

Attach To Contract Document

**New York City Department of Transportation
Division of Bridges
Office of Consultant Programs**

**CONSTRUCTION SUPPORT SERVICES
IN CONNECTION WITH
BROOKLYN BRIDGE (CONTRACT #6)
REHABILITATION OF APPROACHES & RAMPS
AND PAINTING OF THE ENTIRE BRIDGE
CONTRACT NO.: BRC270C/PZ
PIN: 84107MBBR190**

**BIN# 2-24001-9
BOROUGHES OF MANHATTAN AND BROOKLYN**

**Addendum # 2
October 26, 2007**

This Addendum Is Hereby Made Part Of The Contract Documents

NOTE:

Attached please find:

- 1. Addendum No. 2 – Responses to Questions raised to the Agency and Minor Technical Revisions**
- 2. Section III: Scope of Services from RFP (Page 4-R)**
- 3. Forms 4T1-R**
- 4. Guidelines for Consultants Salary Rates (Sheet 1 & 2)**

October 26, 2007

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(1) **Delete:** SECTION III - Scope of Services (Page 4)

Replace: SECTION III - Scope of Services (Page 4-R)

(2) **Refer to Section VII (E) "Cost Proposal Forms Packet" of the original RFP.**

Delete: Form 4T1

Replace with: Form 4T1-R (Revised Maximum Escalation Factor)

(3) **Add:** Guidelines for Consultant Salary Rates (Sheet 1 of 2 & 2 of 2)

The following are answers to the questions raised to the Agency regarding the referenced contract:

Question #1 What is the construction estimated start date?

Answer #1 The estimated construction start date is June 2009.

Question #2 Should the Firms submitting proposals be licensed in the State of New York?

Answer #2 The firms submitting this proposal must be legally authorized to provide services in the State of New York. All potential proposers are advised to contact their respective counsels' offices to determine whether they are authorized to provide the services in this Request for Proposals.

Question #3 Should the Engineering personnel be licensed in the State of New York?

Answer #3 All Engineers with Grade Level IV and above must have a current Professional Engineers (P.E.) License in the State of New York.

Question #4 The Prime Consultant must have at least 51% of the work. Does work mean hours or cost?

Answer #4 The Prime Consultant must have at least 51% of the workload in person hours.

Question #5 The maximum escalation factor listed on Form 4T1 – Labor Cost Proposal is 1.06. This number is low considering the consecutive calendar days (1889 for REI and 1829 for CSC). Will the Department consider increasing the escalation factor?

Answer #5 The Maximum Escalation Factor has been increased to **1.10** for the referenced project. See Form 4T1R, attached to this addendum.

Question #6 If the project starts after the estimated FY'09 date, how are the rates adjusted?

Answer #6 When the project starts at a much later date than the fiscal year in which the labor cost was submitted, the consultant is allowed to bill at actual rate as long as the actual rates are within the guidelines established by Engineering Audit Bureau (attached is a PDF copy of 08-08-2005 EAB guidelines for consultant salary rates). Please note: there is already a reasonable amount established in the cost proposal for escalation that will be used up when the project starts late.

Question #7 Is there any Disadvantage Business Enterprise (DBE) utilization goal?

Answer #7 See page 4-R of this Addendum.

SECTION III : SCOPE OF SERVICES

A. Agency Goals and Objectives

The agency's goals and objectives are to have Construction Support Services to be performed by the Consultant are to ensure that the work of the Contractor conforms to the provisions of the contract documents as stipulated in Section VII of the RFP.

B. Agency Assumptions Regarding Consultant Approach

The agency's assumptions regarding which approach will best achieve the goals and objectives set out above are reflected in the Proposed Contractual Agreement. (See Section VII, Attachment A)

C. Proposed Contractual Agreement

Each successful proposer shall negotiate an agreement based on the Proposed Contractual Agreement (See Section VII, Attachment A). Such agreement shall contain the appropriate United States Department of Transportation and New York State Department of Transportation requirements, including but not limited to "NYSDOT procedures for Locally Administered Federal Aid Projects"

In addition, the proposers must submit the "Disclosure of Lobbying Activity" and "Certification of Contractor regarding Debarment, Suspension and other Responsibility Matters" attached in Appendix A-III with its Technical Proposal.

D. Opportunity for Disadvantaged Business Enterprise

The NYC Department of Transportation encourages firms to meet New York State's Disadvantaged Business Enterprise (DBE) utilization goal of **11%**. The successful proposers must show good faith efforts that it attempted to meet the DBE goal.

- ◆ List of certified DBE firms can be obtained from the following website:
<http://biznet.nysucp.net/>

FORM 4T1-R – LABOR COST PROPOSAL

PROJECT NAME: CSS Services for Brooklyn Bridge (Contract #6), Rehabilitation of Approaches & Ramps and Painting of the Entire Bridge, Boroughs of Manhattan & Brooklyn

PIN NO.: 84107MBBR190

PRIME CONSULTANT:

BIN# 2-24001-9
CONTRACT NO.: BRC270C/PZ

CONSULTANT ON THIS FORM: _____

PROFESSIONAL ENGINEERING/ARCHITECTURAL SERVICES

OTHER/_____

	<u>(COLUMN 1)</u> <u>JOB TITLE</u>	<u>(COLUMN 2)</u> <u>TOTAL HOURS</u>	<u>(COLUMN 3)</u> <u>HOURLY THIS FIRM</u>	<u>(COLUMN 4)</u> <u>AVERAGE HOURLY RATE</u>	<u>(COLUMN 5)</u> <u>LABOR COST</u> <u>COL 3 X COL 4</u>
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____
11.	_____	_____	_____	_____	_____
12.	_____	_____	_____	_____	_____
	<u>TOTALS</u>	_____	_____	_____	<u>(T)</u>
	MULTIPLIER FOR OVERHEAD	_____	<u>(A)</u>	_____	<u>(A)</u>
	MULTIPLIER FOR PROFIT	_____	<u>(B)</u>	_____	<u>(B)</u>
	TOTAL MULTIPLIER	_____	<u>(1+A)X(1+B)</u>	_____	<u>(M)</u>
	TOTAL LABOR COST	_____	<u>(LINE T X LINE M)</u>	_____	<u>(C)</u>
	TOTAL LABOR ESCALATED TO PROJECT MIDPOINT <u>(C X PROPOSED ESCALATION FACTOR)</u>	_____	PROPOSED ESCALATION FACTOR	_____	<u>(D)</u>
			MAXIMUM ESCALATION FACTOR =	<u>1.10</u>	

INSTRUCTIONS:

1. Each consultant of the project team is to submit a separate "Labor Cost Proposal Form". For each job title, the hours proposed by each firm of the project team in Column (3) **MUST SUM** to the total hours provided in Column (2).
2. For Column (4), use actual average salary rates for firm for each job title at regional offices. Attach a listing of current average rates for all titles/grades/levels as approved by NYCDOT (if available) or NYSDOT for regional offices. A regional office is defined as one located within a 75 mile radius of Columbus Circle (NYC).
3. The labor costs to be included in Column (5) are obtained by multiplying the hours in Column (3) by the average hourly rate in Column (4).
4. The proposed escalation factor used to calculate "D" should not exceed the maximum escalation factor indicated in the shaded area. Greater consideration will be given to proposers that propose more competitive prices.

GUIDELINES FOR CONSULTANTS SALARY RATES. (INTERIM – ISSUED ON 8 -08-2005)

INTRODUCTION:

The purpose of this guideline is to establish uniform method for determining employee salary rates on consultant contracts. All consultants (including sub consultants) on consultant projects must obtain salary rates approval by the operating Bureau and the Engineering Audit Bureau (EAB) prior to submission of invoices for payment requests.

1.0 General Information:

1.1 As per consultant contracts, any salary increases during the contract period shall be within the parameters as established in the Engineer pay index of the U.S. Bureau of Labor Statistics-Employment Cost Index (ECI) for Professional Specialty and Technical workers wages and salaries. The respective Engineer-in-charge / Project Manager must review the technical qualifications, licenses, salaries and necessity of proposed project personnel and such recommendations must be submitted to EAB for approval.

2.0 Procedure for Establishing Salary Rates:

2.1 First Time Rate Approval:

The first time rate for employees working on the project shall be limited to the contract proposal for the average labor cost rate in the agreement adjusted for escalation, based on Employment Cost Index (ECI) to the appropriate year (revised contract hourly rate). If the revised contract hourly rate is greater than the actual hourly salary rate of the employee, the actual hourly rate will govern. If the actual hourly salary rate of the employee is more than the revised contract hourly rate, then the maximum hourly rate permitted would be subject to the maximum as shown in table A. The total of all projected wages cannot exceed the total contract amount.

Table A - Maximum permissible hourly rates. *

Actual employee hourly rate up to \$ 40.00 per hour	Up to 120 % of revised contract hourly rate or \$ 6.00 per hour maximum increase whichever is lower.
Actual employee hourly rate between \$ 40.01 & \$ 60.00	Up to 115 % of revised contract hourly rate or \$ 7.50 per hour maximum increase whichever is lower.
Actual employee hourly rate above \$ 60.01	Up to 112.50 % of revised contract hourly rate or \$ 9.00 per hour maximum increase whichever is lower.

The Table is subject to periodic revision based upon Engineer Pay Index.

2.2 Subsequent Annual Rate Approvals:

i. Requests for subsequent annual salary rates adjustments shall be submitted to the project manager / Engineer-in-charge. Such requests shall be within the parameters established by - U.S. Bureau of Labor Statistics Employment Cost Index (ECI) for Professional Specialty and Technical workers — wages and salaries for the respective fiscal year. Every fiscal year ECI rates for all labor classifications are published by the Bureau of Labor statistics for period ending June 30th (4th quarter of the Fiscal year) during last week of July. Accordingly a memo is issued by EAB during the first week of August certifying the appropriate ECI percentage increase for the following fiscal year. Based on recommendation from the operating Bureau, EAB will approve salary rates on SI 2000 forms.

ii. As per contract (i.e., when this clause exists in the contract), the annual Employment Cost Index Percent increase times the total salary cost of all current employees working on that project for the prior year, becomes a pool of money from which various raises may be granted. In an effort to provide flexibility to the consultants for rewarding employees based on performance, the maximum salary increase per person is limited to 150% of the Annual Employment Cost Index Percent. Total of individual raises shall not exceed the pool money per contract year.

2.3 Promotional and Merit Increase Requests:

Approval of promotions based upon qualifications, experience, or certifications and licenses etc. to be made in writing to the respective Project Manager / Engineer -in-charge. Merit increases are limited to 12% of the prior year’s hourly rate. Based on recommendation from the operating Bureau, EAB will approve merit increases on SI 2000 forms and make appropriate notations to indicate reasons and actual percentages allowed.

2.4 Documents to be Submitted:

The operating Bureau must submit following documents:

- a) A copy of notice to proceed of the consultant contract.
- b) Resume, Certifications, licenses etc. for each employee. (For e.g. NICET Certifications, EIT Certifications and PE Licenses.)
- c) Labor cost proposal sheet indicating the staffing table upon which the contract was budgeted.
- d) A request for salary rate approvals by the consultant along with the Bureau's recommendation

(Project Manager / Engineer-in-charge) for the project staff intended to be utilized.

- e) A copy of the certified payroll register for past two years.
- f) Salary rate requests to EAB must be made on the latest SI 2000 form (a copy attached) with all pertinent information.
- g) All previously approved hourly salary rate spreadsheets for subsequent salary rate approvals of consultant employees working on the specific project.

3.0 Total Design Contracts:

Salary rate approval has to be obtained for each phase. Preliminary design phase salary rates will follow the format as described above. At the beginning of each phase, actual salary earned by employee will be compared to the revised contract hourly rate and if appropriate, new salary rate approval will begin with actual earned hourly salary (in accordance with above 2.0 Procedure for establishing salary rates).

4.0 General Policy Requirements:

- i. Only one type of salary increase (regular ECI or promotional or merit) will be permitted in any given year. No Exceptions allowed.
- ii. To insure the compliance of budgeted Direct Technical labor (DTL) hours proposed in consultant contract as per 4T-1 (Labor Cost Proposal) versus actual DTL hours expended, a table must be submitted along with each partial payment summarizing total DTL hours budgeted, total DTL hours to date and DTL hours expended during the current period. (See EAB memorandum of 01/29/1998 — 5.0 attachment b).
- iii. The prime consultant is responsible for coordinating submittals of all types of rate approvals for their sub-consultants' employees. The sub-consultants are required to submit their request for salary rate approvals to the prime consultant. It is the responsibility of the prime consultant to verify all the rates for all the employees (prime and sub consultants) meets the criteria of these guidelines prior to submission to the project manager / Engineer-in-charge. **All payment requests must include the agency approved salary rate increase worksheet.** Fiscal Affairs contract payments unit may deduct 10% of Direct Technical Labor costs of technical staff employee(s) for whom the agency salary rate approval is not obtained.

5.0 Attachments:

- a) Standard EAB SI 2000 form— Template for hourly Salary rate approval / increase.
- b) Memorandum dated 01/29/1998 regarding adherence of the DTL. hours by the consultant as indicated on the labor Cost Proposal Table.
- c) Employment Cost index table for past few years.