



**DAVID J. BURNEY, AIA**  
Commissioner

**DONALD HOOKER**  
Agency Chief  
Contracting Officer

March 19, 2007

**ADDENDUM NO. 1**

**PROJECT: HWS2007Q1, K1, M, X, Prior Notice Sidewalks for the boroughs of Queens, Brooklyn, Manhattan and the Bronx**

**PIN: 8502007HW0042 – 45P**

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**THIS ADDENDUM IS ISSUED FOR THE PURPOSE OF AMENDING THE REQUIREMENTS OF THE REQUEST FOR PROPOSALS AND IS HEREBY MADE A PART OF SAID REQUEST FOR PROPOSALS TO THE SAME EXTENT AS THOUGH IT WERE ORIGINALLY THEREIN.**

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**REQUEST FOR PROPOSAL**

**Attachment 7, Subcontractor Utilization Plan (Page 45 of the RFP) and MWBE Goals (posted): Delete in its entirety and replace with revised Attachment 7 to this addendum.**

**Attachment #2, Technical Proposal – Form for Staffing Plan (boroughs of Brooklyn and Queens): Delete in its entirety and replace with revised Attachment 2 to this addendum.**

**Delete Section II. Summary of the Request for Proposals in its entirety and replace with the revised Section II attached to this addendum. Please take note of Subsection A. Background and Objectives of the Project. The following information was inadvertently omitted: Proposers may propose for more than one contract within a single proposal. However, a separate and complete project specific fee proposal must be submitted for each contract proposed.**

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**The following clarifications are hereby provided in response to consultant inquiries:**

**Question: The staffing plan as indicated in attachment 2 have two projects listed under each contract, however, the staffing plan is based on single staff for both projects. Please clarify if a resident engineer with supporting staff should be included for each project, or one staff to supervise both projects?**

**Answer: The staffing plan as indicated in attachment 2 and 4 is to supervise the two contracts. The resident engineer and supporting staffs are to supervise both projects. The two construction contracts will mostly be concurrent.**



**By signing in the space provided below, the Proposer acknowledges receipt of this Addendum. This Addendum must be signed by the Proposer for the contract and attached to the Request for Proposal.**

\_\_\_\_\_  
**Donald Hooker**  
**Agency Chief Contract Officer**

\_\_\_\_\_  
**Name of Proposer**

**By** \_\_\_\_\_

**Title** \_\_\_\_\_

## **ATTACHMENT 7**

### **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).

**Attachment 7**

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 # 8502007HW0042 – 45P FMS Project ID#: HWS2007Q1, K1, M, X

Project Title Resident Engineering Inspection Services

Contracting Agency Department of Design and Construction

Agency Address 30-30 Thomson Ave City Long Island City State NY Zip Code 11101

Contact Person Carol Phoenix Title Contract Manager

Telephone # 718-391-1530 Email phoenixca@ddc.nyc.gov

**Project Description** *(attach additional pages if necessary)*

Resident Engineering Inspection Services for Prior Notice Sidewalks for the boroughs of Queens, Brooklyn, Manhattan and the Bronx

(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. \_\_\_\_\_ **5 %**

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

Group	Construction	Professional Services
Black American	%	unspecified
Hispanic American	%	unspecified
Asian American	%	No Goal
Caucasian Female	No Goal	unspecified
<b>Total Participation Goals</b>	<b>(2) %</b>	<b>(3) 30 %</b>

\*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: Calculate the percentage (of your total bid) that will go towards subcontracts under \$1M for construction and/or professional services	Subcontracts under \$1M (4) (construction/professional services)	Total Bid/Proposal Value	Calculated Target Subcontracting Percentage
	\$ _____	÷ \$ _____	x 100 = _____ %
<ul style="list-style-type: none"> <li>• <b>Subcontracts under \$1M (construction/professional services):</b> 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.</li> <li>• <b>Total Bid/Proposal Value:</b> Provide the dollar amount of the bid/proposal.</li> <li>• <b>Calculated Target Subcontracting Percentage:</b> 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. <b>This percentage must equal or exceed the percentage listed by the agency on page 1, at line (1).</b></li> </ul>			
<p><b>! 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.</b></p>			

Tax ID #: \_\_\_\_\_

**Subcontractor Utilization Plan – Part II: Bidder/Proposer Subcontracting Plan – cont.**

**Step 2:**  
Calculate value of subcontractor participation goals

<p>a. Copy value from Step 1, line (4) – the total value of all expected subcontracts under \$1M for construction and/or professional services</p> <p>b. From line a. above, allocate the dollar value of "Subcontracts under \$1M" by Construction and Professional Services.</p> <ul style="list-style-type: none"> <li>• If all subcontracts under \$1M are in one industry, enter '0' for the industry with no subcontracts.</li> <li>• Amounts listed on these lines should add up to the value from line a.</li> </ul> <p>c. For Construction enter percentage from line (2) from Page 1. For Professional Services enter percentage from line (3) from Page 1.</p> <ul style="list-style-type: none"> <li>• <b>These Percentages must be copied from the Agency Plan, or the bid/proposal will be deemed non-responsive.</b></li> </ul> <p>d. Value of Total Participation Goals</p>	<p><b>Subcontracts under \$1M</b> (construction/professional services)</p> <p>\$ _____</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Construction</p> <p>\$ _____</p> <p>x _____ %</p> </div> <div style="text-align: center;"> <p>Professional Services</p> <p>\$ _____</p> <p>x _____ %</p> </div> </div> <p style="margin-top: 20px;">\$ _____</p>
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**Step 3:**

*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 – 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

**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 _____

PART III – REQUEST FOR WAIVER OF TARGET SUBCONTRACTING PERCENTAGE

Contract Overview

Tax ID # \_\_\_\_\_ FMS Vendor ID # \_\_\_\_\_

Business Name \_\_\_\_\_

Contact Name \_\_\_\_\_ Telephone # \_\_\_\_\_ Email \_\_\_\_\_

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

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

- Construction  Construction  Other
- Professional Services  Professional Services

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

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

ACTUAL SUBCONTRACTING as anticipated by vendor seeking waiver

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

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

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

References

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

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

List 3 most recent contracts/subcontracts performed for other agencies/entities (complete ONLY if vendor has performed fewer than 3 NYC contracts)

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

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Shaded area below is for agency completion only

AGENCY CHIEF CONTRACTING OFFICER APPROVAL

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

CITY CHIEF PROCUREMENT OFFICER APPROVAL

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ATTACHMENT 2**

**TECHNICAL PROPOSAL – FORM FOR STAFFING PLAN**

**FMS ID:** HWS2007Q1 (HWS2007Q1; HWS2007Q2)  
**Project:** Sidewalks Borough of Queens

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

**Staffing Plan:** In the space provided below, the proposer shall identify the following: (1) Project Executive, (2) Resident Engineer, (3) Office Engineer, and (4) other listed Engineering Personnel. For all listed titles, the City has specified the total estimated hours.

**Resumes:** For all personnel included in the Staffing Plan, the proposer shall submit resumes detailing the individual’s managerial and technical qualifications, as well as experience with similar projects

\*\*\*\*\*

**Key Personnel:** The proposer shall identify the Key Personnel listed below.

**Project Executive:** \_\_\_\_\_

**Resident Engineer:** \_\_\_\_\_

**Office Engineer:** \_\_\_\_\_

**Required Personnel / Estimated Hours:** The proposer shall identify the personnel listed below.

	<b>Title</b>	<b>Name</b>	<b>Total Estimated Hours</b>
Resident Engineer	A-V	_____	<b>3,168</b>
Office Engineer	A-III / N-IV	_____	<b>3,872</b>
Sr. Inspector	AII / NIII	_____	<b>3,168</b>
Inspector(s)	AI / NII	_____	<b>6,336</b>

**PROJECT:HWQ2007Q1**

**Certification:** By signing in the space provided below, the proposer certifies that (1) the individuals proposed as Key Personnel are currently employed by the proposer, and (2) if an award of contract is made to the proposer, it will assign such individuals to the Project as Key Personnel for the entire duration thereof.

The proposer understands that if an award of contract is made, the City was induced to make such award based upon the proposer's certification that it will assign to the Project the individuals proposed as Key Personnel. The proposer further understands that failure to provide such individuals 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 certification set forth above, it shall attach a signed statement indicating why it is unable to make the certification.

\_\_\_\_\_  
Name of Proposer

By: \_\_\_\_\_  
Signature of Partner or Corporate Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Firm

\_\_\_\_\_  
EIN #

**ATTACHMENT 2**

**TECHNICAL PROPOSAL – FORM FOR STAFFING PLAN**

**FMS ID:** HWS2007K1 (HWS2007K1; HWS2007K2)  
**Project:** Sidewalks Borough of Brooklyn

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

**Staffing Plan:** In the space provided below, the proposer shall identify the following: (1) Project Executive, (2) Resident Engineer, (3) Office Engineer, and (4) other listed Engineering Personnel. For all listed titles, the City has specified the total estimated hours.

**Resumes:** For all personnel included in the Staffing Plan, the proposer shall submit resumes detailing the individual’s managerial and technical qualifications, as well as experience with similar projects

\*\*\*\*\*

**Key Personnel:** The proposer shall identify the Key Personnel listed below.

**Project Executive:** \_\_\_\_\_

**Resident Engineer:** \_\_\_\_\_

**Office Engineer:** \_\_\_\_\_

**Required Personnel / Estimated Hours:** The proposer shall identify the personnel listed below.

	<b>Title</b>	<b>Name</b>	<b>Total Estimated Hours</b>
Resident Engineer	A-V	_____	<b>3,168</b>
Office Engineer	A-III / N-IV	_____	<b>3,872</b>
Sr. Inspector	AII / NIII	_____	<b>3,168</b>
Inspector(s)	AI / NII	_____	<b>6,336</b>

**PROJECT: HWS2007K1**

**Certification:** By signing in the space provided below, the proposer certifies that (1) the individuals proposed as Key Personnel are currently employed by the proposer, and (2) if an award of contract is made to the proposer, it will assign such individuals to the Project as Key Personnel for the entire duration thereof.

The proposer understands that if an award of contract is made, the City was induced to make such award based upon the proposer's certification that it will assign to the Project the individuals proposed as Key Personnel. The proposer further understands that failure to provide such individuals 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 certification set forth above, it shall attach a signed statement indicating why it is unable to make the certification.

\_\_\_\_\_  
Name of Proposer

By: \_\_\_\_\_  
Signature of Partner or Corporate Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Firm

\_\_\_\_\_  
EIN #

**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 perform inspection and other related 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 reconstruction of sidewalks at various locations. Under this Request for Proposals (RFP), four separate contracts will be awarded covering four boroughs of the City. They are:

- 1) HWS2007Q1, Sidewalks in Queens
- 2) HWS2007K1, Sidewalks in Brooklyn
- 3) HWS2007M, Sidewalks in Manhattan
- 4) HWS2007X, Sidewalks in the Bronx

**Proposers may propose for more than one contract within a single proposal. However, a separate and complete project specific fee proposal must be submitted for each contract proposed.**

**B. Joint Ventures and Other Consultant Relationships**

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

**C. Contract Term/Cost Estimate**

The term of the contract is 660 consecutive calendar days and shall commence on the date set forth in the Written Notice to Proceed and shall continue until

completion of all required services. The anticipated time frame for completion of all required services is set forth in Exhibit A to the attached Contract. The estimated costs of the required construction work for the Project are as follows: Queens \$5,691,000, Brooklyn \$4,685,000, Manhattan \$2,750,000, Bronx \$2,831,000.

D. Insurance

The Engineer must provide the types and amounts of insurance specified in the attached Contract. The cost of all insurance determined by the Engineer to be necessary for the Project is deemed included in the payments provisions set forth in the Contract. The Engineer is advised to carefully review such insurance requirements.

E. Payment Provisions

Payments for all required services for the Project shall be in accordance with the paragraphs below. The Proposer is advised to carefully review Article 7 of the contract, which specifies the terms and conditions of payment.

1. Staffing Expenses: 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 for specified personnel, subject to a Multiplier of 1.75. 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. Fee for Profit: The Engineer shall be paid a Fee for Profit: The Fee for Profit shall be deemed to include the following items: (a) profit, and (b) any costs and expenses for overhead that are in excess of the amount paid to the Engineer through the Multiplier of 1.75. The amount of the Fee for Profit shall be calculated as a percent of the total actual cost of construction in accordance with the proposer's fee curve. The terms and conditions applicable to payment of the Fee for Profit are set forth in the attached Contract.