcontracts valued below \$1 million (each)

ACTUAL SUBCONTRACTING as anticipated by vendor seeking waiver
 _____ % of the total contract value anticipated in good faith by the bidder/proposer to be subcontracted for construction/ professional services subcontracts valued below \$1 million (each)

Basis for Waiver Request: Check appropriate box & explain in detail below (attach additional pages if needed)

- Vendor does not subcontract construction/professional services, and has the capacity and good faith intention to perform all such work itself.
- Vendor subcontracts some of this type of work but at lower % than bid/solicitation describes, and has the capacity and good faith intention to do so on this contract.
- Other

References

List 3 most recent contracts/subcontracts performed for NYC agencies (if any)

CONTRACT NO.	AGENCY	DATE COMPLETED
_____	_____	_____
_____	_____	_____
_____	_____	_____

List 3 most recent contracts/subcontracts performed for other agencies/entities

(complete ONLY if vendor has performed fewer than 3 NYC contracts)

TYPE OF WORK	AGENCY/ENTITY	DATE COMPLETED
_____	_____	_____
Manager at agency/entity that hired vendor (Name/Phone No.) _____		
_____	_____	_____
Manager at agency/entity that hired vendor (Name/Phone No.) _____		
_____	_____	_____
Manager at agency/entity that hired vendor (Name/Phone No.) _____		

VENDOR CERTIFICATION: I hereby affirm that the information supplied in support of this waiver request is true and correct, and that this request is made in good faith.

Signature: _____ Date: _____
 Print Name: _____ Title: _____

Shaded area below is for agency completion only

AGENCY CHIEF CONTRACTING OFFICER APPROVAL
 Signature: _____ Date: _____
CITY CHIEF PROCUREMENT OFFICER APPROVAL
 Signature: _____ Date: _____

APPENDIX G

VENDEX Requirements

Pursuant to Section 6-112.2(b) of the New York City Administrative Code, all vendors that are under consideration for the award of a sole source contract or a contract valued at \$100,000 or more, or whose aggregate business with the City in the last 12 months, including the proposed contract, is \$100,000 or more, must complete and submit a VENDEX Business Entity or Not-For-Profit Organization Questionnaire when notified by the Agency. The principals and individuals thereof must also submit a Principal of Individual Questionnaire.

Upon selection, each successful proposer (including their subconsultants) will be required to submit proof of filing of the appropriate VENDEX Questionnaires. Upon written notification, the proposer must submit a Confirmation of VENDEX Compliance to the NYCDOT Vendor Responsibility Unit within five days of official notification.(Section VII, Attachment G). A form for this confirmation is set forth in the RFP.

The proposer is advised that VENDEX Questionnaires and procedures have changed. See www.nyc.gov/vendex to download the new VENDEX Questionnaires and a Vendor's Guide to VENDEX or contact NYCDOT's Vendor Responsibility Unit. at 212-442-7757.

(a) Submission: VENDEX Questionnaires (if required) must be submitted directly to the Mayor's Office of Contract Services, ATTN: VENDEX, 253 Broadway, 9th Floor, New York, New York 10007.

(b) Requirement: Pursuant to Administrative Code Section 6-116.2 and the PPB Rules, proposers may be obligated to complete and submit VENDEX Questionnaires. If required, Vendex Questionnaires must be completed and submitted before any award of contract may be made or before approval is given for a proposed subcontractor. Non-compliance with these submission requirements may result in the disqualification of the proposal, disapproval of a subcontractor, subsequent withdrawal of approval for the use of an approved subcontractor, or the cancellation of the contract after award.

APPENDIX G

CONFIRMATION OF VENDEX COMPLIANCE
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The Proposer (including its subconsultant) shall submit this Confirmation of VENDEX Compliance

Name of Proposer: _____

Proposer's Address: _____

Proposer's Telephone Number: _____

Proposer's Fax Number: _____

Date of Proposal Submission: _____

Project ID: _____

VENDEX Compliance: To demonstrate compliance with VENDEX requirements, the Proposer shall complete either Section (1) or Section (2) below, whichever applies.

- (1) **Submission of Questionnaires to MOC:** By signing in the space provided below, the Proposer certifies that as of the date specified below, the Proposer has submitted VENDEX Questionnaires to the Mayor's Office of Contract Services, Attn: VENDEX, 253 Broadway, 9th Floor, New York, New York 10007.

Date of Submission: _____

By: _____
(Signature of Partner or corporate officer)

Print Name: _____

- (2) **Submission of Certification of No Change to NYCDOT:** By signing in the space provided below, the Proposer certifies that it has read the instructions in a "Vendor's Guide to VENDEX" and that such instructions do not require the Proposer to submit VENDEX Questionnaires. The Proposer has completed **TWO ORIGINALS** of the Certification of No Change.

By: _____
(Signature of Partner or corporate officer)

Print Name: _____