NEW YORK CITY DEPARTMENT OF
DESIGN + CONSTRUCTION

TWO-STAGE REQUEST FOR PROPOSALS

RFP

PIN
8502011VP0041P

PRE-PROPOSAL CONFERENCE
None

PROJECT
Resident Engineering Inspection Services for the Rehabilitation of High Bridge, Manhattan and the Bronx

SUBMISSION DEADLINE
August 15, 2011

MICHAEL R. BLOOMBERG
Mayor

DAVID J. BURNEY, FAIA
Commissioner

ERIC MACFARLANE, PE
Deputy Commissioner
Infrastructures Division

DEPARTMENT OF DESIGN AND CONSTRUCTION

REQUEST FOR PROPOSALS, TWO-STAGE

PROJECT: P-3PNYC01

RESIDENT ENGINEERING INSPECTION SERVICES FOR THE REHABILITATION OF HIGH BRIDGE, BOROUGHS OF MANHATTAN AND THE BRONX

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Printed on paper containing 30% post-consumer material.

PREFACE

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. As part of this effort, the Department of Design and Construction ("DDC") is pleased to announce the following contracting opportunity.

SECTION I. TIMETABLE

A. RFP Issuance:

Submission Deadlines

Stage One Submissions
1 original and 5 copies and one original of the completed Doing Business Data Form shall be delivered on or before 4:00 PM on Monday, August 15, 2011, 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 4 copies), and (2) Disadvantaged Business Enterprise (DBE) Participation Form (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.

Jia Mei, (718) 391-2264
Professional Contracts Section
Department of Design and Construction
30-30 Thomson Avenue, 4th Floor (Entrance on 30th Place)
Long Island City, New York 11101
E-mail: meij@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 http://ddcftp.nyc.gov/rfpweb/. 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 addendum to the Technical Proposal. All addenda shall become 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 Written Advice of Award

SECTION II. SUMMARY OF THE REQUEST FOR PROPOSALS

A. Background and Objectives of the Project:

The New York City Department of Design and Construction (DDC), Division of Infrastructure, is seeking an Engineering firm to provide services for the project described in this RFP. The selected Engineer will be required to provide services throughout the duration of the project (i.e., pre-construction, construction and post-construction services). The selected Engineer will be required to provide all services necessary and required for the inspection, management, coordination and administration of the Project, from commencement through substantial completion, final acceptance, and project close-out. The project for which services are required is for resident engineering inspection services for the rehabilitation of High Bridge connecting the Boroughs of Manhattan and Bronx, a federally funded project. High Bridge is the oldest bridge in New York City, constructed between 1839 and 1848 and connects the neighborhoods of Highbridge in the Bronx and Washington Heights in Manhattan. High Bridge was designated an individual New York City landmark in 1970, and listed on the National Register of Historic Places in 1972. The purpose of the project is to open High Bridge to pedestrians and cyclists while respecting the work of the 19th century visionaries who originally created High Bridge and to restore the bridge's beauty, usefulness, and grandeur by careful rehabilitation.

The scope of the proposed project is (1) to rehabilitate the masonry arch spans, steel arch span, (including deleading and painting) brick arch deck, and brick walkway; (2) to stabilize and conserve the aqueduct pipe; (3) to provide barrier-free access and safety for pedestrian and wheeled users; (4) to rehabilitate historic railings and walkway lighting posts; (5) to provide architectural lighting (as funding allows); (6) to provide a visitor information system consisting of wayfinding signage and aqueduct interpretative signage.

B. Joint Ventures and Other Consultant Relationships:

There is no minimum requirement for the proportion of work by either of the two joint venture partners. 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 partners 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 A, which lists any subconsultants.

C. Contract Term / Cost Estimate:

The term of the contract shall commence on the date of registration by the Comptroller and shall continue until completion of all required services. The anticipated time frame for completion of all required services is 850 consecutive calendar days (CCDs). The estimated cost of the required construction work for the Project is $45,000,000.00.

D. Insurance:

Requirements for insurance that must be provided by the Engineer and its subconsultants are specified in Article 7 of Appendix A, which is included as an Exhibit to the attached contract. The cost of all insurance is deemed included in payments to the Engineer, as set forth in the attached contract. The Proposer is advised to review such insurance requirements.

E. Payment Provisions:

Payments for all required services for the Project shall be in accordance with Article 7 of the Contract. As indicated therein, the Engineer shall be paid for staffing expenses for engineering personnel identified in the approved Staffing Plan. Staffing expenses shall be calculated based on Direct Salary Rates per hour for specified personnel, subject to a Multiplier for Overhead and Profit. The negotiation of Maximum Allowable Direct Salary Rates per hour for all required titles shall be based on the Actual Direct Salary Rates per hour submitted by the proposer, as well as the projected increase per year in such rates, based on the Employment Cost Index for Professional, Scientific and Technical Services, published by the U.S. Department of Labor, Bureau of Labor Statistics (the "Index").

1. The Direct Salary Rate per hour for an assigned employee shall be determined by the Commissioner and shall be the **LESSER** of (1) the assigned employee's actual annual direct salary, computed on an hourly basis, or (2) the Maximum Allowable Direct Salary Rate per hour for the assigned employee's title, as described in Attachment 3. The Engineer shall not be entitled to payment for staffing expenses for (1) any project executive(s), and/or (2) any personnel not included in the approved Staffing Plan.

2. The Multiplier for Overhead and Profit shall be negotiated with the selected proposer.

SECTION III. SCOPE OF WORK AND CONTRACT CONDITIONS

A. Scope of Services:

The selected Engineer shall provide all services necessary and required for the inspection, supervision, management, coordination and administration of the Project, so the required construction work is properly executed, completed in a timely fashion and conforms to the requirements of the construction documents and to good construction practice. The Engineer shall provide the required services for the duration of the Project (i.e., pre-construction, construction and post-construction services). The proposer is advised to review the contract provisions.

B. Contract Provisions:

The services to be provided by the Engineer and all standards of performance applicable to the required work set forth in the form of contract, attached hereto and incorporated herein as part of this RFP. Any firm awarded a contract as result of this RFP will be required to sign this form of contract. For a more complete and thorough description of the scope of services summarized in this section of the RFP, the proposer is advised to review the contract.

C. Subcontracting:

Subcontracting is only permitted as set forth below:

- Key Personnel: The Engineer is not permitted to enter into any subcontract(s) for the services of Key Personnel. Individuals providing services as Key Personnel must be employees of the Engineer. The titles of Key Personnel required for the Project are set forth in Attachment 2.
- Non-Key Personnel: The Engineer is permitted to enter into subcontracts for the services provided by non-Key Personnel.
- Reimbursable Services: The Engineer is permitted to enter into subcontracts for Reimbursable Services.

D. Staffing Plan:

The Engineer shall be required to provide personnel for the Project in accordance with the Staffing Plan approved by the Commissioner. Such Staffing Plan must include the Key Personnel identified by the Engineer in its Proposal, as well as other engineering personnel required for the Project.

E. Qualification Requirements:

Resident Engineer:

- Qualified for ASCE Grade V
- Baccalaureate degree in engineering from an accredited college
- Valid NYS P.E. License

- Ten years of experience in working with bridges, one of which must be with Landmark bridges.
- Experience with lead abatement on bridges
- Working knowledge of the following: (1) DDC policies and procedures, (2) NYSDOT Bridge Manual and AASHTO Standards (3) Familiarity with NYC Parks policies and standards (4) Familiarity with FHWA requirements
- Excellent written, communication, organization and time management skills
- Proficiency in Microsoft Word and Excel
- Valid driver's license
- Certified for OSHA 10-hour safety and confined space training

<u>Office Engineer:</u>

- Qualified for ASCE Grade III, or NICET Grade IV
- Baccalaureate degree from an accredited college
- Five years of experience in construction inspection of Bridges.
- Working knowledge of the following: (1) DDC policies and procedures, (2) Working knowledge of DDC record keeping, payment, and change order procedures (3) Working knowledge of FHWA requirements and NYSDOT standards including DBE requirements and payments.
- Proficiency in Microsoft Word, Excel, Project and PowerPoint
- Effective oral, written, organization, and time management skills
- Valid driver's license
- Certified for OSHA 10-hour safety and confined space training

<u>Assistant Office Engineer</u>

- Qualified for ASCE Grade II, or NICET Grade III
- Baccalaureate degree from an accredited college
- Three years of experience in construction inspection of Bridges.
- Working knowledge of the following: (1) DDC policies and procedures, (2) Working knowledge of DDC record keeping, payment, and change order procedures (3) Working knowledge of FHWA requirements and NYSDOT standards including DBE requirements and payments.
- Proficiency in Microsoft Word, Excel, Project and PowerPoint
- Effective oral, written, organization, and time management skills

<u>Senior Inspector:</u>

- Qualified for ASCE Grade II, or NICET Grade III
- Baccalaureate degree from an accredited college or four years high school diploma or its educational equivalent and ten years of experience in construction inspection or management on infrastructure construction projects.
- Three years of experience in construction inspection or management on infrastructure bridge construction projects
- Working knowledge of the following: (1) DDC policies and procedures, (3) NYSDOT specifications (for Highways and Bridges), and (3) DOT specifications (for Highway and Bridge projects)
- Working knowledge of DDC record keeping, payment, and change order procedures
- Effective oral, written, organization, and time management skills
- Valid driver's license

- Certified for OSHA 10-hour safety and confined space training

Environmental Engineer

- Qualified for ASCE Grade II, or NICET Grade III
- Baccalaureate degree in Environmental Engineering and at least three years of experience in hazardous material abatement supervision to oversee testing and monitoring
- Trained to detect visible emissions as per 40 CFR 60
- One year experience in hazardous material abatement worker safety to observe contractor compliance with United States Occupational Safety and Health Administration (OSHA)
- Valid Driver's License
- Must be familiar with Hazardous waste Management procedures.

Inspector:

- Qualified for ASCE Grade I, or NICET Grade II

Historic Preservation Specialist:

- Baccalaureate degree from an accredited college in architecture, engineering, construction management, preservation or a related field
- Five years of experience working with historic structures
- Knowledge of the properties of, and experience working with, stone masonry and brick masonry and historic metals
- Proficiency in Microsoft Word
- Effective written and oral communication skills
- Valid Driver's License
- Certified for OSHA 10-hour safety and confined space training

Notes:

1. ASCE: The applicable requirements for the title in question shall be the most current requirements promulgated by the American Society of Civil Engineers (ASCE), as of the date on which the Engineer submitted its Proposal for the Contract.

2. NICET: The applicable requirements for the title in question shall be the most current requirements promulgated by the National Institute for Certification in Engineering Technologies (NICET), as of the date on which the Engineer submitted its Proposal for the Contract.

F. Participation by Disadvantaged Business Enterprises in Federal Aid Projects

The proposer is advised that the Project is a Federal Aid Project. The City of New York, DDC, is receiving funds from the United States Government for construction of the Project. Specifically, funding for the Project is being provided by the Federal Highway Administration (“FHWA”). Since the Project is a Federal Aid Project, the proposer is required to provide the maximum possible contracting opportunities for Disadvantaged Business Enterprises (DBEs). The DBE program is a federally regulated program that is administered by the New York State Department of Transportation (NYSDOT). The requirements for participation by DBEs are set forth in Attachment 6.

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 submission, 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 proposal 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.

A. Stage One Proposal Requirements:

This stage serves to highlight each proposer's previously completed engineering/architectural projects that demonstrate design quality, extraordinary creativity and insight in the solution to a given architectural/engineering problem. Proposers should provide projects that reflect this ability both in the design of the bridges and other structures 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 5 copies):

Provide a portfolio of up to three bridge projects built within the last ten years with a construction value of over $25 million each, one of which must be similar in scope to High Bridge. For each project, include the following: (1) resume of the person who was leading the construction of the bridges; (2) plans, sections, elevations, site plans and three dimensional views of the project; (3) a brief written description highlighting the salient characteristics of the project; (4) the construction philosophy and approach; (5) list any construction citations or awards and entries to design competitions. Present each project on an 11x17 inch sheet, including all text. All of the pages shall be bound in covers no larger than 11X17 inches. Format may be either landscape or portrait, but not both. One complex high profile historic preservation project with a construction value of over $25 million may be substituted for one bridge project.

B. Stage Two 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 30-minute presentation. See Section V. (B) for a more detailed description of the presentation requirements.

Technical Proposal (1 original and 4 copies):

The Technical Proposal should contain the following information:

1. Cover Letter: Submit a maximum one-page cover letter, indicating the company name and address, and the name, address and telephone number of the person authorized to represent the firm. **(*Be sure to refer to the proper DDC project number and title*).**

2. A. Experience of Firm & Subconsultants: Provide further information on the team qualifications submitted in Stage 1. Provide examples of up to three projects, completed within the last ten years, which are similar in scope and type to the project described in this RFP. Visual materials can take the form of a printed brochure, photographs, drawings or similar images. For each project, the proposer shall provide information indicating whether the project was completed on time and within budget.

The projects submitted should highlight

- expertise in construction management, including field inspection, administration, and ability to complete project work within schedule and budget;
- expertise in bridge engineering;
- expertise in restoring historic structures;
- ability to coordinate with multiple involved agencies; and
- if applicable, lead firm's ability to manage a team of multi-disciplinary sub-consultant firms

B. Key Personnel for the Project: Submit qualification information for each member of the Project Team, including each sub-consultant and member of the sub-consultant's team.

Submit a resume for each individual identified in Attachment 2. The resume shall detail the individual's managerial and technical qualifications, as well as his/her experience with similar projects.

Individuals serving as Key Personnel must be employees of the proposer.

3. Strategic Approach: Provide a three page statement describing the proposer's strategic approach to the Project, including (1) its understanding of the technical issues and complexities of the Project, (2) its methodology for tracking and maintaining the Project's budget and schedule, (3) its techniques for problem solving and (4) its ability and methodology for communicating information with the contractor, the Agencies and the public.

4. Organizational Capability: Demonstrate the organizational capability of the firm. The proposer shall submit a SF-254 Form, which provides information concerning (1) the number of full-time people currently employed by the firm, (2) the projects on which the firm is currently working, (3) the projects the firm has completed, and (4) future projects to which the firm is committed. All project information shall include the dollar value of the contract, as well as the schedule.

5. 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 the firm's Technical Proposal.

6. 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 the Agency prior to the proposal due date and time. The proposer should complete this form as instructed on the form.

C. Fee Proposal:

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 Proposer must complete the Fee Proposal as per instructions on Attachment 3.

D. Proposal Package Contents ("Checklist"):

The Proposal Package should contain the following materials:

Stage One:

1. Portfolio (1 original and 5 copies):
Sealed envelope clearly marked with "Stage One Submission"

- Statement of Understanding (Attachment 1)
- Acknowledgement of Addenda (Attachment 4)

2. Doing Business Data Form (1 original) (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 5 copies):
Sealed envelope clearly marked with "Stage Two Submission", including

- Identification of Key Personnel (Attachment 2)
- Acknowledgement of Addenda (Attachment 4)

2. DBE Participation Plan (1 original): (Attachment 6)
Sealed envelope, clearly marked as "DBE Participation Plan".

SECTION V. PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES

A. Stage One Selection Process

This is a Qualifications/Quality Based Selection (QBS) project. A DDC evaluation committee comprised of DDC and the Department of Parks and Recreation staff will review, evaluate and score all Stage One portfolios 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:

1. The projects submitted will be evaluated for their schedule, timeliness of completion and budget (Weight 40%)

2. The projects submitted will be evaluated for its similarity to the scope of High Bridge, complexity and quality of construction (Weight 40%)

3. The projects submitted will be evaluated for the firm's capability to do similar projects. (Weight 20%)

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

Each Stage Two proposer will be requested to make a 30-minute presentation of their submission. Such presentation should include the following: (1) an introduction to the firm's, Key Personnel and any subconsultants critical to the success of the project; (2) explanation of the proposed project methodology, including project approach, problem solving techniques. The presentation should be structured to highlight the team's response to the Stage Two Proposal requirements. In addition, the portfolio of projects submitted for Stage One will be available for further evaluation.

DDC will rank proposals by technical merit, and negotiate a fair and reasonable price with the highest ranked. A consultant selection committee will review, evaluate and score all technical proposals in accordance with qualitative and quantitative criteria established below. Proposers shall be ranked in accordance with the scores. The ranking will be submitted to the Executive Consultant Selection Committee (ECSC) who will certify the results and authorize fee negotiation to commence with the highest ranked firm. Should negotiations fail with the highest ranked firm, the ECSC will authorize fee negotiation with the next highest ranked firm. The firm whose proposal is determined to be the most advantageous to the City will be awarded the project.

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

1. Qualification and Experience (Weight 60 %)
    A. Experience of the Firm & Subconsultants
    B. Key Personnel - Qualifications and Experience

2. Strategic Approach: (Weight 20 %)

3. Organizational Capability: (Weight 20 %)

C. Basis of Award:

DDC shall 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 are set forth in the Request for Proposals and 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.

D. Supply and Service Employment Report:

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

E. 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 and VENDEX Certification of No Change to DDC within five 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.

(1) 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.

(2) 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.

F. Contract Finalization

Upon selection, 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. Complaints

The New York City Comptroller is charged with the audit of contracts in New York City. Any proposer who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 835, New York, NY 10007; the telephone number is (212) 669-3000. In addition, the New York City Department of Investigation should be informed of such complaints at its Investigations Division, 80 Maiden Lane, New York, NY 10038; the telephone number is (212) 825-5959.

B. Applicable Laws

This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable provisions of New York State Law, the New York City Administrative Code, New York City Charter and New York City Procurement Policy Board (PPB) Rules. A copy of the PPB Rules may be obtained by contacting the PPB at (212) 788-7820.

The Consultant is advised that the Project is a Federal Aid Project. The City of New York, Department of Design and Construction, is receiving funds from the United States Government for construction of the Project. Specifically, funding for the Project is being provided by the Federal Highway Administration (“FHWA”). The Consultant must comply with the provisions of the Brooks Act and the USDOT Federal Highway Administration.

C. 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 Engineering Inspection Services. A copy of the contract is attached for your information. The requirements for performance of this Project, as well as insurance, payment terms and all other provisions are contained in the contract.

2. Any information which 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 Engineer and the City has no financial obligation to sub-consultants and sub-contractors of the Engineer. However, all sub-consultants and sub-contractors are subject to the City's contracting requirements including Equal Employment Opportunity (Executive Order #50 of 1980 as revised).

4. If this is an Infrastructure contract for engineering design services, the Proposer must negotiate with the agency the adoption of a schedule of payments and deliverables. In the event that a satisfactory decision cannot be reached regarding those schedules, the agency reserves the right to award to another proposer.

D. Contract Award

Contract award is subject to each of the following applicable conditions and any others that may apply: Requirements under 23 CFR Part 172 and 23 USC 112; New York City Fair Share Criteria; New York City MacBride Principles Law; submission by the proposer of the requisite New York City Department of Small Business Services/Division of Labor Services Employment

Report and certification by that office; submission by the proposer of the requisite VENDEX Questionnaires/Affidavits of No Change and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity; and Section 6-108.1 of the New York City Administrative Code relating to the Local Based Enterprises program and its implementation rules.

E. Proposer Appeal Rights

Pursuant to the PPB Rules, proposers have the right to appeal Agency non-responsiveness determinations and Agency non-responsibility determinations and to protest an Agency's determination regarding the solicitation or award of a contract.

F. Multi-Year Contracts

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

G. Prompt Payment Policy

Pursuant to the PPB Rules, it is the City's policy to process contract payments efficiently and expeditiously. 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 contractors of interest payments made after the required payment date except as set forth in the Rules.

The contractor (consultant) must submit a proper invoice to receive payment, except where the contract provides that the contractor shall be paid at predetermined intervals without having to submit an invoice for each scheduled payment.

H. Prices Irrevocable

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

I. Confidential, Proprietary Information or Trade Secrets

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

J. RFP Postponement/Cancellation

The Agency reserves the right to postpone or cancel this RFP in whole or in part, and to reject all proposals.

K. Proposer Costs

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

L. VENDEX Fees

Pursuant to PPB Rule 2-08(f)(2), the contractor will be charged a fee for the administration of the VENDEX system, including the Vendor Name Check process, if a Vendor Name Check review is required to be conducted by the Department of Investigation. The contractor shall also be required to pay the applicable required fees for any of its subcontractors for which Vendor Name Check reviews are required. The fee(s) will be deducted from payments made to the contractor under the contract. For contracts with an estimated value of less than or equal to $1,000,000, the fee will be $175. For contracts with an estimated value of greater than $1,000,000, the fee will be $350.

M. Charter Section 312(a) Certification

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

__________________________________ ____________________

Agency Chief Contracting Officer 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 project, 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 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 types of insurance specified in the contract.

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

____
Name of Firm
(Full Business Name)

By: ________________________________ _________________________
Signature of Partner or Corporate Officer Date

________________________________ _________________________
Print Name Title

________________________________ _________________________
Firm EIN #

________________________________ _________________________
Address E-Mail Address

ATTACHMENT 2

TECHNICAL PROPOSAL – IDENTIFICATION OF KEY PERSONNEL (TO BE SUBMITTED BY STAGE-TWO PROPOSERS ONLY)

FMS ID: **P-3PNYC01**
Project: **Resident Engineering Inspection Services for the Rehabilitation of High Bridge, Boroughs of Manhattan and the Bronx**

Submission: The proposer shall submit Attachment 2 as part of its Technical Proposal.

Key Personnel: Required titles of Key Personnel for the Project are indicated below. In this Attachment, the proposer shall identify the individuals it will assign to the Project for its entire duration as Key Personnel. The proposer is advised that submission of completed form for all information set forth below with respect to the proposed Key Personnel is **MANDATORY.** Failure to submit all such information in the completed form will result in automatic rejection of the proposal as non-responsive. The Engineer is not permitted to enter into any subcontract(s) for the services of Key Personnel. Individuals providing services as Key Personnel must be employees of the Engineer.

Resumes: The proposer shall submit a resume for each individual identified below. The resume shall detail the individual's managerial and technical qualifications, as well as his/her experience with similar projects.

Qualification Requirements: Qualification requirements for individuals assigned to the Project as Key Personnel are set forth in Exhibit C to the Contract.

****

(1) **Project Executive:** Name of Proposed Candidate: ________________________________

(2) **Resident Engineer:** Name of Proposed Candidate: ________________________

Is the Candidate currently employed by proposer? _____ Yes _____ No If the answer is No, the proposer must provide the certification set forth below, plus a proposed alternate candidate.

Name of Proposed Alternate Candidate: ____________________________________
The resume of the Proposed Alternate Candidate must be included in the technical proposal.

Information regarding the Candidate's current and/or projected assignment(s), including projects which have not yet been commenced, but for which a final selection has been made by the Entity/Agency:

Name of Entity or Agency: ____
Project Description: ____
Title: ____
Anticipated Completion Date: ____

Has the Candidate been included on any other proposals submitted by the proposer for which a final selection has not yet been made by the Entity/Agency ? _____Yes ____ No. If the answer is Yes, the proposer must provide an attachment listing all such proposals.

ATTACHMENT 2 (continued)

(3) Office Engineer: Name of Proposed Candidate: ________________________

Is the Candidate currently employed by proposer? _____ Yes _____ No If the answer is No, the proposer must provide the certification set forth below, plus a proposed alternate candidate.

Name of Proposed Alternate Candidate:_______________________________
The resume of the Proposed Alternate Candidate must be included in the technical proposal.

Information regarding the Candidate's current and/or projected assignment(s), including projects which have not yet been commenced, but for which a final selection has been made by the Entity/Agency:

Name of Entity or Agency: ____
Project Description: ____
Title: ____
Anticipated Completion Date: ____

Has the Candidate been included on any other proposals submitted by the proposer for which a final selection has not yet been made by the Entity/Agency ? _____Yes ____ No
If the answer is Yes, the proposer must provide an attachment listing all such proposals.

(4) Senior Inspector: Name of Proposed Candidate: _______________________

Is the Candidate currently employed by proposer? _____ Yes _____ No If the answer is No, the proposer must provide the certification set forth below, plus a proposed alternate candidate.

Name of Proposed Alternate Candidate:_______________________________
The resume of the Proposed Alternate Candidate must be included in the technical proposal.

Information regarding the Candidate's current and/or projected assignment(s), including projects which have not yet been commenced, but for which a final selection has been made by the Entity/Agency:

Name of Entity or Agency: ____
Project Description: ____
Title: ____
Anticipated Completion Date: ____

Has the Candidate been included on any other proposals submitted by the proposer for which a final selection has not yet been made by the Entity/Agency ? _____Yes ____ No
If the answer is Yes, the proposer must provide an attachment listing all such proposals.

(5) Environmental Engineer: Name of Proposed Candidate: _______________________

Is the Candidate currently employed by proposer? _____ Yes _____ No If the answer is No, the proposer must provide the certification set forth below, plus a proposed alternate candidate.

Name of Proposed Alternate Candidate:_______________________________
The resume of the Proposed Alternate Candidate must be included in the technical proposal.

ATTACHMENT 2 (continued)

Information regarding the Candidate's current and/or projected assignment(s), including projects which have not yet been commenced, but for which a final selection has been made by the Entity/Agency:

Name of Entity or Agency: ____
Project Description: ____
Title: ____
Anticipated Completion Date: ____

Has the Candidate been included on any other proposals submitted by the proposer for which a final selection has not yet been made by the Entity/Agency ? _____Yes ____ No
If the answer is Yes, the proposer must provide an attachment listing all such proposals.

(6) Certification: By signing this Attachment, the proposer certifies as follows: ***[The proposer shall check the appropriate box(es).]***

☐ All individuals identified as Key Personnel are currently employed by the proposer, except for the individual(s) identified below. (If applicable, the section below must be completed.)

☐ The following individual(s) identified as Key Personnel is not currently employed by the proposer:

____.

The proposer certifies that (1) it has entered into an agreement (written ___ or verbal___) with the individual(s) identified above, and (2) in accordance with such agreement, the individual(s) has agreed to be employed by the proposer and assigned to the Project if the contract is awarded to the proposer.

(7) Affirmation: By signing this Attachment, the proposer affirms that (1) all information provided on this Attachment is true and accurate in all respects, and (2) if an award of contract is made to the proposer, it will assign to the Project for its entire duration, the individuals identified in this Attachment as Key Personnel.

The proposer understands that (1) if an award of contract is made, the City was induced to make such award based upon the proposer's affirmation that it will assign to the Project for its entire duration, the individuals identified in this Attachment as Key Personnel, and (2) failure to assign to the Project for its entire duration, the individuals identified in this Attachment as Key Personnel shall be considered a material breach of the Contract and grounds for termination for cause.

If the proposer is unable to make the affirmation set forth above, it shall attach a signed statement indicating why it is unable to make the affirmation.

____
Name of Firm

By:____________________________________ ________________________________
Signature of Partner or Corporate Officer Title

____________________________________ ________________________________
Print Name Date

ATTACHMENT 3

FEE PROPOSAL
(TO BE SUBMITTED BY STAGE-TWO PROPOSERS ONLY)

FMS ID: **P-3PNYC01**
Project: **Resident Engineering Inspection Services for the Rehabilitation of High Bridge, Boroughs of Manhattan and the Bronx**

Submission: If requested in writing by DDC, the proposer shall submit Attachment 3 as its Fee Proposal. Attachment 3 shall be submitted in a clearly marked, sealed envelope. Submission shall be within ten business days of notice by DDC.

Negotiation: DDC will attempt to negotiate the items listed below on a fair and reasonable basis with the highest ranked proposer. If negotiations are not successful, DDC will enter into negotiations with the next highest ranked firm.

- Multiplier for Overhead and Profit
- Maximum Allowable Direct Salary Rates Per Hour for All Required Titles. The negotiation of such rates shall be based on the Actual Direct Salary Rates Per Hour submitted by the proposer, as well as the projected increase per year in such rates, based on the Employment Cost Index for Professional, Scientific and Technical Services, published by the U.S. Department of Labor, Bureau of Labor Statistics (the “Index”).

****

(A) **Multiplier for Overhead and Profit**: In the space provided below, the proposer shall indicate a Proposed Multiplier for Overhead and Profit. Such Multiplier is subject to negotiation.

Proposed Multiplier for Overhead and Profit: ______________

(1) In support of its proposed Multiplier, the proposer shall submit the following:

(a) If the proposer has an “Audited Multiplier for Overhead” that has been accepted by a governmental agency, it shall submit its Audited Multiplier for Overhead, as well as a letter from a governmental agency that engages in capital construction work (city, state or federal) approving or accepting such Audited Multiplier for Overhead. The proposer is advised that DDC has **NO OBLIGATION** to accept an Audited Multiplier for Overhead, even if such multiplier has been approved by a governmental agency.

(b) If the proposer does not have an “Audited Multiplier for Overhead” that has been accepted by a governmental agency, it shall submit Audited Financial Statements for the three (3) most recent fiscal years. Each Financial Statement (Balance Sheet and Income Statement) must have been audited by an independent auditor licensed to practice as a certified public accountant (CPA). Each Financial Statement must include the auditor’s standard report.

(2) DDC reserves the right to require the proposer to submit any records, documentation or accounting data in connection with its proposed Multiplier. Such records may include, without limitation, the “CONR 385 Package”. For a description of the “CONR 385 Package”, the proposer is directed to the following website:
https://www.nysdot.gov/main/business-center/audit/conr-385-388

(B) **Actual Direct Salary Information**: For each individual identified as Key Personnel in Attachment 2, the proposer shall submit the Actual Annual Direct Salary Information described below.

ATTACHMENT 3 (continued)

(1) Actual Annual Direct Salary: An individual's actual annual direct salary shall be the salary amount directly payable to such employee on an annual basis and shall **NOT INCLUDE** any amount for the following costs or payments: (1) any payments for services performed during other than regular business hours (i.e., premium for Night Differential and/or Overtime); (2) any employer payments mandated by law, including without limitation, social security and Medicare taxes, insurance (Worker's Compensation, Employers Liability, Unemployment); (3) any employer contributions to retirement plans, including without limitation pension and/or deferred compensation plans, and (4) any costs for any other fringe and/or supplemental benefits.

(2) Actual Annual Direct Salary on an Hourly Basis: To compute an individual's actual annual direct salary on an hourly basis, the individual's actual annual direct salary, as defined above, shall be divided by 2080.

(3) Payroll Register: To verify the actual direct salary information described above, the proposer must submit the firm's payroll register for the six (6) months prior to submission of the proposal.

(C) Total Estimated Staffing Expenses: In the space provided below, the proposer shall calculate the total estimated staffing expenses for the Project. Such calculation shall be based on the Actual Direct Salary Rate per hour per title and the total estimated hours per title.

Personnel: Titles and Qualification Requirements	**Number of Staff**	**Maximum Allowable Direct Salary Rate Per Hour**		**Total Estimated Hours Per Title**		**Total Estimated Amount per Title**
Resident Engineer, A-V:	1	____________	x	4,928	=	____________
Office Engineer, A-III / N-IV	1	____________	x	4,928	=	____________
Senior Inspector, A-II / N-III:	2	____________	x	8,448	=	____________
Inspector, A-I / N-II:	1	____________	x	4,224	=	____________
Inspector, A-I / N-II:	1	____________	x	4,224	=	____________
Environmental Engineer A-III:	1	____________		1,056		____________
Community Liaison:	1	____________	x	2,112	=	____________
CADD Operator	1	____________	x	176	=	____________
Historic Preservation Specialist:	1	____________	x	1,000	=	____________

Total Estimated Amount for All Titles: ____________
(Addition of Total Estimated Amount per Title for all titles)

Total with Multiplier for Overhead and Profit: ____________

The proposer must sign the Fee Proposal in the space provided below.

____
Name of Firm

By: ______________________________ ______________________________
Signature of Partner or Corporate Officer Date

______________________________ ______________________________
Print Name Title

______________________________ ______________________________
Telephone # EIN #

ATTACHMENT 4

ACKNOWLEDGEMENT OF ADDENDA

TITLE OF THE REQUEST FOR PROPOSALS: Resident Engineering Inspection Services for the Rehabilitation of High Bridge, Boroughs of Manhattan and the Bronx	**PIN:** 8502011VP0041P

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.

(2) **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: ____

(3) **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: ____

ATTACHMENT 6

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION

The Consultant is advised that the Project is a Federal Aid Project. The City of New York, DDC, is receiving funds from the United States Government for construction of the Project. Specifically, funding for the Project is being provided by the Federal Highway Administration ("FHWA"). Since the Project is a Federal Aid Project, the Consultant is required to provide the maximum possible contracting opportunities for Disadvantaged Business Enterprises (DBEs), as described below. The DBE program is a federally regulated program that is administered by the New York State Department of Transportation (NYSDOT).

An award of this contract is conditioned upon proposer compliance with the DBE requirements set forth below.

1. DBE Goal:
   The Consultant is required to use its best efforts to achieve an overall DBE Utilization Goal of **18%** of the total dollar value of the Contract.

2. Certified DBEs:
   When offering DBE participation, the Consultant is responsible for ensuring that all of the proposed DBE subconsultants are certified through the New York State Unified Certification Program (NYSUCP) for the type of work they are being proposed to perform. The Consultant is directed to NYSUCP's directory of DBEs at the following website: http://208.109.189.146/productions/nysdot/biznet . The certification must be in effect on the RFP response date.

3. DBE Participation Plan:
   The proposer is required to document sufficient DBE participation to meet the DBE utilization Goal of **18%** of the total dollar value of the Contract, or, in the alternative, to document adequate good faith efforts to do so. The proposer must submit a DBE Participation Plan that includes the items set forth below.

   (a) The names and addresses of DBE firms that will participate in this Contract;
   (b) A description of the work each DBE firm will perform;
   (c) The dollar amount of the participation of each DBE firm participating;
   (d) Written documentation of the proposer's commitment to use a DBE subconsultant whose participation it submits to meet the contract goal;
   (e) Written confirmation from the DBE that it is participating in the contract as provided in the proposer's commitment; and
   (f) If the contract goal is not met, evidence of good faith efforts to do so.

4. Good Faith Efforts:
   In order to award a contract to a proposer that has failed to meet the DBE Utilization Goal, DDC must determine that a proposer actively and aggressively sought to meet the goal. The kinds of efforts that are considered demonstrative of a "good faith effort" include, but are not limited to, the following documented actions:

   (a) Whether the consultant attended any pre-solicitation meetings that were scheduled to inform DBEs of contracting and subcontracting opportunities;

   (b) Whether the consultant advertised in general circulation, trade associations, and minority-focused media concerning subcontracting opportunities;

ATTACHMENT 6 (continued)

(c) Whether the consultant provided written notice to a reasonable number of specific DBEs that their interest in the contract was being solicited, in sufficient time to allow the DBEs to participate effectively;

(d) Whether the consultant followed up initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested;

(e) Whether the consultant selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goal (including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation);

(f) Whether the consultant provided interested DBEs with adequate information about the plans, specifications, and requirements of the contract;

(g) Whether the consultant negotiated in good faith with interested DBS, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;

(h) Whether the consultant made efforts to assist interested DBEs in obtaining bonding (if applicable), lines of credit, or insurance required by the contract; and

(i) Whether the consultant effectively used the services of minority community organizations; minority contractor groups; local, state and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of DBEs.

ATTACHMENT 6 (continued)

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION COVER SHEET
Include this cover sheet in the proposal package marked "DBE Participation Plan"

PIN: 8502011VP0041P

PROJECT NAME: Resident Engineering Inspection Services for the Rehabilitation of High Bridge, Boroughs of Manhattan and the Bronx

Participation by DBE Sub-consultants: ☐ is ☐ is not being proposed[1]

If being proposed, attach the following:

1. Name(s) and Address(es) of proposed DBE firms.
2. Percentage(s) of assigned participation.
3. DBE Certification through NYSUCP

.

[1] If the proposer is unable to provide DBE participation, proof of good faith efforts as defined in Attachment 8 must be included in the proposal package.

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 manger 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.

The City of New York
Mayor's Office of Contract Services
Doing Business Accountability Project

Doing Business Data Form

To be completed by the City agency prior to distribution

Agency: DDC   Transaction ID: 85011P0036 / 8502011VP0041P

Check One:	Transaction Type (check one):		
☐ Proposal	☐ Concession	☐ Contract	☐ Economic Development Agreement
☐ Award	☐ Franchise	☐ Grant	☐ 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 office 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: ______________________

Entity Filing Status (select one):

☐ Entity has never completed a Doing Business Data Form. *Fill out the entire form.*

☐ Change from previous Data Form dated ____________. *Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.*

☐ No Change from previous Data Form dated ____________. *Skip to the bottom of the last page.*

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: __________

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: ______________

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.