



NEW YORK CITY DEPARTMENT OF
DESIGN + CONSTRUCTION

TWO-STAGE
REQUEST
FOR
PROPOSALS

RFP



PIN

PRE-PROPOSAL CONFERENCE

PROJECT

SUBMISSION DEADLINE

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Structures Division

DEPARTMENT OF DESIGN AND CONSTRUCTION

REQUEST FOR PROPOSALS, TWO-STAGE

PROJECT: C114NEWF

**Consultant for Architectural, Engineering Design Services and Services during
Construction for the New Bronx Detention Complex at Hunts Point**

PIN: 8502009CR0002P

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PREFACE

Through this project, the City of New York intends to create a new 1,520-bed male Detention Complex at 1 Halleck Street, Hunts Point, Bronx, New York.

Procurement of the architectural and other design services necessary to achieve this new Bronx Detention Complex is the purpose of this Request for Proposals (RFP), which stipulates the submission requirements and evaluation procedures of what shall be a two-stage, quality-based, selection process.

In Stage One, proposers will submit the materials prescribed in Section IV.A to document the proposer's ability to provide design services for the project that is the subject of this RFP.

Based on an evaluation of these materials, DDC will establish a short list of firms to be further considered in the second stage of the selection process. In Stage Two, the short listed firms will submit the materials prescribed in Section IV.B. The agency will commence fee negotiations with the highest ranked firm.

SECTION I. TIMETABLE

A. RFP Issuance

Pre-Proposal Conference

A pre-proposal conference will be held at 10:00A.M on Wednesday, February 4, 2009 at DDC headquarters, 30-30 Thomson Avenue, 3rd Floor (Training Room), Long Island City, N.Y. 11101. Attendance is recommended but not mandatory to propose on the contract described in this RFP, however it is strongly encouraged.

Submission Deadlines

Stage One submissions (1 original and 7 copies) and Doing Business Data Form shall be delivered on or before 4:00 PM on Wednesday, February 18, 2009, clearly marked with the project name and "Stage One Proposal" on the exterior of the envelope or other packaging.

Stage Two submissions (Applicable to Stage One-Short-Listed Proposers Only)

The proposer shall deliver, on a date to be determined, the proposal in a clearly marked envelope or package. The proposal shall consist of two separate clearly marked, sealed packages containing the following: (1) the Technical Proposal (1 original and 7 copies), and (2) Subcontractor Utilization Plan (1 original). The project name and "Stage Two Proposal" shall be clearly marked on the exterior of the envelope or other packaging.

Proposals shall be hand delivered to the contact person at the location listed below. Proposals received after the applicable due date and time prescribed in the RFP are late and will not be accepted except at the discretion of DDC pursuant to the applicable section of the City Procurement Policy Board Rules.

Belkis Palacios, (718) 391-1866
Professional Contracts Section
Department of Design and Construction
30-30 Thomson Avenue, 4th Floor (Entrance on 30th Place)
Long Island City, NY 11101
E-mail: Palaciob@ddc.nyc.gov

NOTE: Respondents are held responsible for ensuring that the RFP response package is received by the Professional Contract Section by the deadline. Respondents are warned not to rely on signed delivery slips from their messenger services. Occasionally packages are delivered to the School Construction Authority located in the same building and the packages are not forwarded to the DDC Professional Contracts Section in a timely manner. Entrance to DDC is on 30th Place, not Thomson Avenue despite our Thomson Avenue house number.

B. Inquiries

In the event a proposer desires any explanation regarding the meaning or interpretation of this RFP, such explanation must be requested in writing, no later than one week prior to the submission date prescribed in the RFP. In the event DDC determines that it is necessary to respond to the inquiry in writing, such response will be furnished as an addendum to the RFP to all potential proposers known to have downloaded the RFP. All addenda will be available on DDC's website. All inquiries must be directed ONLY to the contact person listed above.

C. Addenda

Receipt of an addendum to this RFP by a proposer must be acknowledged by attaching an original signed copy of the "Acknowledgement of Addenda" form (Attachment 4) to the Stage One and Stage Two proposal. All addenda shall become a part of the requirements for this RFP.

D. RFP Schedule

The following is the estimated timetable for receipt, evaluation, and selection of proposals. This is only an estimate and is provided to assist responding firms in planning.

- a. Establish Shortlist of Stage One Firms: Within four weeks of submission deadline
- b. Identify Consultant: Within two weeks of Stage Two submission deadline
- c. Complete Contract Registration: Approximately three months from date of consultant selection.
- d. Commence Work: Upon receipt of Notice of Award

SECTION II. SUMMARY OF THE REQUEST FOR PROPOSALS

A. General

The New York City Department of Design and Construction, Division of Structures, is seeking an appropriately qualified consultant team to perform architectural, engineering, and construction-related services for the New York City Department of Correction's New Detention Complex in the Bronx.

The selected firm would demonstrate an understanding of and commitment to design excellence that will be expressed in dignified forms, new urban design spaces which enrich the city skyline profile, interior and exterior spaces that will inspire pride in city architecture.

The design should incorporate: a cost effective approach, fully considering life cycle analysis in selection of materials and systems; balance of innovative design and traditional operating practices including durability and ease of maintenance; layout and systems that provide safety beyond code compliance; high performance systems that provide value while protecting citizen's health and environment; accessibility for all citizens that surpasses compliance with Barrier Free Design law.

B. Background and Objectives of Project

The mission of the New York City Department of Correction is to provide care, custody and control of persons older than sixteen years of age, accused of crimes, convicted or sentenced to one year or less of jail time. Those sentenced to prison terms of more than one year are held pending transfer to the New York State Department of Correctional Services. The DOC is comprised of 9,500 uniformed staff and 1,400 civilian staff and handles over 100,000 inmate admissions each year. In 2007 the daily inmate population was 13,576 and the number has recently risen.

Of the fourteen DOC inmate facilities, ten are located on Rikers Island in Queens, near LaGuardia airport. About 4,000 detainees are housed here in temporary modular structures, built many years ago, which have reached the end of their expected use. As part of the overall Capacity Replacement Program, these temporary facilities will be replaced with permanent structures appropriate for this function. Rikers remote location requires daily bus trips to Bronx courthouses aggravating traffic conditions, creating air pollution and ultimately rendering family visits difficult. The new Detention Center in Hunts Point proposes to address these needs and improve the quality of life for all New Yorkers.

Insight to the emerging character of the neighborhood may be gained from the 2004 *Hunts Point Vision Plan* prepared under the auspices of the New York Economic Development Corporation, for which please see:

<http://www.nycedc.com/Web/AboutUs/OurProjects/CurrentProjects/HuntsPointVisionPlan.htm>

C. Joint Ventures and Other Consultant Relationships

The proposer is advised that submission of proposals by joint ventures is permitted. There is no minimum requirement for the proportion of work by either of the two joint venture parties. Joint ventures must carry the required insurance either as policies written specifically for the joint venture entity, or by using their existing single entity policies with endorsements written for the joint venture activity.

DDC does not recognize the corporate configuration wherein one company is "in association with" another. Relationships between two or more firms shall be either as joint venture or prime consultant/subconsultant. In the event that a proposal is received wherein two or more firms are described as being "in association with" each other, DDC will treat the relationship as one of prime consultant/subconsultant(s). The RFP evaluation will be handled accordingly, and if chosen as a winner, the contract documents will show only the prime firm on the signature page, and all other firms will be relegated to Exhibit C, which lists any subconsultants.

SECTION III. SCOPE OF WORK AND CONTRACT CONDITIONS

A. Project Objectives

Complete detailed Project Objectives will be issued at Stage Two of the RFP, to these short listed proposers. Such Project Objectives will provide a comprehensive description of the project, including a detailed description of the design services required.

A brief summary of the project is set forth below.

Architectural and other design services necessary to construct a new 650,000 square foot facility on a site consisting of approximately 280,000 square feet. The new facility will provide 1,520-bed housing for adult males, 320 parking spaces and food preparation facility for all five borough detention centers.

The site is presently used as the 334-vehicle parking lot, reception and intake for a 800-bed floating detention facility moored in the East River at the end of an extension of Halleck Street in Hunts Point. Together, jail barge and lot are known as the Vernon C. Bain Center. This floating detention facility is required to be maintained in operation at its present moorings during the construction of the new facility.

The site is part of the New York City-owned lot 73 of Bronx block 2780, the bulk of which is occupied by the Fish Market component of the vast Hunts Point Food Distribution Center.

Factors which shall influence the form of improvements on this water front site, which stands some few feet above mean high water, include:

- i. its location in a coastal flood zone with velocity hazard "ZONE VE (EL 16)," typically requiring the underside of the lowest habitable floor to be two feet above the flood elevation;
- ii. the provision of public access to the waterfront, consistent with NYC waterfront zoning regulations, which indicate that 15% of the lot be accessible to the public, including a 40 foot wide shore front public walkway with an upland connection; and
- iii. the restriction on building dimensions and form imposed by NYC waterfront zoning regulations, including the limitation of the building's base height to be a maximum of 60 feet, and the limitation of overall building height to 110 feet with no more than a 100 foot width to the waterfront above the base, all intended to retain a sense of openness of upland areas to the waterfront.

Uniform Land Use Review Procedure and City Environmental Quality Review are being advanced independently under a separate contract.

The Department of Correction has prepared a detailed, 646,344 gross square foot program summarized as follows:

Function	Net Square Feet	Gross/Net	Gross Square Feet
Public Lobby	2,015	1.33	2,6801
Central Control	1,900	1.25	2,375
Administration	7,345	1.33	9,769
Support / Lockers	11,395	1.25	14,244
Housing: Cells	131,340	1.25	164,175
Housing: Dormitories	136,720	1.25	170,900
Intake	14,300	1.33	19,019
Visiting	18,620	1.33	24,765
Outpatient Clinic	9,800	1.33	13,034
Specialty Clinic	4,060	1.33	5,400
Mental Health	3,785	1.33	5,034
Infirmery	4,840	1.33	6,437
Education Services	8,900	1.33	11,837
Social / Religious	7,645	1.33	10,168
Maintenance	17,120	1.25	21,400
Laundry/Commissary	6,330	1.25	7,913
Borough Kitchen	36,590	1.33	48,665
Central Utilities	19,380	1.25	24,225
TOTAL¹	442,085	1.30	562,038
GROSS TOTAL²		1.15	646,344

The operational bases for these figures include:

- The facility shall be 1,520-bed all male New Admissions facility, comprising 720 single bed cells and 800 dormitory beds.
- The facility shall have a uniformed staff of 520, however, because the male to female ratio may change, 640 lockers shall be provided.
- Neither dormitories nor cells assume "Special Housing," however all cells shall have their own toilet, wash-hand basin, and shower.
- In lieu of a centralized gymnasium, there shall be 1,600 square foot (half basketball court sized) outdoor recreation yards adjacent to dormitory and cell housing units.
- Mandated literature shall be shelved in the Law Library stacks: inmates may have copies of requested materials delivered to their housing unit.
- Commissary items are to be bagged by outside vendors, delivered to the facility and then brought to the housing unit.
- The kitchen is to provide meals for trucking to all Borough Facilities.

No Department of Correction bus storage is anticipated on the site; parking must be provided for 320 cars, which will require about 128,000 gross square feet to lay out.

¹ An average gross to net ratio of 1.30 is used to provide for circulation including stairways.

² The 1.15 Building Grossing Factor represents wall areas, mechanical and electrical shafts, etc.

In accordance with Local Law 86 of 2005, the project shall be required to achieve a LEED Silver rating as well as a 20-30% reduction in domestic water use. Subconsultant expertise must be provided as follows: Lighting consultant with proven expertise in energy efficient lighting design; LEED Specialist and Energy Modeling and Analysis specialist. DDC intends to use building information modeling (BIM) and document management system software on this project.

B. Cost Estimate and Contract Term

The estimated cost of the required construction work for the project is \$310,961,000. The term of the contract shall commence on the date of the advice of award and continue until final acceptance of all work designed by the consultant. The time frame for completion of design documents shall be 910 consecutive calendar days, allotted as follows:

7 months	Schematic Design
7 months	Design Development
9 months	Final Design
7 months	Bid, Award, Register Contracts

This time frame is subject to modification depending on project phasing. There shall be at least one Value Engineering Session; its duration will not be included in the project's 730 consecutive calendar days.

C. Insurance

The consultant and all subconsultants performing services for this contract must provide the types and amounts of insurance specified in the contract. The proposer is advised to carefully review such insurance requirements.

D. Contract Provisions

The Contract to be used for the project, including detailed Project Objectives, will be issued at the beginning of Stage Two to those proposers short listed in Stage One of the RFP. The services to be provided by the Consultant and all standards of performance applicable to the required work shall be as described in this form of contract. Any firm awarded a contract as a result of this RFP will be required to sign this form of contract.

E. Compliance with Local Law 86 of 2005 (Green Buildings)

Projects designed under this contract are subject to Local Law 86 of 2005 (The Green Building Law). Local Law 86 applies to capital projects for or in new buildings, for additions to existing buildings and in existing buildings subject to substantial reconstruction, including fit-outs of condominiums units and leased space, costing \$2 million or more. Most covered projects must be built to achieve a "Silver" rating under the Leadership in Energy and Environmental Design (LEED) rating system of the U.S. Green Building Council (LEED "Certified" rating for educational and certain

types of institutional projects). There are additional requirements in the law regarding energy and water efficiency: including those for plumbing systems, boiler replacements, and/or lighting and HVAC comfort control systems, above certain dollar threshold. The law does not apply to projects within spaces classified in certain occupancy groups, including residential and industrial, and is subject to certain exemptions.

In addition to preparing the required documentation for LEED certification, if applicable, the consultant will be required to provide project data for the purposes of project reporting using the Local Law 86 reporting worksheet, as requested by the agency. Such data includes project description, construction cost, LEED credits sought and earned (if applicable), reductions in energy cost and in water use, and incremental construction cost.

F. M/WBE Program

The contract resulting from this Request for Proposals will be subject to the Minority-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 Attachment 6 Notice to All Prospective Contractors. **Completion of M/WBE Subcontractor Utilization Plan is only applicable to stage two short listed firms.**

G. Compliance with Local Law 34 of 2007

Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, vendors responding to this solicitation are required to complete the attached Doing Business Data Form and return it with this *proposal*, and should do so in a separate envelope. (If the responding vendor is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form.) If the City determines that a vendor has failed to submit a Data Form or has submitted a Data Form that is not complete, the vendor will be notified by the agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the agency. Failure to do so will result in a determination that the *submission* is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the vendor has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

SECTION IV. FORMAT AND CONTENT OF THE PROPOSAL

Proposal Subdivisions Instructions: Proposers should provide all information required in the format below. The proposal should be typed on both sides of 8½" X 11" paper. The City of New York requests that all proposals be submitted on paper with not less than 30% post-consumer material content, i.e., the minimum recovered fiber content level for reprographic paper recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>). Pages should be paginated. The proposal will be evaluated on the basis of its content, not its length. Failure to comply with any of these instructions will not make the proposal non-responsive.

Submit proposal in a clearly labeled, sealed package as follows:

A. Stage 1 Proposal Requirements

This stage serves to highlight each proposer's previously completed architectural projects that demonstrate extraordinary creativity and insight. Proposers should provide projects that demonstrate this ability in the internal planning as well as in the project's relationship to its site and surrounding environment. Creative and innovative use of materials and construction methods should be clearly described.

Portfolio (1 original and 7 copies): Provide a portfolio of up to five projects built within the last ten years that demonstrate the firm's creativity and insight in solving architectural problems. For each project, include the following: (1) resumes of the lead designer, (2) plan views as well as site plans, with a three dimensional view of the exterior; and other graphic content as necessary, and (3) a brief written description highlighting the salient characteristics of the project, including the design philosophy and approach and a description of what was innovative about the design. In addition, list any design citations or awards and entries to design competitions. Present each project on a single 11x17 inch sheet; including all text. All of the pages shall be bound in covers no larger than 9 x 12 inches. Format may be either landscape or portrait, but not both.

B. Stage II Proposal Requirements (Applicable to Stage One Short-Listed Proposers Only)

For those firms short-listed in Stage One, the Stage Two Proposal will serve to highlight their management and technical ability to carry out a project of the scope and type that is the subject of this RFP. In addition to the Stage Two Proposal, short-listed firms will be required to make a one-hour presentation. See Section V.2 for a more detailed description of the presentation requirements.

Technical Proposal (1 original and 7 copies): The technical proposal shall contain the following information:

1. A cover letter of no more than three pages, including the company name and address, and the name, address and telephone number of the person authorized

to represent the responding firm. ***(Be sure to refer to the proper DDC project number and title.)*** Include a brief history of the firm, the overall firm organization, its goals and objectives, and a statement of its design philosophy.

2. Experience of Consultant and Subconsultants

Submit Attachment 2 (Part A) to identify by name the subconsultants the proposer intends to use for this project. Submit the following for the proposer and each subconsultant identified in Attachment 2:

- A SF-254 Form, which lists the number of full-time staff currently employed and the projects on which the firm is currently working, has completed and future projects and commitments. Provide the value of these contracts and their schedules. (This form is available at <http://www.nyc.gov/html/ddc/html/business/otherfrm.shtml>).
- A SF-255 Form, which identifies the proposed principal-in-charge, lead designer, and project manager on the subject project. A resume of each person on the project team should also be submitted in the SF-255 form. (This form is available at <http://www.nyc.gov/html/ddc/html/business/otherfrm.shtml>).
- A SF-254 and SF-255 form for each of the subconsultants proposed to be part of the design team.
- Examples of up to five completed projects similar in scope and type to this project completed within the last ten years. Visual materials can take the form of a printed brochure, photographs, drawings or similar images.
- The consultant's team must have qualifications and experience with projects of similar nature and size. Teams must include consultants with correction facility design experience of similar size and affiliation.

3. Key Personnel for the Project:

Use Attachment 2 (Part B) to identify by name the individuals the proposer and its sub consultants will provide as Key Personnel for the Project. Submit the following for each individual identified in Attachment 2 (Part B):

- Resume detailing the individual's qualifications and experience with similar projects.
- SF-255 Form (available at <http://www.nyc.gov/html/ddc/html/business/otherfrm.shtml>)

4. Technical Approach:

Provide a three page statement describing the proposer's technical approach to the project, including (1) its understanding of the technical issues and complexities of the project, (2) its techniques for problem solving, (3) its technical quality control procedures, and (4) its management structure.

5. Project Methodology

Provide a statement (up to three pages) describing the proposer's project methodology, including its methodology for tracking and maintaining the project's budget and schedule.

6. Statement of Understanding

The Statement of Understanding form included as (Attachment 1) of this RFP should be signed by a responsible partner or corporate officer of the proposing firm and submitted with firm's Technical Proposal.

7. Acknowledgement of Addenda:

The Acknowledgement of Addenda form (Attachment 4) serves as the proposer's acknowledgement of the receipt of addenda to this RFP that may have been issued by DDC prior to the Proposal Due Date and Time. The proposer should complete this form as instructed on the form.

C. Fee Proposal

A Form for the submission of the fee proposal is included as Attachment 3 of the RFP. Upon written notification, the proposer must submit the Fee Proposal in a separate clearly labeled, sealed package within ten business days of such notice. The Fee Proposal shall consist of the two fee components outlined below: (1) Design Fee, and (2) All Inclusive Hourly Rates for specific titles of personnel.

Design Fee: The Design Fee shall be an amount that shall cover all costs and expenses incurred by the consultant and /or its subconsultant(s) in the performance of all required design and construction related services for the Project, as set forth in the contract, including all expenses related to management, overhead and any anticipated profit.

All Inclusive Hourly Rates: The Proposer shall submit All Inclusive Hourly Rates for specified titles of personnel. Such rates SHALL ONLY BE USED for those services, if any, the consultant is directed to perform on a Time Card basis (for example, Additional Professional Services). Such All Inclusive Hourly Rates shall be deemed to include: (1) all expenses incurred by the consultant and/or its subconsultant(s) in the performance of all required services for the Project; (2) all expenses related to management and oversight, including, without limitation, any time spent by principals performing such duties; (3) all expenses related to overhead; and (4) any anticipated

profit. Such rates shall apply to all hours during which such personnel perform services for the Project, including overtime hours.

D. Proposal Package Contents (“Checklist”)

The Proposal Package should contain the following Materials:

Stage One:

1. Portfolio (1 original and 7 copies)
Sealed envelope clearly marked with “Stage One Submission”, including
 - Statement of Understanding (Attachment 1)
 - Acknowledgement of Addenda (Attachment 4)

2. Doing Business Data Form (Attachment 7)
Sealed envelope clearly marked as “Doing Business Data Form” containing a completed Doing Business Data Form.

Stage Two:

1. Technical Proposal (1 original and 7 copies):
Sealed envelope clearly marked with “Stage Two Submission”, including
 - Technical Proposal – Forms (Attachment 2)
 - Acknowledgement of Addenda (Attachment 4)

2. Subcontractor Utilization Plan (1 original) (Attachment 6)

Sealed envelope clearly marked as “Subcontractor Utilization Plan”.

SECTION V. PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES

This is a Quality Based Selection (QBS) project. DDC will rank proposals by technical merit, and negotiate a fair and reasonable price with the highest ranked firm.

A. Technical Proposal Evaluation

1. Stage One Selection Process

Selection Process

An evaluation committee comprised of an independent design professional, DDC and client agency personnel will review, evaluate and score all Stage One proposals pursuant to the criteria prescribed below. This evaluation and scoring will determine the proposer's Stage One Technical Rating. Proposers will then be ranked in accordance with their overall Stage One Technical Ratings.

The rankings will be submitted to the Executive Consultant Selection Committee who will certify the results and determine the number of top ranked firms to be included on the short list of firms to be further considered in the Stage Two selection process.

Proposal Evaluation Criteria: The projects submitted will be evaluated based on the following criteria:

- a. Design quality, extraordinary creativity, solution to design problem, and relationship of the site and surrounding environment (Weight 60%)
- b. Constructability, innovative use of materials, systems and construction technology (Weight 40%)

2. Stage Two Selection Process (Applicable to Stage One Short-Listed Proposers Only)

Selection Process:

An evaluation committee comprised of an independent design professional, DDC and client agency personnel will review, evaluate and score all Technical Proposals pursuant to the criteria prescribed below. This evaluation and scoring will determine the proposer's Stage Two Technical Rating. Proposers will then be ranked in accordance with their overall Stage Two Technical Ratings.

Each Stage Two proposer will be requested to make a one-hour presentation of their submission. Such presentation shall include the following: (1) an introduction of the firm, the lead designer, project manager, and main subconsultants; (2) explanation of the proposed project methodology, including project approach, problem solving techniques, and statement of primary design objectives of this project intended to meet the standard of design excellence as described in Section II of this RFP. The presentation should be structured to highlight the team's response to the submission

requirements noted below for Stage Two Proposals. In addition, the portfolio of the projects submitted for Stage One shall be available for further evaluation.

The evaluation committee may amend their initial Stage Two scores based on the proposers' presentation. Proposers will be ranked in accordance with their final technical ratings. The rankings will be submitted to the Executive Consultant Selection Committee who will certify the results and authorize price negotiations to commence with the highest ranked firm. Should successful negotiations fail with the highest ranked firm, the ECSC will authorize negotiations to commence with the next highest ranked firm.

Proposal Evaluation Criteria: The proposal evaluation criteria are as follows:

- a. Experience of Firm and Subconsultants (Weight 30%)
- b. Key Personnel (Weight 30%)
- c. Technical Approach (Weight 20%)
- d. Project Methodology (Weight 20%)

3. Basis of Award

The Department of Design and Construction will award a contract to the responsible proposer whose proposal is determined to be the highest quality and most advantageous to the City, taking into consideration the overall quality of the proposal as measured against factors or criteria as set forth in the Request for Proposals and the successful negotiation of an appropriate fee. Such fee negotiation shall commence upon written notification and shall conclude not more than thirty days after receipt of the fee proposal.

4. Supply and Service Report

Upon selection, the successful proposer will be required to submit one original copy of the Department of Business Services Supply and Service Report, a copy of which can be downloaded from <http://www.nyc.gov/html/ddc/html/otherfrm.html>. Upon written notification, the proposer must submit the Supply and Service Report within ten days of notification.

VENDEX

Upon selection, the successful proposer 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 DDC within ten days of official notification. 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 DDC's VENDEX Unit at 718-391-1845.

- (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.

6. Contract Finalization

Upon notification, the successful proposer will be asked to finalize a contract with DDC subject to the conditions specified in the RFP and to the agency's standard contract provisions. The contents of the selected proposal, together with this RFP and any addendum(s) provided during the proposal process, may be incorporated into the final contract to be developed by the agency.

SECTION VI. GENERAL INFORMATION TO PROPOSERS

- A. Non-Binding Acceptance of Proposals: This RFP does not commit the City to award a contract for any services.
- B. Incurring Proposal Costs: The City of New York is not liable for any costs incurred in the preparation of a response to this RFP. If Proposers choose to participate in negotiations, they may be asked to submit such price, technical data, or other revisions to their proposals as may be required by the City.
- C. Confidentiality: The contents of a Proposer's RFP response are not deemed confidential unless the Proposer identifies those portions of its response which it deems confidential, or containing proprietary information, or trade secrets. The Proposer must provide justification as to 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.
- D. Reserved Rights: All proposal material submitted becomes the property of the City and the City reserves the right, at its sole discretion, to:
1. Reject any and all proposals received in response to this RFP;
 2. Award a contract to other than the lowest-fee Proposer;
 3. Waive, modify or correct any irregularities in proposals received, after prior notification to the Proposer;
 4. Use without limitation any or all of the ideas from submitted proposals;
 5. Contract for all or selected parts of the Proposer's proposal, selecting from the services offered without affecting the itemized pricing;
 6. Extend the time for submission of all proposals after notification to all prospective Proposers known to have received the RFP;
 7. Conduct discussions with offerers submitting acceptable proposals, award may be made without any discussion;
 8. Terminate negotiations with a selected Proposer and select the next most responsive Proposer, or take such other action as deemed appropriate if negotiations fail to result in a signed contract within a reasonable time of the commencement of negotiations as determined by the Commissioner;
 9. Postpone or cancel this RFP, in whole or in part, and to reject all proposals.

E. Contractual Requirements

1. Any firm awarded a contract as a result of this RFP will be required to sign the City's standard contract for Consultant Services. The requirements for performance of this contract, as well as insurance, payment terms and all other provisions are contained in the contract.
2. Any information that may have been released either orally or in writing prior to the issuance of the RFP shall be deemed preliminary in nature and bind neither the City nor the Proposer.
3. The City will deal only with the consultant and the City has no financial obligation to sub-consultants. However, all sub-consultants are subject to the City's contracting requirements including Equal Employment Opportunity (Executive Order #50 of 1980 as revised).
4. The prompt Payment provisions set forth in the edition of the Procurement Policy Board Rules in effect at the time of this solicitation shall be applicable to payments made under a contract resulting from this solicitation. The provisions require the payment to vendors of interest payments made after the required payment date except as set forth in the Rules. The consultant must submit a proper invoice to receive payment, except where the contract provides that the consultant shall be paid at predetermined intervals without having to submit an invoice for each scheduled payment.

Determinations of interest due shall be made in accordance with the provisions of the Procurement Policy Board Rules and General Municipal Law 3-a.

5. 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, 10th Floor, New York, NY 10007; the telephone number is (212) 669-3232. 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.
6. This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable provision 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 accessing the City's website at nyc.gov/ppb.
7. Contract award is subject to each of the following applicable conditions and any others that may apply: New York City Fair Share Criteria; New York City Mac Bride 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 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 Local Based Enterprises program and its implementation rules.

8. 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.
9. 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.
10. The Agency has determined that the contract to be awarded through this Request for Proposals will not directly result in the displacement of any New York City employee.

ACCO Signature

Date

ATTACHMENT 1

STATEMENT OF UNDERSTANDING

By signing in the space provided below, the undersigned certifies that the respondent (i) has read and understands the scope and requirements of this contract, as described in the RFP and all attachments; (ii) has the capacity to execute this project, (iii) agrees to accept payment in accordance with the requirements of this RFP and the standard design contract, attached hereto, and (iv) will, if its proposal is accepted, enter into the attached Standard design contract with the New York City Department of Design and Construction.

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**

I hereby certify that my firm will carry all insurances specified in the contract.

The undersigned further stipulates that the information in this Proposal is, to the best of knowledge, true and accurate.

Date

Authorized Signature

Telephone Number

Consultant Firm

Fax Number

Federal Tax I.D.

E-Mail Address

Address

ATTACHMENT 2

STAGE TWO TECHNICAL PROPOSAL FORMS

**A. FORM FOR IDENTIFICATION OF SUBCONSULTANTS
(include this form with the Proposal)**

As set forth in Section IV(B)(2) of the RFP, the Proposer must identify by name the specific Subconsultants the proposer intends to use to perform the required services. Specifically, identify the Subconsultants for the services set forth below. If for any of the areas set forth below, the Proposer intends to perform the services with its own employees, so indicate by inserting the words "In House".

- Architectural Design Services _____
- Correction Facility Programming Services _____
- Landscape Architectural Design Services _____
- Civil Engineering Design Services _____
- Structural Engineering Services _____
- Geotechnical Engineering Services _____
- Plumbing Design Services _____
- HVAC & Fire Protection Design Services _____
- Electrical Design Services _____
- Security Systems Design Services _____
- Vertical Transportation Design Services _____
- High Performance Design Services _____
- Energy Modeling and Analysis Services _____
- Energy Efficient Lighting Design Services _____
- Cost Estimating Services _____

ATTACHMENT 2 (continued)

**B. FORM FOR IDENTIFICATION OF KEY PERSONNEL
(include this form with the Proposal)**

As set forth in Section IV(B)(3) of the RFP, identify by name the individuals who will perform the required services for the titles of Key Personnel set forth below. The individuals identified as Key Personnel will be included in Exhibit C to the attached contract. Submit the following for each individual identified below:

- Resume detailing the individual’s qualifications and experience with similar projects.
- SF-255 Form (available at <http://www.nyc.gov/html/ddc/html/business/otherfrm.shtml>)

Architectural Design Services:

Principal: _____

Project Manager: _____

Project Architect: _____

Senior Architectural Designer: _____

Landscape Architectural Services:

Senior Landscape Architect: _____

Civil Engineering Services:

Senior Civil Designer _____

Structural Engineering Services:

Project Engineer: _____

Senior Structural Designer: _____

Plumbing Engineering Services:

Project Engineer: _____

Senior Plumbing Designer: _____

HVAC/Fire Protection Services:

Project Engineer: _____

Senior HVAC Designer: _____

Senior Fire Protection Designer: _____

ATTACHMENT 2 (continued)

Electrical Engineering Services:

Project Engineer: _____

Senior Electrical Designer: _____

Fire Alarm Specialist: _____

Security Systems Design Services:

Senior Security System Designer: _____

High Performance Design Services:

High Performance Designer: _____

LEED Specialist: _____

Energy Efficient Lighting Design Services:

Lighting Designer: _____

Cost Estimating Services:

Senior Estimator: _____

ATTACHMENT 3

FEE PROPOSAL FORM: FEE CURVE FOR DESIGN FEE

FMS ID: C114NEWF

Project: Consultant for Architectural, Engineering Design and Services during Construction for the Bronx Detention Complex

Submission: To be submitted **ONLY** upon request. The proposer shall submit Attachments 3 as its Fee Proposal. Attachments 3 is to be submitted in a clearly marked, sealed envelope.

Design Fee: In the space provided below, for each increment in estimated construction cost, the proposer shall indicate a design fee, calculated as a percent of the total estimated cost of construction. For estimated construction costs between the levels designated, the design fee will be interpolated on a straight line basis between the corresponding two dollar levels.

(1) FEE CURVE

<u>Total Estimated Construction Cost</u>	<u>Design Fee as a Percent of Estimated Construction Cost</u>	<u>Amount of Design Fee</u>
\$300,000,000	_____ %	\$ _____
\$310,000,000	_____ %	\$ _____
\$320,000,000	_____ %	\$ _____
\$330,000,000	_____ %	\$ _____
\$340,000,000	_____ %	\$ _____
\$350,000,000	_____ %	\$ _____
\$360,000,000	_____ %	\$ _____
\$370,000,000	_____ %	\$ _____
\$380,000,000	_____ %	\$ _____
\$390,000,000	_____ %	\$ _____
\$400,000,000	_____ %	\$ _____
\$410,000,000	_____ %	\$ _____
\$420,000,000	_____ %	\$ _____
\$430,000,000	_____ %	\$ _____
\$440,000,000	_____ %	\$ _____
\$450,000,000	_____ %	\$ _____
\$460,000,000	_____ %	\$ _____
\$470,000,000	_____ %	\$ _____
\$480,000,000	_____ %	\$ _____
\$490,000,000	_____ %	\$ _____
\$500,000,000	_____ %	\$ _____

Do not leave blanks - do not retype this sheet.

ATTACHMENT 3 (continued)

FEE PROPOSAL FORM

FMS ID: C114NEWF

Project: Consultant for Architectural, Engineering Design and Services during Construction for the Bronx Detention Complex

(2) ALL-INCLUSIVE HOURLY RATES: The Proposer shall submit All Inclusive Hourly Rates for specified titles of personnel. Such rates SHALL ONLY BE USED for those services the consultant is directed to perform on a Time Card basis (Additional Professional Services). Such All Inclusive Hourly Rates shall be deemed to include: (1) all expenses incurred by the Consultant and/or its Subconsultants in the performance of all required services for the Project, (2) all expenses related to management and oversight, including, without limitation, any time spent by principals performing such duties, (3) all expenses related to overhead, and (4) any anticipated profit. Such rates shall apply to all hours during which such personnel perform services for the Project, including overtime hours.

ARCHITECTURAL DESIGN SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
Project Architect.....	_____
Project Manager (Architecture).....	_____
Senior Architectural Designer.....	_____
Junior Architectural Designer.....	_____
Senior Draftsperson/CAD.....	_____
Junior Draftsperson/CAD.....	_____

CORRECTION FACILITY PROGRAM SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
Senior Correctional Facility Programmer	_____
Correctional Facility Program Specialist.....	_____

LANDSCAPE ARCHITECTURAL DESIGN SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
Senior Landscape Architect.....	_____
Junior Landscape Architect.....	_____
Senior Landscape Architectural Designer.....	_____
Junior Landscape Architectural Designer.....	_____

CIVIL ENGINEERING DESIGN SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
Project Engineer (Civil Engineering).....	_____
Junior Civil Engineer	_____
Senior Engineering Draftsperson/CAD.....	_____
Junior Engineering Draftsperson/CAD.....	_____

STRUCTURAL ENGINEERING SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
Project Engineer (Structural Engineering).....	_____
Project Manager (Structural Engineering).....	_____
Senior Structural Designer	_____
Junior Structural Designer	_____
Senior Engineering Draftsperson/CAD.....	_____
Junior Engineering Draftsperson/CAD.....	_____

GEOTECHNICAL ENGINEERING SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
Senior Geotechnical Engineer.....	_____
Junior Geotechnical Engineer.....	_____

PLUMBING DESIGN SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
Project Engineer (Plumbing Engineering).....	_____
Project Manager (Plumbing Engineering).....	_____
Senior Plumbing Designer	_____
Junior Plumbing Designer	_____
Senior Engineering Draftsperson/CAD.....	_____
Junior Engineering Draftsperson/CAD.....	_____

HVAC AND FIRE PROTECTION DESIGN SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
Project Engineer (HVAC Engineering).....	_____
Project Manager (HVAC Engineering).....	_____
Senior HVAC Designer	_____
Junior HVAC Designer	_____
Senior Fire Protection Designer	_____
Junior Fire Protection Designer	_____

Senior Engineering Draftsperson/CAD.....	_____
Junior Engineering Draftsperson/CAD.....	_____

ELECTRICAL ENGINEERING DESIGN SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
--------------	----------------------------------

Project Engineer (Electrical Engineering).....	_____
Project Manager (Electrical Engineering).....	_____
Senior Electrical Designer	_____
Junior Electrical Designer	_____
Fire Alarm Specialist:	_____
Senior Engineering Draftsperson/CAD.....	_____
Junior Engineering Draftsperson/CAD.....	_____

SECURITY SYSTEMS DESIGN SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
--------------	----------------------------------

Senior Security System Designer	_____
Junior Security System Designer	_____

VERTICAL TRANSPORTATION DESIGN SERVICES

TITLE	ALL INCLUSIVE HOURLY RATE
--------------	----------------------------------

Project Manager.....	_____
Senior Designer	_____

HIGH PERFORMANCE DESIGN SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
--------------	----------------------------------

High Performance Designer.....	_____
LEED Specialist.....	_____

ENERGY MODELING AND ANALYSIS SERVICES:

TITLE	ALL INCLUSIVE HOURLY RATE
--------------	----------------------------------

Energy Modeling and Analysis Specialist	_____
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ENERGY EFFICIENT LIGHTING DESIGN SERVICES:

TITLE **ALL INCLUSIVE HOURLY RATE**

Lighting Designer _____

COST ESTIMATING SERVICES:

TITLE **ALL INCLUSIVE HOURLY RATE**

Senior Estimator..... _____

Junior Estimator..... _____

NOTE: The Consultant shall not leave any blanks nor qualify fees in any way. Do not retype this form. Provide fee only on this form!

Name of Proposer

By: _____
Signature of Partner or Corporate Officer

Date

Print Name

Title

Firm

EIN #

ATTACHMENT 4

ACKNOWLEDGEMENT OF ADDENDA

TITLE OF THE REQUEST FOR PROPOSALS:	PIN:
--	-------------

Instructions: The proposer is to complete Part I or Part II of this form, whichever is applicable, and sign and date this form. This form serves as the proposer's acknowledgement of the receipt of Addenda to this Request for Proposals (RFP) which may have been issued by the Agency prior to the Proposal Due Date and Time.

___ 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

No Addendum was received in connection with this RFP.

Proposer Name

Proposer's Authorized Representative:

Name: _____

Title: _____

Signature: _____

Date: _____

ATTACHMENT 5

CONFIRMATION OF VENDEX COMPLIANCE

The Proposer 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 MOCS:** 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 DDC:** 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: _____

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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.

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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 _____ or via facsimile at (____) _____. 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 COMPLETE THE SUBCONTRACTOR UTILIZATION PLAN INCLUDED HEREIN (SCHEDULE B, PART II). SUBCONTRACTOR UTILIZATION PLANS WHICH DO NOT INCLUDE THE REQUIRED AFFIRMATIONS 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 CITY DETERMINES THAT VENDOR HAS SUBMITTED A SUBCONTRACTOR UTILIZATION PLAN WHERE THE REQUIRED AFFIRMATIONS ARE COMPLETED BUT OTHER ASPECTS OF THE PLAN ARE NOT COMPLETE, OR CONTAIN A COPY OR COMPUTATION ERROR THAT IS AT ODDS WITH THE AFFIRMATION, THE VENDOR WILL BE

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NOTIFIED BY THE AGENCY AND WILL BE GIVEN FOUR (4) CALENDAR DAYS FROM RECEIPT OF NOTIFICATION TO CURE THE SPECIFIED DEFICIENCIES AND RETURN A COMPLETED PLAN TO THE AGENCY. FAILURE TO DO SO WILL RESULT IN A DETERMINATION THAT THE BID/PROPOSAL IS NON-RESPONSIVE. RECEIPT OF NOTIFICATION IS DEFINED AS THE DATE NOTICE IS E-MAILED OR FAXED (IF THE VENDOR HAS PROVIDED AN E-MAIL ADDRESS OR FAX NUMBER), OR NO LATER THAN FIVE (5) DAYS FROM THE DATE OF MAILING OR UPON DELIVERY, IF DELIVERED.

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. **PLEASE NOTE: If this Contract is a public works project subject to GML §101(5), i.e., a contract valued at or below \$3M (for projects in New York City) where the bidder is required to identify at the time of bid submission its intended subcontractors for the Wicks trades (plumbing and gas fitting; steam heating, hot water heating, ventilating and air conditioning (HVAC); and electric wiring), the Contractor must identify all those to which it intends to award construction subcontracts for any of the Wicks trades, regardless of what point in the life of the contract such subcontracts will occur, at the time of bid submission.** 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.

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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. **PLEASE NOTE: If this Contract is a public works project subject to GML §101(5), i.e., a contract valued at or below \$3M (for projects in New York City) where the bidder is required to identify at the time of bid submission its intended subcontractors for the Wicks trades (plumbing and gas fitting; steam heating, hot water heating, ventilating and air conditioning (HVAC); and electric wiring), the Contractor may request a Modification of its Subcontractor Utilization Plan as part of its bid submission.** The Agency may grant a request for Modification of a Contractor's Subcontractor Utilization Plan 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

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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,

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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

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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.

ATTACHMENT 6**M/WBE PROGRAM****SUBCONTRACTOR UTILIZATION PLAN**

Subcontractor Utilization Plan: The Subcontractor Utilization Plan for this Contract is set forth on the following pages of this RFP. The Subcontractor Utilization Plan (Part I) indicates whether participation goals have been established for this Contract. If participation goals have been established for this Contract, the proposer must submit a Subcontractor Utilization Plan (Part II) with its Technical Proposal in a sealed envelope clearly marked as "Subcontractor Utilization Plan".

Contract Provisions: Contract provisions regarding the participation of MWBE firms are set forth in Article 46 of the Contract. The proposer is advised to review these contract provisions.

Waiver: The proposer may seek a full or partial pre-award waiver of the Target Subcontracting Percentage in accordance with Article 46 of the Contract (See Part A, Section 10). The proposer's request for a waiver must be submitted at least seven (7) consecutive calendar days prior to the proposal due date. Waiver requests submitted after the deadline will not be considered. The form for requesting a waiver of the Target Subcontracting Percentage is set forth in the Subcontractor Utilization Plan (Part III).

Rejection of the Proposal: The proposer must fully complete the Subcontractor Utilization Plan (Part II) set forth on the following pages. Proposals that do not include a completed Subcontractor Utilization Plan (Part II) will be deemed to be non-responsive, unless a full waiver of the Target Subcontracting Percentage is granted (Subcontractor Utilization Plan, Part III). In the event that the proposer's Subcontractor Utilization Plan (Part II) indicates 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 of the Target Subcontracting Percentage (Subcontractor Utilization Plan, Part III).

Tax ID #: _____



THE CITY OF NEW YORK

Subcontractor Utilization Plan -Part I: Agency's Target

This page to be completed by contracting agency

Contract Overview

Pin # 8502009CR0002P FMS Project ID#: C114NEWF
 Project Title Capacity Replacement Program-New 1,520-Bed Bronx Detention Complex at Hunts Point
 Contracting Agency Department of Design and Construction
 Agency Address 30-30 Thomson Ave City Long Island City State NY Zip Code 11101
 Contact Person James A. Cerasoli Title Senior MWBW Compliance Analyst
 Telephone # 718-391-1549 Email cerasoli@ddc.nyc.gov

Project Description (attach additional pages if necessary)

New 1,520 Beds Bronx Detention Complex at Hunts Point

- (1) **Target Subcontracting Percentage**
 Percentage of total contract dollar value that agency estimates will be awarded to subcontractors in amounts under \$1 million for construction and professional services. 25%

Subcontractor Participation Goals*
 Complete and enter total for each Construction or Professional Services, or both (if applicable)

Group	Construction	Professional Services
Black American	%	20 %
Hispanic American	%	20 %
Asian American	%	NO GOAL
Caucasian Female	NO GOAL	20 %
Total Participation Goals	(2) %	(3) 60 %

*Note: For this procurement, 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.

Tax ID #: _____

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) <small>(construction/professional services)</small>	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.

Subcontractor Utilization Plan – Part II: Bidder/Proposer Subcontracting Plan – 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.	<ul style="list-style-type: none"> • 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
c.	<ul style="list-style-type: none"> • 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 deemed non-responsive. 	Subcontracts under \$1M by Industry \$ _____ 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 MWBE 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 MWBE 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 MWBEs so as to meet the required Subcontractor Participation Goals.

Signature _____	Date _____
Print Name _____	Title _____

Attachment 7 **Doing Business Data Form**

DOING BUSINESS ACCOUNTABILITY PROJECT QUESTIONS AND ANSWERS ABOUT THE DOING BUSINESS DATA FORM

What is the purpose of this *Data Form*?

To collect accurate, up-to-date identification information about entities that have business dealings with the City of New York in order to comply with Local Law 34 of 2007 (LL 34), the recently passed campaign finance reform law. LL 34 limits municipal campaign contributions from principal officers, owners and senior managers of these entities and mandates the creation of a *Doing Business Database* to allow the City to enforce the law. The information requested in this *Data Form* must be provided, regardless of whether the entity or the people associated with it make or intend to make campaign contributions. No sensitive personal information collected will be disclosed to the public.

Why have I received this *Data Form*?

The contract, franchise, concession, grant or economic development agreement you are proposing on, applying for or have already been awarded is considered a business dealing with the City under LL 34. No proposal or application will be considered and no award will be made unless this *Data Form* is completed. Most transactions valued at more than \$5,000 are considered business dealings and require completion of the *Data Form*. Exceptions include transactions awarded on an emergency basis or by publicly advertised, non-pre-qualified competitive sealed bid. Other types of transactions that are considered business dealings include real property and land use actions with the City.

What entities will be included in the *Doing Business Database*?

Entities that hold \$100,000 or more in grants, contracts for goods or services, franchises or concessions (\$500,000 or more for construction contracts), along with entities that hold any economic development agreements or pension fund investment contracts, are considered to be doing business with the City for the purposes of LL 34 and will be included in the *Doing Business Database*. Because all of the business that an entity does or proposes to do with the City will be added together, the *Data Form* must be completed for all covered transactions even if an entity does not currently do enough business with the City to be listed in the *Database*.

What individuals will be included in the *Doing Business Database*?

The principal officers, owners and certain senior managers of entities listed in the *Doing Business Database* are themselves considered to be doing business with the City and will also be included in the *Database*.

- **Principal Officers** are the Chief Executive Officer (CEO), Chief Financial Officer (CFO) and Chief Operating Officer (COO), or their functional equivalents. See the *Data Form* for examples of titles that apply.
- **Principal Owners** are individuals who own or control 10% of more of the entity. This includes stockholders, partners and anyone else with an ownership or controlling interest in the entity.
- **Senior Managers** include anyone who, either by job title or actual duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any contract, concession, franchise, grant or economic development agreement with the City. At least one Senior Manager must be listed or the *Data Form* will be considered incomplete.

I provided some of this information on the VENDEX Questionnaire; do I have to provide it again?

Although the *Doing Business Data Form* and the VENDEX Questionnaire request some of the same information, they serve entirely different purposes. In addition, the *Data Form* requests information concerning senior managers, which is not part of the VENDEX Questionnaire.

My organization is proposing on a contract with another firm as a Joint Venture that does not exist yet; how should the *Data Form* be completed?

A joint venture that does not yet exist must submit *Data Forms* from each of its component firms. If the joint venture receives the award, it must then complete a form in the name of the joint venture.



Will the information on this *Data Form* be available to the public?

The names and titles of the officers, owners and senior managers reported on the *Data Form* will be made available to the public, as will information about the entity itself. However, personal identifying information, such as home address, home phone and date of birth, will not be disclosed to the public, and home address and phone number information will not be used for communication purposes.

No one in my organization plans to contribute to a candidate; do I have to fill out this *Data Form*?

Yes. All entities are required to return this *Data Form* with complete and accurate information, regardless of the history or intention of the entity or its officers, owners or senior managers to make campaign contributions. The *Doing Business Database* must be complete so that the Campaign Finance Board can verify whether future contributions are in compliance with the law.

I have already completed a *Doing Business Data Form*; do I have to submit another one?

Yes. An entity is required to submit a *Doing Business Data Form* each time it proposes on or enters a transaction considered business dealings with the City. However, the *Data Form* has both a No Change option, which only requires an entity to report its EIN and sign the last page, and a Change option, which allows an entity to only fill in applicable information that has changed since the previous completion of the *Data Form*. No entity should have to fill out the entire *Data Form* more than once.

How does a person remove him/herself from the *Doing Business Database*?

Any person who believes that s/he should not be listed may apply for removal from the *Database* by submitting a Request for Removal. Reasons that a person would be removed include his/her no longer being the principal officer, owner or senior manager of the entity, or the entity no longer being in business. Entities may also update their database information by submitting an update form. Both of these forms are available online at www.nyc.gov/mocs (once there, click MOCS Programs) or by calling 212-788-8104.

How long will an entity and its officers, owners and senior managers remain listed on the *Doing Business Database*?

- **Contract, Concession and Economic Development Agreement holders:** generally for the term of the transaction, plus one year.
- **Franchise and Grant holders:** from the commencement or renewal of the transaction, plus one year.
- **Pension investment contracts:** from the time of presentation on an investment opportunity or the submission of a proposal, whichever is earlier, until the end of the contract, plus one year.
- **Line item and discretionary appropriations:** from the date of budget adoption until the end of the contract, plus one year.
- **Contract proposers:** for one year from the proposal date or date of public advertisement of the solicitation, whichever is later.
- **Franchise and Concession proposers:** for one year from the proposal submission date.

For information on other transaction types, contact the Doing Business Accountability Project.

What are the new campaign contribution limits for people doing business with the City?

Contributions to City Council candidates are limited to \$250 per election cycle; \$320 to Borough President candidates; and \$400 to candidates for citywide office. Please contact the NYC Campaign Finance Board for more information at www.nyccfb.info, or 212-306-7100.

The *Data Form* is to be returned to the contracting agency.

If you have any questions about the *Data Form* please contact the Doing Business Accountability Project at 212-788-8104 or DoingBusiness@cityhall.nyc.gov.

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Doing Business Data Form

To be completed by the City Agency prior to distribution	
Agency: DDC	Transaction ID: _____
Check One:	Transaction Type (check one):
<input checked="" type="checkbox"/> Proposal	<input type="checkbox"/> Concession <input checked="" type="checkbox"/> Contract <input type="checkbox"/> Economic Development Agreement
<input type="checkbox"/> Award	<input type="checkbox"/> Franchise <input type="checkbox"/> Grant <input type="checkbox"/> Pension Investment Contract

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

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York; no other information reported on this form will be disclosed to the public. **This Data Form is not related to the City's VENDEX requirements.**

Please return the completed Data Form to the City Agency that supplied it. Please contact the Doing Business Accountability Project at DoingBusiness@cityhall.nyc.gov or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

Section 1: Entity Information

Entity Name: _____

Entity EIN/TIN: _____

<p>Entity Filing Status (select one):</p> <p><input type="checkbox"/> Entity has never completed a Doing Business Data Form. <i>Fill out the entire form.</i></p> <p><input type="checkbox"/> Change from previous Data Form dated _____. <i>Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.</i></p> <p><input type="checkbox"/> No Change from previous Data Form dated _____. <i>Skip to the bottom of the last page.</i></p>

Entity is a Non-Profit: Yes No

Entity Type: Corporation (any type) Joint Venture LLC Partnership (any type)
 Sole Proprietor Other (specify): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone : _____ Fax : _____

E-mail: _____

Provide your e-mail address and/or fax number in order to receive notices regarding this form by e-mail or fax.

Section 2: Principal Officers

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

Chief Executive Officer (CEO) or equivalent officer

This position does not exist

The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

This person replaced former CEO: _____ on date: _____

Chief Financial Officer (CFO) or equivalent officer

This position does not exist

The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

This person replaced former CFO: _____ on date: _____

Chief Operating Officer (COO) or equivalent officer

This position does not exist

The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

This person replaced former COO: _____ on date: _____

Doing Business Data Form

EIN/TIN: _____

Page 3 of 4

Section 3: Principal Owners

Please fill in the required identification information for all individuals who, through stock shares, partnership agreements or other means, **own or control 10% or more of the entity**. If no individual owners exist, please check the appropriate box to indicate why and skip to the next page. If the entity is owned by other companies, those companies do **not** need to be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals who are no longer owners at the bottom of this page. If more space is needed, attach additional pages labeled "Additional Owners."

There are no owners listed because (select one):

- The entity is not-for-profit
- There are no individual owners
- No individual owner holds 10% or more shares in the entity
- Other (explain): _____

Principal Owners (who own or control 10% or more of the entity):

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

Remove the following previously-reported Principal Owners:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Doing Business Data Form

EIN/TIN: _____

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Section 4: Senior Managers

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

Senior Managers:

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

Remove the following previously-reported Senior Managers:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Certification

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

Name: _____

Signature: _____ Date: _____

Entity Name: _____

Title: _____ Work Phone #: _____

Return the completed Data Form to the agency that supplied it.

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.



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