



NEW YORK CITY DEPARTMENT OF  
DESIGN + CONSTRUCTION

TWO-STAGE  
REQUEST  
FOR  
PROPOSALS

# RFP



**PIN**

**PRE-PROPOSAL CONFERENCE**

**PROJECT**

**SUBMISSION DEADLINE**

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Deputy Commissioner  
Infrastructures Division

**DEPARTMENT OF DESIGN AND CONSTRUCTION**

in conjunction with

the Hudson Yards Development Corporation, the New York City Department of Parks & Recreation, the New York City Department of City Planning and the New York City Department of Transportation

**REQUEST FOR PROPOSALS, TWO-STAGE  
PROJECT:**

**Consultant for the Design of Hudson Park and Boulevard and Streetscape for Hudson Yards Area**

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## **PREFACE**

The New York City Department of Design and Construction (“DDC”), in conjunction with the Hudson Yards Development Corporation (“HYDC”), the New York City Department of Parks & Recreation (“DPR”), the New York City Department of City Planning (“DCP”) and the New York City Department of Transportation (“DOT”) is pleased to issue this Request for Proposals (RFP) for the design of Hudson Park and Boulevard and the creation of a streetscape plan for the Hudson Yards area. This RFP represents the first step in the process of selecting a design team.

This RFP will be comprised of a two-stage selection process: In Stage One, proposers will submit the materials prescribed in Section IV.A to document the proposer’s ability to provide the design services that are the subject of this RFP. Based on an evaluation of these materials, the Executive Consultant Selection Committee (ECSC) will establish a short list of firms to be further considered in the selection process. In Stage Two, the short listed firms will be invited to submit proposals for further consideration. Each consultant team that participates in Stage Two will receive an honorarium of \$10,000 directly from the Hudson Yards Development Corporation to be applied toward the cost of preparing its Stage Two response.

## SECTION I. TIMETABLE

### A. RFP Issuance

#### Pre-Proposal Conference and Site Visit

Pre-Proposal Conference: A pre-proposal conference will be held at 3PM on Tuesday, April 8, 2008 at DDC Headquarters, 30-30 Thomson Avenue, 4<sup>th</sup> Floor Conference Room 401, Long Island City, N.Y. 11101. Attendance at this pre-proposal conference is not mandatory to propose on the contract described in this RFP; however, it is strongly encouraged. A site tour will be conducted at 9AM on Tuesday, April 8, 2008. The meeting place for the site tour will be held at the southeast corner of 11<sup>th</sup> Avenue and 33<sup>rd</sup> Street, New York, N.Y. Anyone wishing to attend must RSVP by emailing Carlo DiFava at difavac@ddc.nyc.gov with names of attendees by April 4, 2008.

#### Submission Deadlines

Stage One submissions (1 original and 10 copies) and Doing Business Data Form (1original) shall be delivered on or before 4:00 PM on Monday, April 21, 2008, and 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 10 copies), and (2) Subcontractor Utilization Plan (1 original). The project name and "Stage Two Proposal" shall be clearly marked on the exterior of the envelope or other packaging.

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

Carlo Di Fava, (718) 391-1541  
Professional Contracts Section  
Department of Design and Construction  
30-30 Thomson Avenue, 4th Floor (Entrance on 30th Place)  
Long Island City, NY 11101  
E-mail: difavac@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 30<sup>th</sup> 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 Stage One or Stage Two of this RFP, such explanation must be requested in writing, no later than one week for Stage One, or two weeks for Stage Two, prior to the submission date prescribed in the RFP. In the event DDC determines that it is necessary to respond to the inquiry in writing, such response will be furnished as an addendum to the RFP to all potential proposers known to have downloaded the RFP. All addenda will be available on DDC's website. All inquiries must be directed ONLY to the contact person listed above.

C. Addenda

Receipt of all addenda to this RFP by a proposer must be acknowledged by attaching an original signed copy of the "Acknowledgement of Addenda" form (Attachment 3) to the Stage One and Stage Two proposal. All addenda shall become a part of the requirements for this RFP.

D. RFP Schedule

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

- a. Establish Shortlist of Stage One Firms: Within three weeks of Stage One submission deadline
- b. Deadline for Stage Two Submissions: Within six weeks of Stage Two release date
- c. Select Consultant: Within eight weeks of Stage Two submission deadline\*
- d. Complete Contract Registration: Approximately three months from date of consultant selection
- e. Commence Work: Upon receipt of Notice of Award

\*Oral presentations will be scheduled approximately one week before consultant selection.

## SECTION II. SUMMARY OF THE REQUEST FOR PROPOSALS

### A. General

The New York City Department of Design and Construction is seeking a qualified design team to design the Hudson Park and Boulevard and to create a streetscape plan for the Hudson Yards area.

### B. Objectives of Project

This RFP is being issued for the selection of a multi-disciplinary team to work with DDC, HYDC, DPR, DCP and DOT to design the Hudson Park and Boulevard and create a streetscape plan for the Hudson Yards area. The selected team should include architects, landscape architects, urban designers, engineers, civil engineers, traffic engineers, public artists and/or arts organizations, and other professionals working in a collaborative manner. The design team selected through this RFP process shall be led by an architecture firm, a landscape architecture firm, or an urban design firm.

The deliverables will be as follows:

- For the Hudson Park and Boulevard: (A) full design and 100% construction contract documents (Plans, Specifications and Estimate) for Phase 1, and (B) schematic of Phase 2. (See Appendices 1 and 2, respectively, for a description and map of the phases of Hudson Park and Boulevard).
  - The Contract shall include an option for the Department of Design and Construction to cause the Consultant to prepare 100% construction contract documents for Phase 2 within one (1) year after the completion of schematic design of Phase 2.
- For Hudson Yards area streetscape, full design of the streetscape components described in Section III below, and a streetscape plan for the area bounded by 10<sup>th</sup> and 11<sup>th</sup> Avenues and West 33<sup>rd</sup> and West 36<sup>th</sup> Streets and for the north and south sides of West 33<sup>rd</sup> and West 34<sup>th</sup> Streets between 11<sup>th</sup> and 12<sup>th</sup> Avenues.

For Background information about Hudson Park and Boulevard and the Hudson Yards Development Program, see Appendix 1.

### C. Joint Ventures and Other Consultant Relationships

The proposer is advised that submission of proposals by joint ventures is permitted. There is no minimum requirement for the proportion of work by either of the two joint

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 proposal 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 being listed as a subconsultant in the contract.

D. Exclusion from Participation in Subsequent Solicitation(s)

The selected proposer from this RFP shall not be allowed to participate, whether as a contractor or sub-contractor, in response to a subsequent solicitation(s) for the construction of any project for which designs were produced by the contractor engaged pursuant to this RFP utilizing the specifications they drafted, except as provided under New York City's Procurement Policy Board Rules.

### SECTION III. SCOPE OF WORK AND CONTRACT CONDITIONS

#### A. Project Objectives

The design for Hudson Park and Boulevard and the streetscape design and plan should address this broad range of goals.

1. **Overall Public Realm:** The design of its public realm will play a key role in establishing an identity for the Hudson Yards area. In furtherance of that objective, the design of the Hudson Park and Boulevard system and the Hudson Yards streetscape should:

- Produce a meaningful open space system and streetscape system that serves workers, residents and visitors.
- Establish a cohesive design for the district's public realm that will create a high quality urban environment and contribute to an identity for the Hudson Yards area that is recognizable to New Yorkers and visitors alike.
- Capitalize on new transit investments being made in the Hudson Yards area
- Help to create transit-friendly and pedestrian-friendly streets.
- Use public art to stimulate use of the Hudson Yards open spaces and interest in the Hudson Yards area.
- Create direct and meaningful connections to the waterfront, biking and pedestrian network which build on the success of the Hudson River Park.
- Address the adjacent buildings' potential shade and wind effects on open space.
- Create an appropriate setting for architecturally significant buildings to be developed along the Hudson Park and Boulevard system with front door access and addresses for new commercial and residential developments.

2. **Sustainable Design Practices:** As one of the first New York neighborhoods to be transformed in the 21<sup>st</sup> century, the Hudson Yards area offers an opportunity for applying principles of sustainable development in a coordinated fashion. The Hudson Park and Boulevard design and Hudson Yards streetscape plan should address environmental sustainability goals and, in particular, incorporate the recommendations in DDC's High Performance Infrastructure Guidelines with respect to:

- Promoting energy efficiency, limiting energy waste, and using materials and resources efficiently.
- Incorporating trees and landscape to reduce urban heat build up and improve air quality.
- Promoting integrated storm water management planning and using water-efficient landscape design, where possible.

3. **Development Context:** The design of Hudson Park and Boulevard and the Hudson Yards streetscape should reflect and recognize the overall Hudson Yards Development Program, including the Special Hudson Yards District of the City's Zoning Resolution, and the location, scale, and design of anticipated new private development. In particular:
- The design of Hudson Park and Boulevard must address the adjacency of the open space to be located on the Eastern and Western Rail Yards. Taken together, the Rail Yard's open space and Hudson Park and Boulevard will comprise the major public spaces of the Hudson Yards area.
  - To the extent feasible and appropriate, the design work should be closely coordinated with other projects in or adjacent to the Hudson Yards area as referenced in Appendix 1 of this RFP.

B. Scope of Work

1. **Design Requirements**

- a. Existing Conditions Report and Survey
- b. Master Plan for the entire Hudson Park and Boulevard system, including all areas mapped as park and street, as well as the pedestrian connection between West 39th and West 42nd Streets.
- c. Hudson Park
  - (1) Preparation of schematic designs and final design of Phase 1 and schematic design for Phase 2 of Hudson Park. Design should include, without limitation: (see Appendices 1 and 2 for, respectively, a description and map of the phases of Hudson Park and Boulevard)
    - Landscaping and plantings
    - Seating
    - Hardscaping
    - Water facilities (e.g., fire hydrant system, drinking fountains, ornamental fountains, sprinkler systems, etc.)
    - Lighting
    - Areas and facilities for outdoor activities for residents, workers, and visitors
    - Areas and facilities for lunchtime activities for area workers and visitors
    - Recreation areas and facilities tailored to neighborhood residents

- Café and concession kiosks
- Restrooms
- Areas and facilities for children's play
- Attractions and destinations
- Appropriate amenities
- All utilities necessary or appropriate for a City park.
- Programmatic suggestions, including, but not limited to, recreational activities, and artistic and cultural opportunities

Phase 1 design is to include the following two options for the Park and Boulevard segment between West 33<sup>rd</sup> and 34<sup>th</sup> Streets:

- Option #1: Consultant assumes that the MTA's current design for the 34th Street subway station entrance will be utilized, and Consultant designs Phase 1 in a manner that reflects and incorporates such entrance design.
- Option #2: Consultant designs a different entrance for the 34th Street subway station, and designs Phase 1 in a manner that reflects and incorporates the Consultant's entrance design.

The current design for the 34<sup>th</sup> Street station will be provided to the selected bidder upon award of the contract.

(2) Schematic design of Phase 2b, the pedestrian connection from West 39th to West 42nd Streets.

(3) Preparation of 100% construction drawings for Phase 1 of Hudson Park.

- The Contract shall include an option for the Department of Design and Construction to cause the Consultant to prepare 100% construction drawings of Phase 2 within one (1) year after the completion of schematic design of Phase 2.

(4) Special Requirements

- Phase 1 design must be coordinated with the future design of the Mid-Block Garage, including the location of the Garage's ventilation and emergency egress structures that will penetrate through the roof of the garage into Hudson

- Park. It is presently anticipated that the garage will be designed simultaneously with Hudson Park.
- Phase 1 design must be coordinated with technical requirements of 34th Street subway station for the No. 7 Subway line. The technical requirements will be provided to the selected bidder upon award of the contract.
- Phase 2 design must address soil depth limitations on the platform above the Amtrak right-of-way due to Amtrak's clearance requirements, and required structural support systems and required ventilation systems.
- The design of Hudson Park must correspond to the construction budget therefor. If the construction cost estimate of Hudson Park as designed by the Consultant is determined to exceed such construction budget, Consultant shall be responsible for performing all necessary and appropriate redesign work to achieve the necessary reductions in the construction cost estimate as specified in Appendix 1.

d. Hudson Boulevard

(1) Schematic design and final design of Phase 1 and Schematic Design of Phase 2 of Hudson Boulevard. The design will include, without limitation:

- Sidewalks, curbs, pavement areas, and crosswalks
- Water and drainage facilities (e.g., fire hydrants, catch basins)
- Street lighting, traffic lights and pedestrian-scale lighting
- Street furniture, including seating, bicycle racks and trash receptacles
- Signage
- Street trees and other landscaping
- Streetscape design to incorporate street furniture that has been approved as a part of NYC's Coordinated Street Furniture Franchise

For Phase 2 only:

- Deck over the Amtrak Empire Line right-of-way

(2) Preparation of 100% construction drawings for Phase 1 of Hudson Boulevard.

- The Contract shall include an option for the DDC to cause the Consultant to prepare 100% construction drawings of Phase 2 within one (1) year after the completion of schematic design of Phase 2.

(3) Requirements related to the design of Hudson Boulevard

- It must comply with all applicable legal requirements and standards, including, without limitation, those of New York City's DDC, DOT, the Department of Environmental Protection ("DEP") and the Art Commission.
- It should be coordinated with the private utilities that will require below-grade street locations.
- It should address building access and pedestrian access between the buildings and parks lining the boulevard.
- The design must include the grade changes specified in the City map amendment which established the legal grades of Hudson Park and Boulevard.
- Because Phase 2 will be built, in part, above the Amtrak Empire Line right-of-way, the design work must be coordinated with New York City DOT's Amtrak Bridges contract and with Amtrak for, without limitation, clearance, ventilation, and emergency egress issues.
- The design of Hudson Boulevard must correspond to the construction budget therefor. If the construction cost estimate of Hudson Boulevard as designed by the Consultant is determined to exceed such construction budget, Consultant shall be responsible for performing all necessary and appropriate redesign work to achieve the necessary reductions in the construction cost estimate as specified in Appendix 1.
- The design of Hudson Boulevard will be required to comply with the requirements described in the DOT Procedures for Bridge Reconstruction Project Update as well as the DOT Standards for Bridges, such documents to be distributed to the short list candidates.

e. Hudson Yards Streetscape

(1) Schematic designs and final design for a comprehensive and detailed streetscape plan will be prepared for the two areas described below. These designs should include all streetscape elements necessary or appropriate.

- The area bounded by 10th and 11th Avenues and West 33rd and West 36th Streets. This area includes the entirety of Phase 1 of Hudson Park and Boulevard.
- The north and south sides of West 33rd and West 34th Streets, between 11th and 12th Avenues.

(2) In addition, streetscape plans are intended to serve as a prototype for elements to be constructed in Phase 2 and throughout the rest of the Hudson Yards area as funds become available in the future. The prototype will serve to produce a consistent and cohesive identity for the Hudson Yards area's public realm.

The elements to be included in the streetscape plan will include:

- Street and Park Lighting
- Signage
- Connections to the bicycle network
- Sidewalks, curbs, pavement areas, and crosswalks
- Water and drainage facilities (e.g., fire hydrants)
- Street lighting, traffic lights and pedestrian-scale lighting
- Street furniture, including seating, bicycle racks and trash receptacles
- Street trees and other landscaping
- Streetscape design to incorporate street furniture approved as a part of NYC's Coordinated Street Furniture Franchise

2. **Construction Support Services.** Consultant will provide construction support services for the Hudson Park and Boulevard system during the construction of Phase 1 and, if DDC has elected to cause Consultant to prepare construction drawings for a portion or all of Phase 2, during the construction of such portion or all of Phase 2, as applicable.
3. **Operations and Maintenance Requirements.** Consultant will create operating, security, and maintenance budgets for Hudson Park and

Boulevard, including budgets for supply and element replacement and a staffing plan.

4. **Community Consultation.** HYDC has conducted public outreach efforts regarding Hudson Park and Boulevard. Consultant will extensively participate in the community consultation process at the direction of HYDC.

C. Contract Term

The term of the contract shall commence on the date set forth in the advice of award and run for 1305 consecutive calendar days. The projected time allotments for each major phase of the work are listed below:

Existing Conditions Report and Survey	- 2 months
Master Plan	- 3 months
Schematic Design	- 3 months
Design Development	- 4 months
Final Design	- 7 months
Construction Support Services	- 2 years

The time allotment of each component above would be extended for a period to be determined if the City elects to proceed with the design and construction of Phase 2.

D. Cost Estimate

The City's budget for the construction of Phase I of Hudson Park and Boulevard is approximately \$27 million, comprised of \$8 million for the Hudson Park component, \$16 million for the Hudson Boulevard component, and \$3 million for streetscape. The City's cost estimate in 2008 dollars for the construction of Phase 2 is approximately \$69 million, comprised of \$5 million for the Hudson Park component, \$56 million for a platform over Amtrak, \$6 million for the Hudson Boulevard component, and \$2 million for streetscape. Phase 2 will be constructed as funds become available.

E. Contract Provisions

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

F. Insurance

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

G. Environmental Preferable Purchasing Laws

This contract is subject to one or more of the following local laws on environmentally preferable purchasing (EPP) and any rules enacted pursuant to such local laws:

Local Law 118 of 2005, Local Law 119 of 2005, Local Law 120 of 2005 and Local Law 121 of 2005.

In general, the requirements in the EPP laws for construction projects relate to Energy Star certified products, bathroom fixtures, lighting products, carpets, architectural coatings and construction or furnishing materials. A list of these products/materials and their minimum standards are available in the New York City EPP Minimum Standards for Construction Products. A hard copy of the standards may be obtained from the agency or at the New York City Mayor's Office of Contracts website [http://www.nyc.gov/html/mocs/html/programs/other\\_epp.shtml](http://www.nyc.gov/html/mocs/html/programs/other_epp.shtml).

For contracts covered by the EPP laws, any product used in construction and listed in the New York City EPP Minimum Standards for Construction Products must meet or exceed relevant standards in the New York City EPP Minimum Standards for Construction Products.

The consultant will be required to provide a report, for any period requested by an agency, on products specified by or for the City that appear in the New York City EPP Minimum Standards for Construction Products. The report must contain the following information: agency, item description, quantity ordered and dollar value of all items ordered over the period requested.

H. M/WBE Program

The contract resulting from this Request for Proposals will be subject to the Minority-Owned Business Enterprise (M/WBE) program created by Local Law 129, the specific requirements of M/WBE participation for this contract are set forth in Attachment 5 Notice to All Prospective Contractors. Completion of M/WBE Subcontractor Utilization Plan is only applicable to stage two short listed firms.

I. 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 should complete the Doing Business Data Form (see Attachment 6) and return it with this proposal. The submission of a Doing Business Data Form that is not accurate and complete may result in appropriate sanctions.

J. New York City Department of Transportation Requirements

The DOT requirements are enclosed as Attachment 7 of this RFP.

## 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/epg/products/printing.htm>). Pages should be paginated. The proposal will be evaluated on the basis of its content, not its length. Failure to comply with any of these instructions will not make the proposal non-responsive. Submit proposal in a clearly labeled, sealed package as follows:

### A. Stage 1 Proposal Requirements

This stage serves to highlight the experience of each team and its understanding of the project as well as each proposer's previously completed projects and how those projects demonstrate creativity and insight in the solution of a complex design problem. Submit 1 original and 10 copies of all required materials.

1. Cover Letter of no more than two pages, including the company name and address, and the name, address, telephone number and email address of the person authorized to represent the responding firm. **(Be sure to refer to the proper DDC project number and title.)**
2. Experience of Consultant and Subconsultants (if any)
  - A SF-254 Form, which lists the number of full-time staff currently employed and the projects on which the firm is currently working, or has completed, and future projects and commitments. Provide the value of these contracts and their schedules. (This form is available at <http://www.nyc.gov/html/ddc/html/otherfrm.html>).
  - Experience of Subconsultants: If one or more subconsultants will be utilized to deliver the proposed services, discuss and demonstrate the extent and quality of each subconsultant's relevant experience inclusive of client satisfaction and a discussion of problems that may have arisen during delivery of services and how they were resolved. Explain the relationship between the proposer and each subconsultant, including the history of relationship, and how the deployment of responsibilities between the proposer and each subconsultant will be structured.
  - A history of the proposer team's experience including basic firm information and list of landscape design projects.

- List of the principals, project manager(s) and professional staff who will work directly with DDC, indicating their background (concise professional biographies) and major projects to date. Please include an organizational chart and identify all NY State licensed professionals.
  - Schedule of 2008 hourly billing rates for government clients for the primary principals and staff of the lead consultant and major sub-consultants, including job titles. This is for reference only and is not a fee proposal.
  - Identify and present the qualifications of the key personnel (“Key Personnel”). Utilize Attachment 2 to identify by name the individuals who will perform the required services for the listed titles of Key Personnel set forth on the form and provide information demonstrating their qualifications. For each identified individual, submit a resume detailing his/her qualifications and experience with similar projects. Submit a SF-255 for the key personnel of the project team. (This form is available at <http://www.nyc.gov/html/ddc/html/otherfrm.html>)
  - Discuss how the proposer and/or subconsultants satisfy the qualifications described in Attachment 7 (the “DOT Requirements”).
3. Portfolio: Provide a portfolio of up to five projects built within the last ten years that demonstrate the firm’s creativity and innovation in designing urban master plans, parks and streetscapes with complex programs and multiple clients. For each project, include the following: (1) resumes of the key personnel, (2) plan views and site plans for each project, with a three dimensional view of the exterior; and (3) a brief written description highlighting the salient characteristics of the project, including the design philosophy and approach and a description of what was innovative about the design. In addition, list any design citations or awards and entries to design competitions as well as the name, title, company and phone number of the client who is able to provide a reference. Present each project on a single 11x17 inch sheet, including all text. All of the pages shall be bound in covers no larger than 8.5 x 11 inches. Format may be either landscape or portrait, but not both.
4. Methodological Approach
- A statement explaining the proposer team’s and team leader’s design philosophy.
  - A preliminary design vision and design approach for the Hudson Park and Boulevard system indicating what ideas and aspects of urban and landscape design the respondent expects to emphasize in its

- preparation of the Stage Two proposal, if selected. (This should be limited to a maximum of two pages.)
  - A preliminary description of key engineering, structural and life safety challenges required for a platform over an operating railroad.
5. Consultant Team Organization. A description of how the respondent team intends to work together, including methods and organizational structure.
  6. Doing Business Data Form (1 original): Sealed envelope clearly marked as "Doing Business Data Form" containing a completed Doing Business Data Form (Attachment 6).
  7. 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.
  8. Acknowledgement of Addenda: The Acknowledgement of Addenda form (Attachment 3) serves as the proposer's acknowledgement of the receipt of addenda to this RFP that may have been issued by DDC prior to the Stage One Proposal Due Date and Time. The proposer should complete this form as instructed on the form.
- B. Stage II Proposal Requirements (Applicable to Stage Two Participants Only)

For those firms selected to participate in Stage Two, the Stage Two Proposal will serve to demonstrate their design, management and technical ability to carry out a project of this magnitude and complexity. In addition to the Stage Two Proposal, participants will be required to make a one-hour presentation. See Section V.2 for a more detailed description of the presentation requirements.

1. Technical Proposal (1 original and 10 copies): The technical proposal shall contain the following information:
  - a) Technical Approach. Provide a five page statement describing the proposer's technical approach to the project, including (1) its understanding of the technical issues and complexities of the project, particularly the key engineering, structural and life safety challenges required for a platform over an operating railroad; (2) its project methodology, including its methodology for tracking and mainlining the project's budget and schedule; (3) its techniques for problem solving; (4) its technical quality control procedures, and (5) its management structure.
  - b) Conceptual Designs The Proposer shall prepare the following conceptual designs, which must be produced on 24 X 36 inch Design

Boards. One set of Design Boards and ten bound copies of such reduced to 8 ½ by 12 inches.

- (1) conceptual design for the entirety of the Hudson Park and Boulevard at a scale of 1" = 64'
  - (2) detailed conceptual designs of one block located within each of the two segments of Hudson Park and Boulevard listed below, at a scale of 1" = 8'. Each of these detailed conceptual designs should also include a section at 1"=4' scale that illustrates the site's structural conditions, and should include key measurements, such as sidewalk, pathway and entrance widths.
    - o The area of Phase 1 between West 34<sup>th</sup> and West 36<sup>th</sup> Streets. Proposer's conceptual design for this location shall address technical and design issues involved in coordination between Hudson Park and the Mid-Block Garage.
    - o The area of Phase 2 above the Amtrak right of way. Proposer's conceptual design for this location shall address technical and design issues involved in constructing the Park and Boulevard on a platform above such right of way.
- c) 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 DDC prior to the Stage Two Proposal Due Date and Time. The proposer should complete this form as instructed on the form.

## 2. Fee Proposal

A Form for the submission of the fee proposal is included as Attachment 3 of the RFP. Upon written notification, the proposer must submit the Fee Proposal in a separate clearly labeled, sealed package within ten business days of such notice. The Fee Proposal shall consist of the fee components outlined below:

- a) Base Fee: A Base Fee that shall constitute the proposer's total, all-inclusive fee for performing all services described in Scope of Work, except for the option work described in Option #2 of Section III(B)(1)(C)(1), and the option work described in Section III(B)(1)(C)(3) and Section III(B)(1)(D)(2), and construction support services for Phase 2. The Base Fee shall be deemed to cover all of the proposer's costs and expenses, including management and overhead costs, and profit, in respect of all such services.

The Base Fee shall specify the fee for each of the following three components:

- Hudson Park design, covering all services described in Section III(B)(1)(C), other than the option work described in Option #2 of (C)(1) and the option work described in (C)(3)
- Hudson Boulevard design, covering all services described in Section III(B)(1)(D), other than the option work described in (D)(2)
- Hudson Yards Streetscape, covering all services described in Section III(B)(1)(E)

The costs of construction support services for Phase 1, preparation of operation and maintenance budgets, and participation in community consultation should be included in such Base Fee components.

b) Option Fees:

(1) An Option Fee that shall constitute the proposer's total, all-inclusive fee for performing the option work referred to in Section III(B)(1)(C)(3) and Section III(B)(1)(D)(2). The costs of construction support services for Phase 2 should be included in the Option Fee. The Option Fee shall be deemed to cover all of the proposer's costs and expenses, including management and overhead costs, and profit, in respect of all such services.

(2) An Option Fee that shall constitute the proposer's total all-inclusive fee for performing the option work referred to in Option #2 of Section III (B)(1)(C)(1). The Option Fee shall be deemed to cover all of the proposer's costs and expenses, including management and overhead costs, and profit in respect of such services.

- c) All Inclusive Hourly Rates: For any services which DDC may request the Consultant to perform that are not covered by the Scope of Work, the Consultant would be paid at all-inclusive hourly rates. As part of its fee proposal, the Proposal shall submit all-inclusive hourly rates by personnel title for all titles that may be expected to perform any such additional services ("Additional Professional Services"). Such rates SHALL ONLY BE USED for Additional Professional Services. Such all-inclusive hourly rates shall be deemed to cover all costs and expenses that may be incurred by the Consultant in the performance of any Additional Professional Services, including expenses related to management and oversight, and all profit. Such rates shall apply to all hours during which such personnel perform services for the Project, including overtime hours.

C. Proposal Package Contents (“Checklist”)

The Proposal Package should contain the following Materials:

Stage One: The Stage One proposal package must be in a sealed envelope clearly marked with “Stage One Proposal”. It must contain the following:

- Letter of Intent
- Statement of Experience, including SE-254 Form and Attachment 2
- Portfolio
- Statement of Methodological Approach
- Statement of Consultant Team Organization
- Statement of Understanding (Attachment 1)
- Acknowledgement of Addenda (Attachment 3)

Please note that the Stage One Proposal submission must include 1 original and 10 copies of all required items.

Stage Two: The Stage Two proposal package must be in a sealed envelope clearly marked with “Stage Two Proposal”. It must contain the following:

- Cover Letter
- Statement of Technical Approach
- Conceptual Design Boards
- Acknowledgement of Addenda (Attachment 3)
- Subcontractor Utilization Plan (1 original) (Attachment 5)

Please note that the Stage Two Proposal submission must include 1 original and 10 copies of all required items. The Subcontractor Utilization Plan (Attachment 5) must be submitted in a separate, clearly labeled envelope.

The Stage Two Fee Proposal must be submitted in a separate clearly labeled envelope. One original and 10 copies of the Fee Proposal must be submitted.

## SECTION V. PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES

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

### 1. Stage One Selection Process

First, the Consultant Evaluation Committee (CEC), made up of representatives from DDC, HYDC, DCP, DPR and DOT will make a threshold determination whether each Stage One proposal satisfies the DOT Requirements. **Only Stage One proposals that satisfy the DOT Requirements will qualify for further consideration.**

The CEC will then review, evaluate and rank all Stage One Proposals that have qualified for further consideration pursuant to the criteria prescribed below.

#### Proposal Evaluation Criteria

The proposal evaluation criteria are as follows:

- a. Methodological Approach (Weight 30 %)
- b. Consultant Team's Experience, Expertise and Portfolio (Weight 30%)
- c. Key Personnel Relevant Experience and Expertise (Weight 20%)
- d. Consultant Team Organization (Weight 20%)

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

The CEC will review, evaluate and score all Stage Two Proposals pursuant to the criteria prescribed below.

#### Proposal Evaluation Criteria:

The proposal evaluation criteria are as follows:

- a. Technical Approach (Weight 40 %)
- b. Conceptual Designs (Weight 60 %)

Each Stage Two proposer will be required to make a one-hour presentation of their submission. Such presentation shall include the following: (1) an introduction of the firm, the lead designer, project manager, and any subconsultants critical to the success of the project. (2) An explanation of the proposed project methodology,

including project approach, problem solving techniques, and statement of primary design objectives of this project intended to satisfy the project goals and objectives as described in Section II of this RFP. The presentation should be structured to highlight the team's response to the submission requirements noted above for Stage Two Proposals. In addition, the portfolio of the projects submitted for Stage One shall be available for further evaluation.

The Evaluation Committee may amend their initial Stage Two scores based on the proposers' presentation. Proposers will then be ranked in accordance with their overall Stage Two ratings. The rankings will be submitted to the Executive Consultant Selection Committee who will certify the results and authorize fee negotiations 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 fee proposal is determined to be the most advantageous to the City will be awarded the contract.

3. Basis of Award

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

4. Supply and Service Report

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

5. VENDEX

Upon selection, the successful proposer will be required to submit proof of filing of the appropriate VENDEX Questionnaires. Upon written notification the proposer must submit a Confirmation of Vendex Compliance to DDC within ten days of official notification. A form for this confirmation is set forth in the RFP.

**The proposer is advised that Vendex Questionnaires and procedures have changed. See [www.nyc.gov/vendex](http://www.nyc.gov/vendex) to download the new VENDEX Questionnaires and a Vendor's Guide to VENDEX or contact DDC's VENDEX Unit at 718-391-1845.**

- (a) Submission: Vendex Questionnaires (if required) must be submitted directly to the Mayor's Office of Contract Services, ATTN: Vendex, 253 Broadway, 9<sup>th</sup> Floor, New York, New York 10007.
- (b) Requirement: Pursuant to Administrative Code Section 6-116.2 and the PPB Rules, proposers may be obligated to complete and submit VENDEX Questionnaires. If required, Vendex Questionnaires must be completed and submitted before any award of contract may be made or before approval is given for a proposed subcontractor. Non-compliance with these submission requirements may result in the disqualification of the proposal, disapproval of a subcontractor, subsequent withdrawal of approval for the use of an approved subcontractor, or the cancellation of the contract after award.

6. Contract Finalization

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

**SECTION VI. GENERAL INFORMATION TO PROPOSERS**

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

E. Contractual Requirements

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

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

5. The New York City Comptroller is charged with the audit of contracts in New York City. Any proposer who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, 10<sup>th</sup> Floor, New York, NY 10007; the telephone number is (212) 669-3232. In addition, the New York City Department of Investigation should be informed of such complaints at its Investigations Division, 80 Maiden Lane, New York, NY 10038; the telephone number is (212) 825-5959.
6. This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable provision of New York State Law, the New York City Administrative Code, New York City Charter and New York City Procurement policy Board (PPB) Rules. A copy of the PPB Rules may be obtained by accessing the City's website at [nyc.gov/ppb](http://nyc.gov/ppb).
7. Contract award is subject to each of the following applicable conditions and any others that may apply: New York City Fair Share Criteria; New York City

Mac Bride Principles Law; submission by the proposer of the New York City Department of Business Services/Division of Labor Services Employment Report and certification by that office; submission by the proposer of the requisite VENDEX Questionnaires and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity; and Section 6-108.1 of the New York City Administrative Code relating to Local Based Enterprises program and its implementation rules.

8. Pursuant to New York City's Procurement Policy Board Rules, proposers have the right to appeal agency non-responsiveness determinations and agency non-responsibility determinations and to protest an agency's determination regarding the solicitation or award of a contract.
9. Prices proposed by the proposer shall be irrevocable until contract award, unless the proposal is withdrawn. Proposals may only be withdrawn by submitting a written request to the Agency prior to contract award but after the expiration of 90 days after the opening of proposals. This shall not limit the discretion of the Agency to request proposers to revise proposed prices through the submission of best and final offers and/or the conduct of negotiations.
10. The Agency has determined that the contract to be awarded through this Request for Proposals will not directly result in the displacement of any New York City employee.

\_\_\_\_\_  
ACCO Signature

\_\_\_\_\_  
Date

**ATTACHMENT 1**

**STATEMENT OF UNDERSTANDING**

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

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

- Yes**       **No**

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Consultant Firm

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Federal Tax I.D.

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Address

**ATTACHMENT 2**

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

As set forth in Section IV(A)(2) of the RFP, identify by name the individuals who will perform the required services for the titles of Key Personnel set forth below and provide information demonstrating their qualifications. After selection of the Consultant, the qualification information provided by the Proposer on this form will be included in the Contract.

**ARCHITECTURAL PERSONNEL**

<b>TITLE</b>	<b>NAME</b>	<b>Number of Years of Experience</b>	<b>Professional License or Certification</b>
Principal	_____	_____	_____
Project Manager	_____	_____	_____
Project Architect	_____	_____	_____
Senior Architectural Designer	_____	_____	_____

**ENGINEERING PERSONNEL**

<b>TITLE</b>	<b>NAME</b>	<b>Number of Years of Experience</b>	<b>Professional License or Certification</b>
Principal Structural	_____	_____	_____
Principal MEP	_____	_____	_____
Project Engineer Structural	_____	_____	_____
Project Engineer MEP	_____	_____	_____

**ATTACHMENT 2 (continued)**

Project Manager Structural	_____	_____	_____
Project Manager MEP	_____	_____	_____
Senior Structural Designer	_____	_____	_____
Senior HVAC Designer	_____	_____	_____
Senior Electrical Designer	_____	_____	_____
Senior Plumbing Designer	_____	_____	_____

**LANDSCAPE ARCHITECTURAL PERSONNEL**

<b>TITLE</b>	<b>NAME</b>	<b>Number of Years of Experience</b>	<b>Professional License or Certification</b>
Principal	_____	_____	_____
Project Manager	_____	_____	_____
Project Landscape Architect	_____	_____	_____

**PLANNING/URBAN DESIGN PERSONNEL**

<b>TITLE</b>	<b>NAME</b>	<b>Number of Years of Experience</b>	<b>Professional License or Certification</b>
Principal	_____	_____	_____
Project Manager	_____	_____	_____

**ATTACHMENT 3**

**ACKNOWLEDGEMENT OF ADDENDA**

<b>TITLE OF THE REQUEST FOR PROPOSALS:</b>	<b>PIN:</b>
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**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 4**

**CONFIRMATION OF VENDEX COMPLIANCE**

The Proposer shall submit this Confirmation of Vendex Compliance.

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

Proposer's Address: \_\_\_\_\_

Proposer's Telephone Number: \_\_\_\_\_

Proposer's Fax Number: \_\_\_\_\_

Date of Proposal Submission: \_\_\_\_\_

Project ID: \_\_\_\_\_

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

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

Date of Submission: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature of Partner or corporate officer)

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

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

By: \_\_\_\_\_  
(Signature of Partner or corporate officer)

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

## **ATTACHMENT 5**

### **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 5**

**NOTICE TO ALL PROSPECTIVE CONTRACTORS**

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

**ARTICLE I.M/WBE PROGRAM**

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

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

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

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

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

**PART A**

**PARTICIPATION GOALS FOR CONSTRUCTION AND PROFESSIONAL SERVICES CONTRACTS**

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

The "**Target Subcontracting Percentage**" is the percentage of the total Contract which Agency anticipates that the prime contractor for this Contract would in the normal course of

business award to one or more subcontractors for amounts under \$1 million for construction and professional services.

A prospective contractor may seek a full or partial pre-award waiver of the **Target Subcontracting Percentage** in accordance with Local Law 129 and Part A, Section 10 below. To apply for the a full or partial waiver of the **Target Subcontracting Percentage**, a prospective contractor must complete Part III (Page 4) of Schedule B, and must submit such request no later than seven (7) days prior to the date and time the bids or proposals are due, in writing to the Agency by e-mail at [poped@ddc.nyc.gov](mailto:poped@ddc.nyc.gov) or via facsimile at (718) 391-1556. Bidders/proposers who have submitted requests will receive a response by no later than two (2) calendar days prior to the date bids or proposals are due, provided, however, that if that date would fall on a weekend or holiday, a response will be provided by close-of-business on the business day before such weekend or holiday date.

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

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

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

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

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

**II) INDICATES THAT THE BIDDER/PROPOSER DOES NOT INTEND TO AWARD THE TARGET SUBCONTRACTING PERCENTAGE, THE BID/PROPOSAL WILL BE DEEMED TO BE NON-RESPONSIVE, UNLESS THE AGENCY HAS GRANTED A WAIVER OF THE TARGET SUBCONTRACTING PERCENTAGE (SCHEDULE B, PART III).**

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

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

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

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

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

10. Pre-award waiver of **Target Subcontracting Percentage**. Agency may grant a full or partial waiver of the **Target Subcontracting Percentage** to a bidder or proposer, as applicable, who demonstrates—before submission of the bid or proposal—that it has legitimate business reasons for proposing the level of subcontracting in its Subcontractor

Utilization Plan. In making its determination, Agency shall consider factors that shall include, but not be limited to, whether the bidder or proposer, as applicable, has the capacity and the bona fide intention to perform the Contract without any subcontracting, or to perform the Contract without awarding the amount of subcontracts for under one million dollars represented by the **Target Subcontracting Percentage**. In making such determination, Agency may consider whether the Subcontractor Utilization Plan is consistent with past subcontracting practices of the bidder or proposer, as applicable, and whether the bidder or proposer, as applicable, has made good faith efforts to identify portions of the Contract that it intends to subcontract.

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

(a) The Contractor advertised opportunities to participate in the Contract, where appropriate, in general circulation media, trade and professional association publications and small business media, and publications of minority and women's business organizations;

(b) The Contractor provided notice of specific opportunities to participate in the Contract, in a timely manner, to minority and women's business organizations;

(c) The Contractor sent written notices, by certified mail or facsimile, in a timely manner, to advise MBEs and WBEs that their interest in the Contract was solicited;

(d) The Contractor made efforts to identify portions of the work that could be substituted for portions originally designated for participation by MBEs and/or WBEs in the Subcontractor Utilization Plan, and for which the Contractor claims an inability to retain MBEs or WBEs;

(e) The Contractor held meetings with MBEs and/or WBEs prior to the date their bids or proposals were due, for the purpose of explaining in detail the scope and requirements of the work for which their bids or proposals were solicited;

(f) The Contractor made efforts to negotiate with MBEs and/or WBEs as relevant to perform specific subcontracts;

(g) Timely written requests for assistance made by the Contractor to Agency's M/WBE liaison officer and to DSBS;

(h) Description of how recommendations made by DSBS and Agency were acted upon and an explanation of why action upon such recommendations did not lead to the desired level of participation of MBEs and/or WBEs.

Agency's M/WBE officer shall provide written notice to the Contractor of the determination.

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

## **PART B**

### **MISCELLANEOUS**

1. The Contractor shall take notice that, if this solicitation requires the establishment of a Subcontractor Utilization Plan, the resulting contract may be audited by DSBS to determine compliance with Section 6-129. See 6-129(e)(10). Furthermore, such resulting contract may also be examined by the City's Comptroller to assess compliance with the Subcontractor Utilization Plan.

2. Pursuant to DSBS rules, construction contracts that include a requirement for a Subcontractor Utilization Plan shall not be subject to the law governing Locally Based Enterprises set forth in Administrative Code Section 6-108.1.

3. DSBS is available to assist contractors and potential contractors in determining the availability of MBEs and WBEs to participate as subcontractors, and in identifying opportunities that are appropriate for participation by MBEs and WBEs in contracts.

4. Prospective contractors are encouraged to enter into joint ventures with MBEs and WBEs.

5. By submitting a bid or proposal the Contractor hereby acknowledges its understanding of the M/WBE requirements set forth herein and the pertinent provisions of Local Law 129 of 2005, and any rules promulgated thereunder, and if awarded this Contract, the Contractor hereby agrees to comply with the M/WBE requirements of this Contract and pertinent provisions of Local Law 129 of 2005, and any rules promulgated thereunder, all of which shall be deemed to be material terms of this Contract. The Contractor hereby agrees to make all reasonable, good faith efforts to solicit and obtain the participation of M/WBE's to meet the required **Subcontractor Participation Goals**.

## **ARTICLE II. ENFORCEMENT**

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

this Contract and the Agency may revoke such bidder's or proposer's prequalification status, if applicable.

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

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

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

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

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

(d) terminating the Contract;

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

(f) withholding payment or reimbursement;

(g) determining not to renew the Contract;

(h) assessing actual and consequential damages;

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

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

(k) take any other appropriate remedy.

4. Whenever Agency has reason to believe that an MBE or WBE is not qualified for certification, or is participating in a contract in a manner that does not serve a commercially

useful function (as defined in Section 6-129), or has violated any provision of Section 6-129, Agency shall notify the commissioner of DSBS who shall determine whether the certification of such business enterprise should be revoked.

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

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

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 # 8502008HW0045P FMS Project ID#: HWM1683A  
 Project Title Design of Hudson Park and Boulevard and Streetscape for Hudson Yards Area  
 Contracting Agency Department of Design and Construction  
 Agency Address 30-30 Thomson Ave City Long Island City State NY Zip Code 11101  
 Contact Person James A. Cerasoli Title Senior M/WBE Compliance Analyst  
 Telephone # 718-391-1549 Email cerasoli@ddc.nyc.gov

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

Design Services for Hudson Yards Park and Boulevard, Borough of Manhattan

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

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

Group	Construction	Professional Services
Black American		10 %
Hispanic American		0 %
Asian American		NO GOAL
Caucasian Female	NO GOAL	20 %
<b>Total Participation Goals</b>	<b>%</b>	<b>30 %</b>

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

### Subcontractor Utilization Plan – Part II: Bidder/Proposer Subcontracting Plan

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

#### Section I: Prime Contractor Contact Information

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

#### Section II: General Contract Information

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

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

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

- Construction  
 Professional Services

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

- Construction  Other  
 Professional Services

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

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

#### Section III: Subcontractor Utilization Summary

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

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

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

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

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

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

		<b>Subcontracts under \$1M</b> (construction/professional services)	
<b>a.</b>	Copy value from Step 1, line (4) – the total value of all expected subcontracts under \$1M for construction and/or professional services	\$	
		↓	↓
<b>b.</b>	<ul style="list-style-type: none"> <li>• From line a. above, allocate the dollar value of "Subcontracts under \$1M" by Construction and Professional Services.</li> <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>	<b>Construction</b>	<b>Professional Services</b>
<b>c.</b>	<p style="text-align: center;"><b>Subcontracts under \$1M by Industry</b></p> <ul style="list-style-type: none"> <li>• For Construction enter percentage from line (2) from Page 1.</li> <li>• For Professional Services enter percentage from line (3) from Page 1.</li> <li>• <b>These Percentages must be copied from the Agency Plan, or the bid/proposal will be deemed non-responsive.</b></li> </ul>	\$ _____	\$ _____
		x _____ %	x _____ %
<b>d.</b>	<b>Value of Total Participation Goals</b>	\$ _____	\$ _____

**Step 3:**

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

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

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

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

**Section IV: Vendor Certification**

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

Signature _____	Date _____
Print Name _____	Title _____



## **ATTACHMENT 6** **DOING BUSINESS DATA FORM**

### DOING BUSINESS ACCOUNTABILITY PROJECT **QUESTIONS AND ANSWERS ABOUT THE DOING BUSINESS DATA FORM** PROPOSERS AND AWARDEES, SPRING 2008

#### **What is the purpose of this *Data Form*?**

To collect accurate, up-to-date identification information about vendors 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 City vendors 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 vendor 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 or concession you are proposing on, or have already been awarded, is considered a business dealing with the City under LL 34. No award will be made unless this *Data Form* is completed. Most types of contracts, franchises and concessions valued at more than \$5,000 are considered business dealings. Exceptions include transactions awarded on an emergency basis or by publicly advertised, non-pre-qualified competitive sealed bid. Later in 2008, the types of transactions considered business dealings will be expanded to include grants, economic development agreements, pension fund investments and real property and land use transactions with the City.

#### **What vendors will be included in the *Doing Business Database*?**

All of the business that a vendor does or proposes to do with the City and other local governmental entities will be added together. Vendors that hold \$100,000 or more in contracts for goods or services, or franchises or concessions (\$500,000 or more for construction contracts), are considered to be doing business with the City for the purposes of this law and will be included in the *Doing Business Database*. As noted above, later in 2008 other types of transactions will also result in vendor inclusion in the database. Because all of the business that a vendor does or proposes to do with the City will be added together, you must complete the *Data Form* for all covered transactions even if you do 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 vendors 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% or more of the vendor. This includes stockholders, partners and anyone else with an ownership or controlling interest in the vendor.
- **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, franchise or concession with the City. If the vendor holds any City contracts, franchises or concessions, you must list at least one Senior Manager, or your *Data Form* will be considered incomplete. Later in 2008, senior managers responsible for the additional types of transactions indicated above will also be included in the *Doing Business Database*.

#### **I provided some of this information on the VENDEX Questionnaire. Why do I have to do 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.



**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 vendor 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 vendors are required to return this *Data Form* with complete and accurate information, regardless of the history or intention of the vendor 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. A vendor 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 a vendor to report its EIN and sign the last page, and a Change option, which allows a vendor to only fill in applicable information that has changed since the previous completion of the *Data Form*. No vendor should have to fill out the entire *Data Form* more than once.

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

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

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

- **Contract and Concession holders:** generally for the term of the contract or concession, plus one year.
- **Franchise holders:** from the commencement or renewal of the franchise, 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.
- **Line item and discretionary appropriations:** from the date of budget adoption until the end of the contract, plus one year.

For information on other types of transactions, contact the Doing Business Accountability Project at 212-788-8104.

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

Contributions to City Council candidates are limited to \$250; to Borough President candidates \$320; and to candidates for citywide office \$400 – per election cycle. Please contact the NYC Campaign Finance Board for more information at [www.nyccfb.info](http://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](mailto:DoingBusiness@cityhall.nyc.gov).

02/11/07



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

<b>For City Agency Use</b>
Agency: _____
PIN/Contract ID/PO#: _____

Spring 2008

### Doing Business Data Form - Proposers

Transaction type:     Contract             Franchise/Concession

A Doing Business Data Form is to be completed by any vendor that submits a proposal for a contract, franchise or concession (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink. For all submissions, please be sure to sign the last page and return the completed Data Form, in a separate envelope, to the contracting agency along with your proposal. **The submission of a Data Form that is not accurate and complete may result in appropriate sanctions.**

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.**

**General Instructions for Sections 2, 3, and 4:**

**Office Title:** The actual office title held by the officer, owner or manager.

**Employer (if not vendor):** If the individual is not employed by the vendor, list his/her employer's name.

**Certification:**

Fill out the certification box on the last page completely and return the completed Data Form, in a separate envelope, to the contracting agency along with your proposal. Please contact the Doing Business Accountability Project at [DoingBusiness@cityhall.nyc.gov](mailto:DoingBusiness@cityhall.nyc.gov) or 212-788-8104 with any questions. Thank you for your cooperation.

**Section 1: Vendor Information**

Vendor Name: \_\_\_\_\_

Vendor EIN/TIN: \_\_\_\_\_

**Vendor Filing Status (select one):**

- Vendor 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 vendor.*
- No Change from previous Data Form dated \_\_\_\_\_. *Skip to the bottom of the last page.*

Vendor Type:     Corporation (any type)     Partnership (any type)     Sole Proprietor     Joint Venture  
                   Other (specify): \_\_\_\_\_

Vendor Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Vendor Phone #: \_\_\_\_\_ Vendor is a Non-Profit:     Yes     No

Vendor E-mail: \_\_\_\_\_

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.    02/13/2008

**Section 2: Principal Officers**

Please fill in the required identification information for each officer listed below. If the vendor has no such officer or its equivalent, please check the "Position does not exist" box. If the vendor is filing a Change Data Form and the person listed is replacing someone who was previously disclosed, please check the "This person replaced" box 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 vendor): \_\_\_\_\_

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 vendor): \_\_\_\_\_

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 vendor): \_\_\_\_\_

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

Home Address: \_\_\_\_\_

This person replaced former COO: \_\_\_\_\_ on date: \_\_\_\_\_

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

**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 vendor**. If no individual owners exist, please check the appropriate box below to indicate why and skip to the next page. If the vendor 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 vendor is filing a Change Data 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 vendor):**

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_  
 Office Title: \_\_\_\_\_  
 Employer (if not vendor): \_\_\_\_\_  
 Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_  
 Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_  
 Office Title: \_\_\_\_\_  
 Employer (if not vendor): \_\_\_\_\_  
 Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_  
 Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_  
 Office Title: \_\_\_\_\_  
 Employer (if not vendor): \_\_\_\_\_  
 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: \_\_\_\_\_

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

Doing Business Data Form

EIN/TIN: \_\_\_\_\_

Page 4 of 4

**Section 4: Senior Managers**

Please fill in the required identification information for all senior managers who oversee any of the vendor's contracts (if this is a contract proposal) or franchises and concessions (if this is a franchise or concession proposal) with the City. 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 contract, franchise or concession 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 vendor is filing a Change Data Form, list any 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 vendor): \_\_\_\_\_  
Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_  
Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_  
Office Title: \_\_\_\_\_ Employer (if not vendor): \_\_\_\_\_  
Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_  
Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_  
Office Title: \_\_\_\_\_ Employer (if not vendor): \_\_\_\_\_  
Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_  
Home Address: \_\_\_\_\_

**Remove the following previously-reported Senior Managers:**

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

<b>Vendor Certification</b>	
<b>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 vendor being found non-responsible and therefore denied future City awards.</b>	
Name: _____	
Signature: _____ Date: _____	
Vendor Name: _____	
Title: _____ Work Phone #: _____	

**Return the completed Data Form to the contracting agency along with your proposal.**

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



## **ATTACHMENT 7**

### **NEW YORK CITY DEPARTMENT OF TRANSPORTATION REQUIREMENTS**

#### **Bridge Design and Construction Support Services Qualification Criteria**

1. A minimum of 60 full time technical employees must be employed at regional offices.
2. At least eight Professional Engineers on staff full time with at least eight years experience must have successfully completed a bridge design project within the last five years.
3. A minimum of 15 full-time Bridge Design Engineers must be employed at regional offices.
4. The firm must have successfully completed three "Large" Bridge Design Projects, as the Prime Consultant, within the last five years at regional offices.
5. Over the previous 3 years, the attrition rate of the technical employees of the firm must not exceed an average of 10% annually. If the attrition rate exceeds specified limits due to a firm's elimination of a unit unrelated to bridges, supporting documentation may be submitted with the application for consideration.
6. The firm must have a published and adopted Employee Manual.
7. The firm must have a published and adopted QA/QC procedure manual.
8. The firm must have the ability to provide CADD drawings, that it must possess three CADD Stations.
9. The firm must have an available line of credit in excess of \$1,000,000, or equivalent that must be verified by an officer of the lending institution in writing.
10. The most recent 12 month billings can not be less than 75% of the average of the last 5 years' billings.
11. Satisfactory record of contract performance/Vendex Business Integrity Record.

## **APPENDIX 1**

### **BACKGROUND: THE HUDSON YARDS DEVELOPMENT PROGRAM AND RELATED PROJECTS**

Hudson Yards is the area of Manhattan bounded by West 42nd and 43rd Streets, 7th and 8th Avenues, West 28th and 30th Streets, and Hudson River Park.

The City of New York, Metropolitan Transportation Authority, and the State of New York have collaborated on extraordinary planning initiatives over the past several years to create a development program (the “Hudson Yards Development Program”) that will transform the Hudson Yards area into a vibrant, pedestrian-friendly, transit-oriented mixed-use district. The new Hudson Yards will accommodate a major and vital expansion of the Midtown central business district as well as job growth and new housing for the City’s growing population.

Key components of the Hudson Yards Development Program are:

- Rezoning of the Hudson Yards area from manufacturing to commercial and residential, which was adopted by the City in January 2005. As rezoned, Hudson Yards now has capacity for approximately 24 million square feet of new office development, 13,500 units of housing, of which almost 4,000 units will be affordable units, 1 million square feet of retail, and 2 million square feet of hotel space.
- The extension of the No. 7 subway line from its current terminus at Times Square to a new terminal station at 34<sup>th</sup> Street and 11<sup>th</sup> Avenue. The West 34<sup>th</sup> Street station will have its principal entrance in Hudson Park between West 33<sup>rd</sup> and West 34<sup>th</sup> Streets.
- Mixed-use development over the MTA West Side Rail Yards.
  - The eastern section of the Railyards (the “Eastern Rail Yard”) was rezoned as part of the 2005 rezoning of the Hudson Yards. The Eastern Rail Yard rezoning includes a site plan regulation that locates open space on the Eastern Rail Yard directly to the south of the Hudson Park and Boulevard system.
  - The western section of the Railyards (the “Western Rail Yard”) was not rezoned in 2005.
  - On July 13, 2007 the MTA released two Requests for Proposals for the development of the Eastern Rail Yard and the Western Rail Yard. The Eastern Rail Yard RFP included a set of Design Recommendations, and the Western Rail Yard included a set of Design Guidelines for the Western Rail Yard. Both the Design Recommendations and the Design Guidelines address public open space. (See Appendix 2 for Eastern Rail Yard zoning information and Design Recommendations, Western Rail Yard Design Guidelines and a diagram summarizing the zoning on

the Eastern Rail Yards. Additional information about the zoning requirements is available on the Department of City Planning's website at <http://www.nyc.gov.html/dcp/hyards/proposal.shtml>).

- Creation of new parks and public open space throughout the Hudson Yards area, including Hudson Park and Boulevard.
- Construction of a public parking garage (the "Mid-Block Garage") directly beneath the Hudson Park and Boulevard system between West 34<sup>th</sup> and West 36<sup>th</sup> Streets. The garage will be privately designed, built, maintained and financed.

Extensive information about the Hudson Yards Development Program is available on the Hudson Yards Development Corporation's website at [www.hydc.org](http://www.hydc.org)

In addition to the Hudson Yards Development Program, there are several other major public projects in or adjacent to the Hudson Yards area which are in the planning or development phases, including the Jacob K. Javits Convention Center Expansion, High Line Park, and Hudson River Park. For background information about these projects, and links to their websites, see the Adjacent Complementary Projects section of the Hudson Yards Development Corporation's website, at [www.hydc.org/html/adjacent/adjacent.shtml](http://www.hydc.org/html/adjacent/adjacent.shtml).

### Hudson Park and Boulevard

Hudson Park and Boulevard will be an approximately 4-acre system of broad tree-lined parks and open space and an adjacent street that will be constructed between 10th and 11th Avenues from West 33rd to West 39th Streets. Hudson Park will extend from West 33rd to West 39th Streets and will provide open space for residents, workers and visitors in the Hudson Yards area. Hudson Boulevard will extend from West 33rd to West 38th Streets on the east side of Hudson Park and from West 35th to West 38th Streets on the west side of Hudson Park.

The City's budget for the construction of Phase I of Hudson Park and Boulevard is approximately \$27 million, comprised of \$8 million for the Hudson Park component, \$16 million for the Hudson Boulevard component, and \$3 million for streetscape. The City's cost estimate in 2008 dollars for the construction of Phase 2 is approximately \$69 million, comprised of \$5 million for the Hudson Park component, \$56 million for a platform over Amtrak, \$6 million for the Hudson Boulevard component, and \$2 million for streetscape. Phase 2 will be constructed as funds become available, and may be constructed by the City or private entities.

Hudson Park and Boulevard will be a fundamental part of the Hudson Yards neighborhood. Its creation will serve three urban design principles: to create public open space, to facilitate access to new development and to create city blocks that are well suited for development. The prescribed location and alignment creates blocks flanking the Boulevard that are similar in size to those between Park and Madison Avenues, thereby resulting in ideal footprints for development of Class A office buildings, hotels and mid- and high-rise apartment buildings.

Hudson Park and Boulevard will be aligned directly north of the approximately 6-acre open space that will be developed on the Eastern Rail Yard.

An amendment to the City Map was filed on November 3, 2006 to establish the legal grades and boundaries of the Hudson Park and Boulevard system according to the 2005 rezoning.

The Hudson Park and Boulevard system will be constructed in three phases.

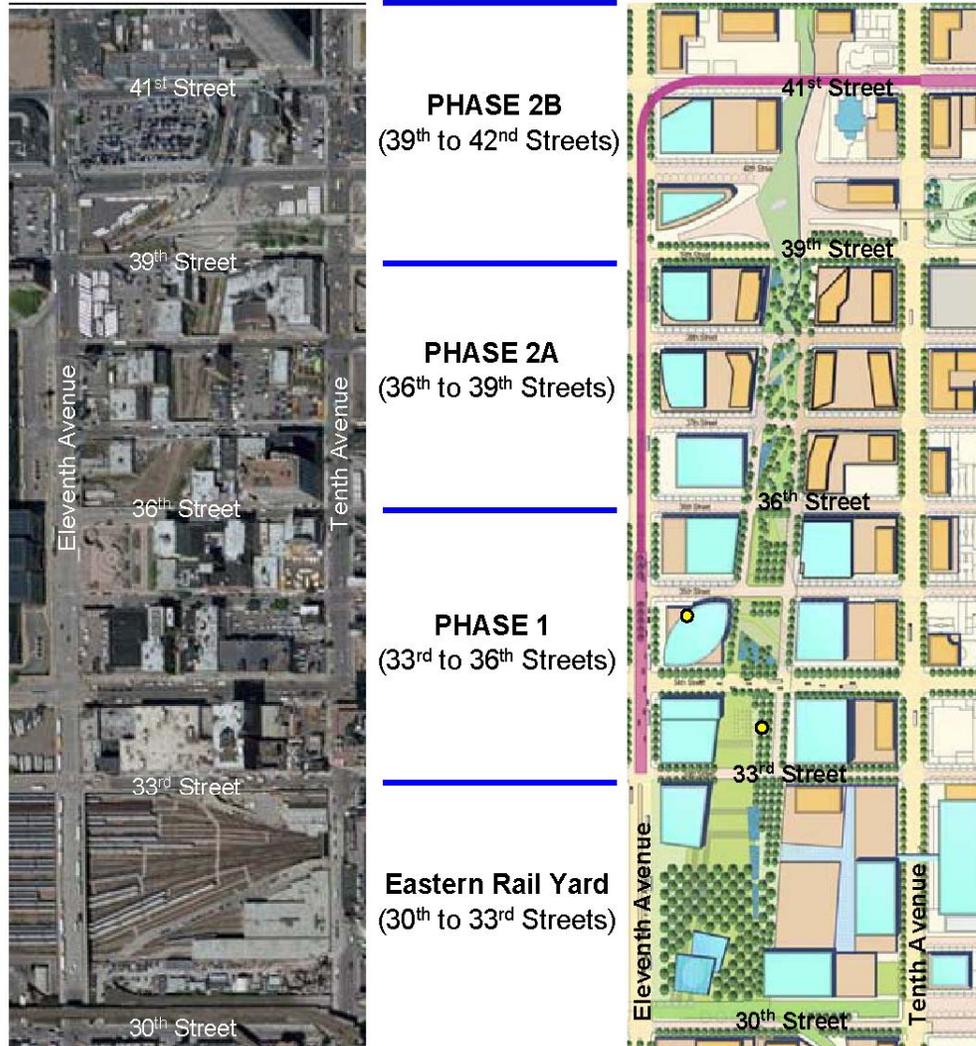
**Phase 1:** The portion of the system between West 33<sup>rd</sup> and 36<sup>th</sup> Streets. Phase 1 includes the re-grading of portions of West 34<sup>th</sup>, 35<sup>th</sup> and 36<sup>th</sup> Streets between 10<sup>th</sup> and 11<sup>th</sup> Avenues. Phase 1 will be constructed over the pedestrian circulation and fare control areas for the 34<sup>th</sup> Street Station of the No. 7 Subway Extension, and the Mid-Block Garage. Phase 1 will be constructed by the City. Construction is expected to begin in 2011 with completion in 2012.

**Phase 2:** The portion of the system between West 36<sup>th</sup> and 42<sup>nd</sup> Streets. No funding is currently available to construct Phase 2. It will be constructed as funds become available, and may be constructed by the City or private entities.

**Phase 2a. West 36<sup>th</sup> to 39<sup>th</sup> Streets:** Because the below-grade Amtrak Empire Line right-of way runs beneath most of this section of Hudson Park and Boulevard, this area will be built on a series of platforms over the Amtrak right-of-way. These platforms will need to be integrated into the existing cross-town City street network and the existing bridges over the Amtrak right-of-way.

**Phase 2b. Pedestrian Connection from West 39<sup>th</sup> to 42<sup>nd</sup> Streets:** The Hudson Yards Development Program calls for the extension of the Hudson Park system from West 39<sup>th</sup> Street to West 42<sup>nd</sup> Street via a pedestrian connection. This connection will span over the Port Authority properties located between West 39<sup>th</sup> and West 41<sup>st</sup> Streets, midblock between 10<sup>th</sup> and 11<sup>th</sup> Avenues, known as Galvin Plaza and Cardinal Stepinac Place. These properties function as roadways and entrances to the northern tube of the Lincoln Tunnel. The pedestrian connection would be located within an area that is approximately 60 feet in width with a lower limiting plane approximately 16 feet above existing grade. Between West 41<sup>st</sup> and 42<sup>nd</sup> streets, the pedestrian connection would be located between 10<sup>th</sup> and 11<sup>th</sup> Avenues, with an entrance at 42<sup>nd</sup> Street.

# Hudson Park & Boulevard



2006 Aerial Photo

2003 Conceptual Plan

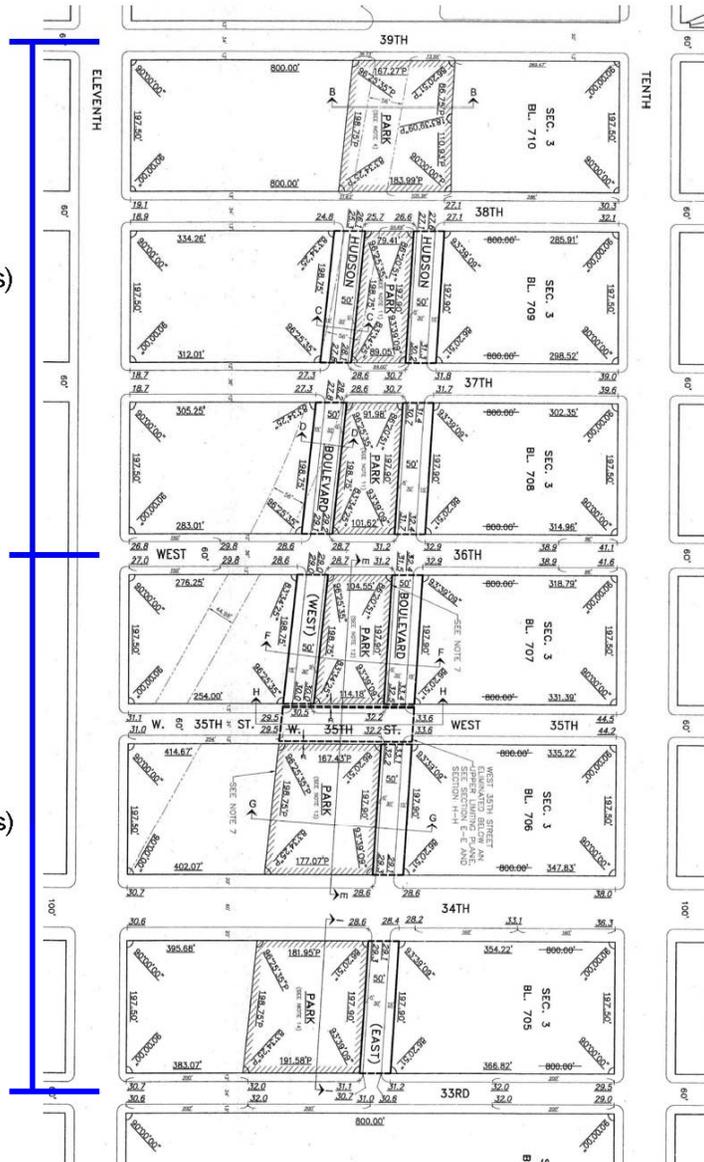
- Subway Entrance- 2013
- Office / Hotel
- Residential



# Hudson Park & Boulevard

**PHASE 2A**  
(36<sup>th</sup> to 39<sup>th</sup> Streets)

**PHASE 1**  
(33<sup>rd</sup> to 36<sup>th</sup> Streets)



Official Filed Map, Filed November 3, 2006

## **APPENDIX 2**

### **DESIGN RECOMMENDATIONS AND GUIDELINES**

#### **Eastern Rail Yard Design Recommendations**

The Eastern Rail Yard (“ERY”) is zoned for large-scale mixed-use development (see Exhibit E). The guidelines described below are intended to provide additional guidance for the public spaces required by zoning, assure the site’s compatibility with the adjoining urban environment, and provide for a continuous, active streetscape.

#### **1. Platform**

*Goal: Ensure that the platform over the ERY connects with the existing city street system, provides maximum pedestrian access across the site, and provides flexibility for LIRR operations.*

- All platform height requirements are based upon Manhattan Borough Datum.
- Top of platform at the Outdoor plaza at a point approximately 385’ east of the 11<sup>th</sup> Avenue property line shall be at elevation +35’. The platform slope from the 11th Avenue and 33rd Street sidewalks to the top of the Outdoor plaza shall be a maximum slope of 2%.
- A Through block connection is required to link the Outdoor plaza with the Tenth Avenue Bridge.
- The platform area between a point approximately 385’ east of the 11<sup>th</sup> Avenue property line and the build-to line along the eastern edge of the Outdoor plaza shall provide a gradual, appropriate pedestrian connection between the Outdoor plaza and Through block connection.
  - This transition should be at an elevation that accommodates a structural truss system that allows for LIRR clearance requirements.
  - Such platform area shall not occupy more than 60% of the building frontage along the Outdoor plaza, and may be open or enclosed.
- Provide pedestrian connections from the 10<sup>th</sup> Avenue sidewalk level
- Provide a gradual, appropriate connection from the Outdoor plaza level to the High Line or 30<sup>th</sup> Street Linear Open Space level.

#### **2. Open Space**

**The ERY zoning requires the development of on-site open space, including an Outdoor plaza, a Through block connection, an Urban plaza, and a connection to the High Line or 30<sup>th</sup> Street Linear Open Space. All connections must be ADA accessible.**

**The Outdoor plaza shall provide connections to West 33<sup>rd</sup> Street, 11<sup>th</sup> Avenue, the Through block connection, and the High Line or 30<sup>th</sup> Street Linear Open Space.**

The open space is located to provide direct and visual connections to the Hudson Park & Boulevard, the High Line or 30th Street Linear Open Space, and the Central Open Space at the Western Rail Yard.

In furtherance of these requirements, the ERY open space should:

- Provide a green, inviting space that welcomes people from surrounding areas, with a level of planting and amenities that creates an attractive and compelling landscape for public use and enjoyment.
- Maintain clear physical and visual connections to Hudson Park & Boulevard, the Western Rail Yard Central Open Space, and the High Line south of 30<sup>th</sup> Street, including a clear view corridor from Hudson Park & Boulevard to the Cultural Facility.
- Entrances to the Outdoor plaza along West 33<sup>rd</sup> Street and 11<sup>th</sup> Avenue should contain a clear design correlation with the Western Rail Yard and the Hudson Park & Boulevard
- Provide a variety of activities, including passive recreation, gathering, and strolling, and outdoor space for restaurants and cafes.
- Provide a space that accommodates and encourages performances and events, including space for temporary events.
- Encourage interactions between open space and adjacent buildings (particularly the Cultural Facility) with opportunities to coordinate landscape with the building design.
- Create opportunities for public art.
- The 11<sup>th</sup> Avenue connection shall provide areas of lush planting on either side of the connection, including areas for raised planters and planted berms.
- Grade changes along 11<sup>th</sup> Avenue should be accommodated through planting, raised planters, and landscaped berms.

### 30<sup>th</sup> Street Linear Open Space

*Goal: Create a linear publicly accessible open space connecting the High Line south of 30<sup>th</sup> Street to the Eastern Rail Yard buildings and open spaces that preserves and enhances the 30<sup>th</sup> Street view corridor to the Hudson River.*

- Provide a linear publicly accessible open space along West 30<sup>th</sup> Street, west of the High Line connection, which is open to the sky.
- Provide a linear publicly accessible space along West 30<sup>th</sup> Street, east of the High Line connection, which may be open or enclosed, but must be open at both ends to preserve view corridors.
- Provide a pedestrian connection from the level of the linear open space to the Urban plaza.

### 3. Active Ground Floor Uses and Streetscape

*Goal: Create an active, public streetscape along 11<sup>th</sup> Avenue, West 30<sup>th</sup> Street and 10<sup>th</sup> Avenue by requiring retail uses with significant ground floor glazing.*

- On 10<sup>th</sup> Avenue, retail use shall be required for 70% of the building frontage in the area between a point approximately 330' north of the centerline of West 30<sup>th</sup> Street and the property line at West 33<sup>rd</sup> Street.
- On West 30<sup>th</sup> Street, retail use shall be required for 70% of the building frontage underneath the High Line or 30<sup>th</sup> Street Linear Open Space and the sidewalk shall be widened by 10'.
- On 11<sup>th</sup> Avenue, from the southern edge of the Outdoor plaza to the property line at West 30<sup>th</sup> Street, retail use shall be required for 70% of the building frontage.
- Where required, retail floor area shall be a minimum depth of 25'
- Fenestration will cover not less than 60% of building frontages
- Building frontages facing 10<sup>th</sup> Avenue, 30<sup>th</sup> Street and 11<sup>th</sup> Avenue must be allocated exclusively to retail uses, except for lobby space or entryways, loading berths, and parking access/egress. Loading berths serving any permitted use in the building may occupy up to

40' of street frontage along each of West 33<sup>rd</sup> Street, 10<sup>th</sup> Avenue, and West 30<sup>th</sup> Street. Parking access/egress may occupy up to 30' of street frontage along West 30<sup>th</sup> Street.

#### 4. Cultural Facility

*Goal: Establish a cultural facility on the ERY that will help animate the open space, strengthen the brand identity of the ERY through innovative architecture and programming, and provide high quality exhibition space to meet the needs of New York City's cultural community.*

- The area that is designated in the ERY zoning for community facility uses (the "Cultural Facility Area") is reserved as the location of a cultural facility (the "Cultural Facility")
  - The approximate dimensions of this area are 220' x 299'.
  - The Cultural Facility can utilize up to 200,000 square feet of zoning floor area
  - The Cultural Facility shall not exceed 180' in height.
- The Cultural Facility should be:
  - An architecturally distinct and flexible indoor/outdoor space that can accommodate a wide variety of activities
  - Provide high quality cultural programming showcasing contemporary art, photography, design, fashion, film and multimedia, and other art forms
  - Operated throughout the year and during both the daytime and evening
  - Affiliated with an established New York City or international cultural institution that would provide a strong curatorial point of view
  - A venue for traditional non-commercial art and events, and for commercially oriented cultural offerings, including: temporary art exhibitions; film and media screenings; lectures; fashion shows; design expositions and fairs; public art installations; and contemporary art fairs
- The space program could include: exhibition galleries; film screening auditoria / lecture halls; indoor/outdoor "flex" spaces including a temporary event tent; education space; retail; catering space; and requisite administration, storage, support, and back of the house space
- The Cultural Facility should be integrated into, and provide a focal point for, the Outdoor plaza
  - The cultural facility should have its primary entrance facing the Outdoor plaza
  - Secondary entrances on 11<sup>th</sup> Avenue and onto the 30<sup>th</sup> Street Linear Open Space or High Line are desirable
  - The Cultural Facility Area could be the site for a major permanent sculpture, and/or one or more "signature" works of art commissioned from internationally recognized artists
  - The landscape design should be integrated with the Cultural Facility

#### 5. Sustainability

*Goal: The development shall be environmentally sustainable to minimize the impact of new development on the environment.*

- Development should comply with LEED Silver sustainability requirements.

### **WRY DESIGN GUIDELINES**

#### **Table of Contents**

General Design Principles, Goals and Guidelines

1. Allowed Uses
2. Floor Area
3. Site Plan Organization
4. Platform
5. Site Access
6. Site Design
7. Height and Setback
8. Building Articulation/Tower Controls
9. Open Space
10. Potential Future Connection Across 12<sup>th</sup> Avenue to Hudson River Park
11. Active Ground floor Uses and Streetscape
12. Roadways – On Platform
13. Curb Cuts
14. Parking and Loading
15. Signage
16. Sustainability
17. Phasing

#### Appendix 2A – Open Space Guidelines

### **WESTERN RAIL YARDS**

#### General Design Principles and Goals

Design Principles and Guidelines have been developed to provide an overall framework for creating a cohesive development on the Western Rail Yards. These Principles articulate overarching themes to guide the site's development. Design guidelines provide a framework for individual elements of the site.

#### Design Principles

1. Establish a world class urban environment with a vibrant mix of uses that is fully integrated with the surrounding the Hudson Yards district.
2. Organize buildings around a major east-west central open space with an overlook to the Hudson River, and provide visual connections through the Eastern Rail Yard to the High Line Park south of 30<sup>th</sup> Street and to the Hudson Park and Boulevard.
3. Create a signature addition to New York City's skyline. Tower heights should vary, with the tallest buildings located along 11th Avenue and lower buildings towards the Hudson River.
4. Create high quality, cohesive open space with a range of uses and activities.
5. Develop a streetscape with a continuous and varied pedestrian experience.
6. Buildings should contribute to a sustainable environment.

## Design Goals

### *Site Development and Use*

- Promote a vibrant mix of commercial and residential uses to activate the site.
- Allow a level of development compatible with that permitted in surrounding areas and supported by the No. 7 subway extension.
- Develop a platform above the rail yards that connects with the existing city street system, and provides maximum pedestrian and vehicular access, and provides protection of and flexibility for LIRR operations.
- Promote integration of the site into the fabric of the city street system by providing direct vehicular and pedestrian access to the platform along 11<sup>th</sup> Avenue and, West 33<sup>rd</sup> Street and to the site along West 30<sup>th</sup> Street.

### *Site Plan Organization*

- Concentrate building locations on the northern and southern portions of the site, with the highest densities located on Eleventh Avenue.
- Organize building locations around an east-west central open space that provides direct connections and views from the ERY open space to Hudson River, and urban plazas that provide pedestrian circulation space in appropriate locations.
- Create a world-class, cohesive and inviting open space with a range of uses and activities, with overlooks to the Hudson River, to take advantage of the spectacular views that the site affords.
- Create a physical and visual relationship with the open space developed directly to the east on the ERY.
- Provide a linear open space in the location of the High Line easement along West 30th Street, providing direct connections to the High Line park south of West 30th Street, to the Central Open Space, and to the Southwest urban plaza.

### *Height/Setback*

- Create building envelopes that establish a street wall presence consistent with the adjacent Hudson Yards zoning.
- Modulate building scale with setbacks above maximum base heights.
- West 30th Street should be developed as a “wide street” by providing more light and air on the street to balance development permitted on the southern portion of the rail yard.

### *Building Articulation*

- Encourage building façade articulations by permitting appropriate recesses and breaks in the street walls to accentuate corners and architectural features.
- Rail yards development should create a skyline presence. Towers heights should vary, with the tallest buildings located along 11th Avenue, with heights decreasing westward towards the Hudson River.
- Tower regulations should be compatible with those established for the Hudson Yards Special District along 11th Avenue and Hudson Boulevard

### *Sustainability*

- The development should be environmentally sustainable to minimize the impact of new development on the environment.

General Notes

- The Western Rail Yard (“the Site”) will be rezoned by the Developer through the City’s ULURP process.
- Project must conform to all applicable State and City codes and laws.
- All height requirements in the design guidelines are measured from elevation +35’ above the Manhattan Borough Datum as a reference point
- All dimensions in the guidelines measured from streets are from the property line.

Design Guidelines**2. Allowed Uses**

*Goal: Promote a vibrant mix of commercial and residential uses to activate the site.*

- Allowed uses shall be limited to Use Groups 1-12, which are permitted as-of-right in a C6-4 District. (Refer to Appendix A: Index of Uses in the New York City Zoning Resolution for further information on the allowed uses.)

**3. Floor Area**

*Goal: Allow a level of development compatible with that permitted in surrounding areas and that can be sustained with the area’s transportation connections and infrastructure.*

- Total zoning floor area permitted as-of-right shall be 10 FAR plus any FAR increase pursuant to the Inclusionary Housing Program and School Commitment as defined in the Agreement among the City, MTA and the City Council, excluding parking and loading.
- Zoning floor area above grade shall include a minimum of 20% commercial uses.
- Zoning floor area above grade shall include a minimum of 20% residential uses.

**4. Site Plan Organization**

*Goals:*

- *Concentrate building locations on the northern and southern portions of the site, with the highest densities located on Eleventh Avenue.*
- *Organize building locations around an east-west central open space that provides direct connections and views from the ERY open space to Hudson River, and urban plazas that provides pedestrian circulation space in appropriate locations.*

The site is organized with two major development areas, one to the north along West 33<sup>rd</sup> Street and one to the south along West 30<sup>th</sup> Street, separated by a Central Open Space, and vehicular and pedestrian circulation. These areas are to be bisected by midblock pedestrian and/or vehicular connections creating four zones, each of which must contain development.

Urban plazas should be located at the corner of West 33<sup>rd</sup> Street and 11<sup>th</sup> Avenue (Northeast urban plaza) and at the corner of West 30<sup>th</sup> Street and 12<sup>th</sup> Avenue (Southwest urban plaza).

Only a platform consisting of either open space or roadways is permitted over the Amtrak North River Tunnel alignment, located between 200’ and 260’ south of the West 33<sup>rd</sup> Street property line between 11<sup>th</sup> and 12<sup>th</sup> Avenues.

**4. Platform**

*Goal: Develop a platform above the rail yards that connects with the existing city street system, and provides maximum pedestrian and vehicular access, and provides adequate clearances and flexibility for LIRR operations.*

- Platform height is set at elevation +35'.
- Minimum and average overhead clearances below the platform structure shall be 17.5 feet and 19.5 feet, respectively.
- Top of platform at Central Open Space is required to meet the elevation of the sidewalk at the 11<sup>th</sup> Avenue frontage. The platform slope from the 11<sup>th</sup> Avenue sidewalk to platform elevation +35' shall be a maximum slope of 2%.
- West 33<sup>rd</sup> Street midblock connection shall have a maximum slope of 5% between platform elevation +35' and the elevation of West 33<sup>rd</sup> Street at the midblock connection point.

## 5. Site Access

*Goal: Promote integration of the site into the fabric of the city street system by providing direct vehicular and pedestrian access to the platform along 11<sup>th</sup> Avenue and, West 33<sup>rd</sup> Street and to the site along West 30<sup>th</sup> Street.*

- The site is bounded by West 33<sup>rd</sup> Street to the north, 11<sup>th</sup> Avenue to east, West 30<sup>th</sup> Street to the south, and 12<sup>th</sup> Avenue to the west.
- Current conditions:
  - Vehicular  
Currently the Western Rail Yard is only accessible from West 30<sup>th</sup> Street, 12<sup>th</sup> Avenue and 33<sup>rd</sup> Street at 12<sup>th</sup> Avenue.
- Future conditions with construction of platform over Western Rail Yard:

The City's Department of Transportation and the Hudson Yards Development Corporation are analyzing the re-profiling of West 33<sup>rd</sup> Street between 11<sup>th</sup> and 12<sup>th</sup> Avenues in coordination with DOT's 11<sup>th</sup> Avenue Viaduct contract.

### Pedestrian

At Platform level, the site will be accessible from:

- West 33<sup>rd</sup> Street via the required midblock connection
- 11<sup>th</sup> Avenue along the eastern edge of the platform
- 30<sup>th</sup> Street Linear Open Space via the required midblock connection
- Under the Platform level, the site will be accessible from West 30<sup>th</sup> Street

### Vehicular

At Platform level, the site will be accessible from:

- West 33<sup>rd</sup> Street via the midblock roadway connection
- 11<sup>th</sup> Avenue through the site via internal roadways
- Under the Platform level, the site will be accessible from:
  - West 30<sup>th</sup> Street for loading and parking
  - 12<sup>th</sup> Avenue and West 33<sup>rd</sup> Street for LIRR employees and operational requirements, as necessary (similar to existing access points)

## 6. Site Design

*Goals:*

- *Create a world-class, cohesive and inviting open space with a range of uses and activities, with overlooks to the Hudson River, to take advantage of the spectacular views that the site affords.*

- *Create a physical and visual relationship with the open space developed directly to the east on the ERY.*
- *Provide a linear open space in the location of the High Line easement along West 30th Street, providing direct connections to the High Line park south of West 30th Street, and to the Central Open Space.*

Provide approximately 5 acres of open space including: the Central Open Space; Northeast urban plaza; Southwest urban plaza, 12<sup>th</sup> Avenue Linear Open Space, Midblock pedestrian connection to 30<sup>th</sup> Street Linear Open Space, and the 30<sup>th</sup> Street Linear Open Space.

Roadways and adjacent sidewalks, and required sidewalk widenings shall not count towards open space area, but can be counted for minimum dimension requirements.

#### Central Open Space

- This open space should be in a continuous east-west orientation across the site from 11<sup>th</sup> Avenue to 12<sup>th</sup> Avenue.
- The Central Open Space is intended to provide connections and linkages with the regional open space at the Eastern Rail Yard, the 30th Street Linear Open Space, the 12<sup>th</sup> Avenue Linear Open Space and a future connection to Hudson River Park.
- Dimensions:
  - No dimension in any direction shall be less than 100'.
  - Minimum 210' and maximum 250' wide at 11<sup>th</sup> Avenue frontage beginning at a point a maximum of 200' south of West 33<sup>rd</sup> Street
  - Minimum 400' wide at 12<sup>th</sup> Avenue frontage located between 150' and 600' from West 33<sup>rd</sup> Street
  - Minimum width at any point on east-west open space is 190'
  - Minimum width no further than 250' from 11<sup>th</sup> Avenue frontage
  - The width can not decrease west of the minimum width
  - There shall be a constant width of no longer than 100' along the east-west length

#### Northeast urban plaza

- An urban plaza should be located at the northeast corner of the site at the corner of West 33<sup>rd</sup> Street and 11<sup>th</sup> Avenue
- Dimensions:
  - Area of approximately 2,600 SF (approximately 0.06 acres).
  - No dimension shall be less than 50'
  - Plaza frontage is required on both West 33<sup>rd</sup> Street and 11<sup>th</sup> Avenue

#### Southwest urban plaza

- An urban plaza should be located at the southwest corner of the site at the corner of West 30<sup>th</sup> Street and 12<sup>th</sup> Avenue
- Dimensions:
  - Area of approximately 3,300 SF (approximately 0.08 acres).
  - The north-south dimension shall be no less than the setback at the 30<sup>th</sup> Street Linear Open Space
  - Plaza frontage is required on both West 30<sup>th</sup> Street and 12<sup>th</sup> Avenue

12<sup>th</sup> Avenue Linear Open Space

- Open space should be located along the 12<sup>th</sup> Avenue frontage between West 33<sup>rd</sup> Street and the Central Open Space
- Dimensions:
  - Minimum 33' setback from 12<sup>th</sup> Avenue

Midblock pedestrian connection to 30<sup>th</sup> Street Linear Open Space

- A pedestrian connection should be provided in the midblock between the Central Open Space and the 30<sup>th</sup> Street Linear Open Space
- Dimensions:
  - Minimum width 60'
  - Connection should be open to the sky

30<sup>th</sup> Street Linear Open Space

- A linear open space should be provided along West 30<sup>th</sup> Street between 11<sup>th</sup> and 12<sup>th</sup> Avenues within the High Line Easement Area
- Dimensions:
  - Minimum 51' setback from West 30<sup>th</sup> Street, if the existing High Line structure is replaced with new open space and structure, at the approximate elevation of the existing High Line.
  - Minimum 56' setback from West 30<sup>th</sup> Street, if the existing High Line structure is retained. This allows a 5' maintenance area on the north side of the High Line structure.

Required open space connections from Central Open Space to:

- *West 33<sup>rd</sup> Street* - in the midblock, approximately 300-400' from 11<sup>th</sup> Avenue with a minimum width of 60'
- *11<sup>th</sup> Avenue* – in the midblock, opposite the Eastern Rail Yard open space on east side of 11<sup>th</sup> Avenue, approximately 200-450' from West 33<sup>rd</sup> Street with a minimum width of 210'
- *30<sup>th</sup> Street Linear Open Space* – in the midblock, approximately 250-550' from 11<sup>th</sup> Avenue with a minimum width of 60'
- *30<sup>th</sup> Street Linear Open Space Access Stair* - A minimum 30' wide access stair located at the western edge of the 30<sup>th</sup> Street Linear Open Space along West 30<sup>th</sup> Street must be provided connecting the 30<sup>th</sup> Street Linear Open Space with the Southwest urban plaza. Provide barrier free access from the platform level to the Southwest urban plaza.

**7. Height/Setback***Goals:*

- *Create building envelopes that establish a street wall presence consistent with the adjacent Hudson Yards zoning.*
- *Modulate building scale by requiring setbacks above maximum base heights.*
- *West 30<sup>th</sup> Street should be developed as a “wide street” by providing more light and air on the street to balance development permitted on the southern portion of the rail yard.*
- *Encourage building façade articulations by permitting appropriate recesses and breaks in the street walls to accentuate corners and architectural features.*

Height and setback guidelines have been developed by specific location to assure that appropriate scale and articulation are provided throughout the site:

Building frontages along 11<sup>th</sup> Avenue

- Setback from property line: 5' to allow sidewalk widening
- Base building height
  - Minimum: 90'
  - Maximum: 120'
- Initial setback above maximum base
  - Residential: 10'
  - Commercial: 15'
- Streetwall continuity is required for 70% of development zone frontage

Building frontages along the Central Open Space

- a. East of midblock connections
  - Base building height
    - Minimum: 90'
    - Maximum: 120'
  - Initial setback above maximum base
    - Residential: 10'
    - Commercial: 15'
  - Streetwall continuity is required for 70% of development zone frontage
- b. West of midblock connections (North of Central Open Space)
  - Base building height
    - Minimum: 60'
    - Maximum: 85'
  - Initial setback above maximum base
    - Commercial: 15'
- c. West of midblock connections (South of Central Open Space)
  - Base building height
    - Maximum: 85'
  - Initial setback above maximum base
    - Commercial: 15'
- d. Midblock connections
  - Initial setback above maximum base
    - Residential: 15'
    - Commercial: 20'

Building frontages along 30<sup>th</sup> Street

- a. East of High Line Easement Curve
  - Setback from property line: 10' for sidewalk widening
  - Setback from property line at elevation of the existing High Line or Linear Open Space, as applicable
    - 51' setback at the elevation of Linear Open Space if the existing High Line structure is

- replaced with new open space
- 56' setback, if the existing High Line structure is retained
- Base building height
  - Minimum: 60'
  - Maximum: 120'
- Initial setback above 85'
  - Residential: 10'
  - Commercial: 15'
- Streetwall continuity is required for 70% of building frontage at the elevation of the 30<sup>th</sup> Street Linear Open Space

b. West of High Line Easement Curve

Setback from property line

- Setback from property line: 10' for sidewalk widening
- Setback from property line at elevation of the existing High Line or Linear Open Space, as applicable:
  - 51' setback if the existing High Line structure is replaced with new open space
  - 56' setback, if the existing High Line structure is retained
- Base building height
  - Maximum: 85'
- Initial setback above maximum base: Not required

c. High Line Easement Curve

- The High Line Easement Curve is the area of the High Line Easement extending from the beginning of the curve along West 30<sup>th</sup> Street (west of 11<sup>th</sup> Avenue) to the point on the curve where the prolongation of the southern boundary of WSY Track 1 would intersect with the High Line Easement.
- Setback is required to be a minimum of 51' from 30<sup>th</sup> Street and a minimum of 33' from 12<sup>th</sup> Avenue
- Buildings are permitted over area of the Easement that does not fall within setbacks
  - All areas must be publicly accessible
  - Coverage
    - Continuous, unobstructed passage should be provided
    - Maximum area of coverage: 2,500 SF
  - Minimum vertical clearance envelope of 60' above the platform level
  - Maximum coverage length of 100' when open on one side, 60' when contained on both sides
  - Provide at least one continuous view corridor through the area of coverage
  - Sufficient lighting should be provided as per existing codes and regulations
  - Provide a 5' clearance on either side of the easement if the High Line structure is retained, to allow for a maintenance area on either side of the High Line structure.

Building frontages along 12<sup>th</sup> Avenue

a. North of Central Open Space

- Setback from property line
  - 33' from the 12<sup>th</sup> Avenue property line at the elevation of the Platform
- Base building height
  - Maximum: 85'

- Initial setback above maximum base
  - Commercial: 15'
- b. South of Central Open Space
  - Setback from property line
    - 33' from the 12<sup>th</sup> Avenue property line at the elevation of the Platform
  - Base building height
    - Maximum: 85'
  - Initial setback above maximum base
    - Commercial: 15'

Building frontages along 33<sup>rd</sup> Street

- a. East of the 33<sup>rd</sup> Street midblock connection
  - Base building height
    - Minimum: 90'
    - Maximum: 120'
  - Initial setback above maximum base
    - Residential: 15'
    - Commercial: 20'
  - Streetwall continuity is required for 70% of development zone frontage
- b. West of the 33<sup>rd</sup> Street midblock connection
  - Base building height
    - Maximum: 85'
  - Initial setback above maximum base
    - Residential: 15'
    - Commercial: 20'

**8. Building Articulation/Tower Controls**

*Goals:*

- *Rail yards development should create a skyline presence. Towers heights should vary, with the tallest buildings located along 11th Avenue, with heights decreasing westward towards the Hudson River.*
- *Tower regulations should be compatible with those established for the Hudson Yards Special District along 11th Avenue and Hudson Boulevard.*

*Maximum tower height will vary across the site with the tallest towers located along the 11<sup>th</sup> Avenue portion of the site and with towers gradually decreasing in height to the lowest towers located along the 12<sup>th</sup> Avenue portion of the site.*

*A mandatory height limit of 350' for a tower in the southwest corner of the site at West 30<sup>th</sup> Street and 12<sup>th</sup> Avenue will serve as the benchmark for all other tower heights.*

Tower regulations

- Begin at 110' west of the midblock connections

- Begin at 150' east of the midblock connections

#### *Commercial*

- Above 150', the tower length in any direction is limited to 250'
- Above 250', the building floor plate shall be a maximum of 32,500 GSF
- Top 100 feet of tower, not including bulkhead, shall have an average floor area no greater than 85% of the typical floor below

#### *Residential*

- Above 150', the tower length in any direction is limited to 150'
- Maximum tower floor plate shall not exceed 11,000 gross square feet
- Top 100 feet of tower, shall have an average floor area no greater than 85% of the typical floor below

## 9. Open Space

### **Central Open Space**

*Goals: Provide a level of planting and amenities that creates an attractive and compelling landscape for public use and enjoyment.*

- *Provide a space that orients and draws people to the river.*
- *Provide a green space that is welcoming to people from the surrounding neighborhoods and beyond.*
- *Provide a variety of activities, including passive recreation, gathering, and strolling.*
- *Foster a sense of movement out to the water and create a layered landscape with diverse microclimates and character.*
- *Create opportunities for public art, to be integrated with paving, lighting, seating, sculpture, etc.*
- *Provide a protected pedestrian crossing between the ERY and the WRY via the 30<sup>th</sup> Street Linear Open Space spanning 11<sup>th</sup> Avenue.*
- *Provide a compelling landscape at 11<sup>th</sup> Avenue that will allow for maximum freedom of pedestrian movement and will draw pedestrians into the Central Open Space.*

The Central Open Space can be defined as a series of zones – I urban plaza, II urban garden, III riverfront lawn. They should not read as distinct landscapes with different landscape design languages, but should function individually according to the guidelines below. See Appendix 2 A: Open Space Guidelines.

### **Zone I – Urban Plaza**

*Goal: Provide an open space that is visually and physically accessible from 11<sup>th</sup> Avenue that will draw people into the site toward the river while providing a visual and physical link to the open space of the Eastern Rail Yards.*

- Establish a minimum of one view corridor from the urban plaza/11<sup>th</sup> Avenue to the river.
- Minimum tree canopy coverage 10 years after installation shall be 50%.
- Trees shall be planted at grade or in planters as specified below to provide an inviting, landscaped entrance to the Central Open Space from 11<sup>th</sup> Avenue.
- Within 90' of 11<sup>th</sup> Avenue raised planters with trees will be permitted where platform construction precludes trees planted at grade in pits or trenches. Planters shall be a

maximum of 24" high and spaced a minimum of 15' apart. Planters shall not inhibit free pedestrian circulation or obstruct view corridors.

- Beyond 90' of 11<sup>th</sup> Avenue raised planters and/or planted berms are allowed provided that they do not obstruct either the view corridor or east/west pedestrian circulation.
- To the extent permitted by the design of the below-platform ventilation system, ventilation structures should be located in the built areas above the platform and not in the Central Open Space.
- All structures that penetrate below the platform must be approved by LIRR.
- All Open Space-related systems, including drainage, must be isolated from the LIRR space below.

### **Zone II – Urban Garden**

**Goal: Provide an interior-focused space buffered by topography or planting from the surrounding interior streets and containing a central focus such as a channel garden or other display/interactive environment.**

- Maintain key views from within the Central Open Space to the Hudson River. Establish a minimum of one view corridor from the urban garden to the river. The point of beginning of the above mentioned view corridor shall be within the 200' distance from 11<sup>th</sup> Avenue.
- Provide a maximum of 2 major paths to the western edge with a width of 10'- 15'. Minor paths shall be a minimum width of 6'.
- Buffer (maximum 3 feet in height) between the interior streets and the open space shall run a minimum of 50% along the north and south edges of this zone. Buffers shall be permeable and allow pedestrian circulation from surrounding buildings into the Central Open Space (north/south).
- Minimum tree canopy coverage at 10 years after installation shall be 30%.
- Raised planters and/or planted berms are allowed provided that they not obstruct the view corridor or east/west pedestrian circulation. Berms and raised planters shall be permeable and accommodate north/south circulation from surrounding buildings and sidewalks into the Central Open Space.
- Provide one emergency fire lane in the north-south direction.
- To the extent permitted by the design of the below-platform ventilation system, ventilation structures should be located in the built areas above the platform and not in the Central Open Space.
- All structures that penetrate below the platform must be approved by LIRR.
- All Open Space-related systems, including drainage, must be isolated from the LIRR space below.

### **Zone III – Riverfront Lawn**

**Goal: Provide an open, flexible park space flowing out to Hudson River Park with a strong visual connection to the park and river.**

- Maintain key views from within the Central Open Space to the Hudson River. Maintain view corridor from the Central Open Space to the river.
- Minimum tree canopy coverage at 10 years after installation shall be 20%.
- Lawn and adjacent areas:
  - Minimum east/west dimension of the lawn area shall be 190'.

- Lawn area shall not extend to the building façade. Distance between the edge of the lawn area and the building façade shall be 45' minimum and 75' maximum.
- Areas to the north and south of the lawn shall provide smaller-scale, terraced environments from which to view lawn. Elevation above lawn shall be a minimum of 18 inches. Terraces shall not obstruct access to ground floor retail spaces in adjacent buildings.
- Western perimeter overlooking the river shall be a hardscape zone (minimum width of 15') with seating for viewing the river. Lighting, railings and plantings shall not obstruct or interfere with views west. It shall connect to the linear open space at the northern portion of the Central Open Space.
- Railings or other barriers at the western perimeter of the Central Open Space shall be transparent and not obstruct views to the Hudson River and beyond.
- Provide a maximum of 2 major paths to the western edge with a width of 10'- 15'. Minor paths shall be a minimum width of 6'.
- Raised planters and/or planted berms are permitted along the perimeter providing that they not obstruct the view corridor.
- Do not preclude a pedestrian connection from the Central Open Space to the Hudson River Park.
- To the extent permitted by the design of the below-platform ventilation system, ventilation structures should be located in the built areas above the platform and not in the Central Open Space.
- All structures that penetrate below the platform must be approved by LIRR.
- All Open Space-related systems, including drainage, must be isolated from the LIRR space below.

### **Planting – General**

- Plant in masses, in relatively simple compositions, rather than in collections of individual plant types and species.
- Canopy coverage: It is the intent of these guidelines to provide shaded occupiable spaces for casual seating and gathering. Where canopy coverages are specified, these coverages shall be for areas accessible to and occupiable by pedestrians.
- All lower branches of canopy tree shall be limbed up to provide 8' vertical clearance to preserve view corridor.
- Select plants for seasonal interest.
- Select plants tolerant of site stresses such as wind, pollution and salt.
- See Appendix 2A: Open Space Guidelines

### **Northeast urban plaza & Southwest urban plaza**

*Goals: Provide a transitional space connecting the street landscape to the site, creating a welcoming entrance to the WRY.*

- Minimum tree canopy coverage at 10 years after installation shall be 60%.

### **30<sup>th</sup> Street Linear Open Space & 12<sup>th</sup> Avenue Linear Open Space**

*Goals: Create a green linear park connecting the High Line to the WRY buildings and open space that preserves and enhances the 30<sup>th</sup> Street view corridor to the Hudson River.*

- Minimum tree canopy coverage at 10 years after installation shall be 25%.

- Provide plantings of groundcover and shrubs at the access stair connecting the 30<sup>th</sup> Street Linear Open Space with the Southwest urban plaza.

#### **Mid-Block Connection to 30<sup>th</sup> Street Linear Open Space**

*Goal: Create a green transitional open space between building entrances and linear open space along 30<sup>th</sup> street.*

- Minimum tree canopy coverage at 10 years after installation shall be 30%.

#### **10. Potential Future Connection Across 12<sup>th</sup> Avenue to Hudson River Park**

*Goal: Provide an accessible pedestrian route connecting the Central Open Space to the waterfront.*

- Provision should be made to not preclude a future pedestrian bridge or platform connection over 12<sup>th</sup> Avenue (Route 9A) to Hudson River Park
- Preserve view corridor from WRY platform to the Hudson River.
- If a pedestrian bridge is provided, it should contain an overlook platform at the end of the crossing. Minimum frontage of the overlook platform along Hudson River Park should be 120'.
- If a pedestrian bridge is provided, it should provide at least one ADA accessible connection (i.e., ramp or elevator) between the Central Open Space and Hudson River Park that does not disrupt the bikeway or continuous waterfront promenade alignment in the Park.

#### **11. Active Ground Floor Uses and Streetscape**

*Goal: Create an active, public streetscape by designating retail uses and requiring significant ground floor glazing throughout the site, with a focus on 11th Avenue, 30th street, and the new streets on the Platform level facing the Central Open Space.*

- 11<sup>th</sup> Avenue should be completely accessible at grade and retail should be required for 70% of the building frontage
- On platform: Completely accessible at platform level, retail should be required for 70% of building frontage along the edges of the Central Open Space
- 30<sup>th</sup> Street should be completely accessible at grade and retail should be required for 70% of the frontage below the existing High Line or Linear Open Space
- 33<sup>rd</sup> Street: East of mid block connection should be completely accessible at grade
- Fenestration will cover not less than 60% of building frontages on all sides.
- Where required, retail floor area should be a minimum depth of 25'
- Frontage should be allocated exclusively to such uses, except for lobby space or entryways. Loading berths serving any permitted use in the building may occupy up to 40 feet of street frontage. Parking entrances may occupy up to 30 feet of street frontage along 30<sup>th</sup> Street.

*Goal: Provide sidewalk widenings with street tree plantings along 30th Street, and along 33rd where possible to provide a clear and direct connection from 11th Avenue to the waterfront.*

#### Sidewalks

- 30th Street: Required 10 foot sidewalk widening
- 33<sup>rd</sup> Street: Not required
- 11th Avenue: Required 5 foot sidewalk widening
- 12th Avenue: Not required

**Street Tree Planting**

City Streets: 30<sup>th</sup> Street and 12<sup>th</sup> Avenue

- Street tree planting should conform to the latest tree planting guidelines prepared by the City's Department of Parks & Recreation.
- Specify street tree species based on the latest list prepared by the City's Department of Parks & Recreation.
- Preserve existing street trees.

On Platform

- Street tree planting should conform to the latest tree planting guidelines prepared by New York City Parks & Recreation, unless otherwise specified.
- Maximum distance between trees (center to center) should be 25'.
- Provide a continuous row of street trees along the façade of buildings where applicable.

Screening of Rail Yard

- 33rd Street: Decorative visual screen required
- 12th Avenue: 2' wide x 8' high planted and landscaped visual screen required

**12. Roadways – On Platform**

*Goal: Develop an adequate vehicular circulation system on the platform that is clearly delineated from the public open space.*

- The roadway on the north side of the Central Open Space should be a maximum 32' wide road surface from curb to curb, minimum 15' sidewalk on the building side, and 5' sidewalk on the Central Open Space side. This roadway should be designed for one-way traffic from 11<sup>th</sup> Avenue towards 33<sup>rd</sup> Street.
- The roadway on the south side of the Central Open Space should be a minimum of 45' wide road surface from curb to curb, and minimum 15' sidewalk on the building side, and 5' sidewalk on the Central Open Space side. This roadway should be designed for two-way traffic from 11<sup>th</sup> Avenue.
- Roadways should be directly adjacent to built form, and any required turnarounds and cul-de-sacs must turn into the built form, away from the Central Open Space
- Roadways should not extend more than 550' in length into the site from the 11<sup>th</sup> Avenue frontage per FDNY regulations.
- A roadway connection is required from the platform to 33<sup>rd</sup> Street at the midblock connection
- All roadways should conform to DOT requirements for vehicular access from 11<sup>th</sup> Avenue and 33<sup>rd</sup> Street.
- Views – Establish minimum of one view corridor from each access road to the Hudson River.

**13. Curb Cuts**

*Goal: Development should provide adequate locations for curb cuts, minimizing disruption to the open spaces and pedestrian experience.*

- 33<sup>rd</sup> Street: Permitted east of the midblock connection
- 30<sup>th</sup> Street: Permitted
- 11<sup>th</sup> Avenue: Permitted for roadways and access to Central Open Space

- 12<sup>th</sup> Avenue: Not permitted for the public, only permitted for MTA-LIRR operations and employees.
- Platform:
  - Loading: Permitted along 33<sup>rd</sup> Street east of the midblock connection and on the western frontage of the 33<sup>rd</sup> Street midblock connection.
  - Parking: Not permitted on the Platform level according to MTA-LIRR security requirements
  - Curb Cut Restrictions: No entrance or exit should be located less than 50 feet from the intersection of any two street lines.

#### 14. Parking and Loading

*Goal: The development should provide adequate parking, commensurate with proposed uses.*

- All project-related parking or loading area will be subject to an MTA approved Threat, Risk and Vulnerability Assessment as described in RFP Exhibit D-1: WSY Engineering Criteria.

##### Parking

- Parking is allowed, but not required, on the site.
- The amount, use, and location of permitted parking should be in compliance with Article I, Chapter 3 of the City's Zoning Resolution.
  - The underlying Manhattan zoning specifically limits the permitted as-of-right parking to 20% of the total number of residential units and the equivalent for commercial office uses.
  - Additional parking would require a Special Permit.
- All off-street parking spaces should be located within facilities so that no portion of such parking facility is visible from adjoining streets or publicly accessible areas.
- Parking will not be permitted above or below the railroad tracks.
- Parking above or below LIRR operations buildings will require discussion and agreement by the LIRR.

##### Loading

###### Required Accessory Off-Street Loading Berths

- Required number for office use per floor area
  - First 100,000 SF: none
  - Next 200,000 SF: 1
  - Then each 300,000 SF: 1
- Required number for retail use per floor area
  - First 25,000 SF: none
  - Next 15,000 SF: 1
  - Next 60,000 SF: 1
  - Then each 150,000 SF: 1
- Size of required berths
  - Minimum size: 33' x 12'
  - Minimum vertical clearance: 14'
  - Minimum vertical clearance for offices and hotels: 12'

**15. Signage**

- Refer to Sign Regulations for C6-4 districts as defined in the New York City Zoning Resolution.

**16. Sustainability**

*Goal: The development shall be environmentally sustainable to minimize the impact of new development on the environment.*

- Development should comply with LEED Silver sustainability requirements.

**17. Phasing**

*Goal: Public open space should be provided concurrently with development.*

- Usable segments of open space should be provided in relation to the segments of development that are completed, also taking into account the LIRR's goal of assuring safe, continuous and uninterrupted service.

**Appendix 2A: Open Space Guidelines**

Recommended		Ground Conditions				Amenities		Dimensions	Remarks
Acreage		Hardscape (minimum)	Vegetated (minimum)	Lawn (minimum)	Pitch (maximum)	Seating (space/1,000sf.)	Kiosk (each)		
<b>Central Open Space</b>	3.70								
Zone I: Between 0' and 140-160' West of 11 <sup>th</sup> Avenue									
	0.30	50%	30%		2% slope @ paved area	10	1*	Major paths: 10'-15' wide Minor paths: minimum 6' wide	* informational / small concession kiosk
Zone II: Between 140-160' and 430-470' West of 11 <sup>th</sup> Avenue									
	0.80	20%	70%	-	-	12	1**		** refreshments / snacks kiosk
Zone III: Between 430-470' and 800' West of 11 <sup>th</sup> Avenue									
	2.60	20%	30%	45%	3% slope @ lawn***	12****	-		*** allow 15% portion of lawn area at maximum 10% slope **** no seating in lawn
<b>Urban Plaza</b>									
	0.35								
North East	0.05	70%	20%	-	2% slope @ paved area	Refer to most recent DCP guidelines for urban plazas			
South West	0.30								
<b>Linear Open Space</b>									
	0.80								
30 <sup>th</sup> Street	0.70	50%	40%	-	-	-			
12 <sup>th</sup> Avenue	0.10								

Recommended		Ground Conditions				Amenities		Dimensions	Remarks
Acreage		Hardscape (minimum)	Vegetated (minimum)	Lawn (minimum)	Pitch (maximum)	Seating (space/1,000sf.)	Kiosk (each)		
<b>Mid-Block Connection to 30<sup>th</sup> St. Linear Open Space</b>	0.15	70%	20%	-	-	-			
<b>Optional Rte</b>	-	80%	10%	-	-	-		30' wide crossing	minimum 3,000 s.f. of vertical surfaces
<b>9A Crossing</b>									associated with the structure of Route 9A crossing shall accommodate planting.
Streetscape									
<b>Street</b>		100%	-	-		-			
<b>Sidewalk</b>		70%		-	2% cross slope away from buildings			15' wide on building side, 5' wide on open space side	

Eastern Railyards

- \* 55% public space
- \* Plaza at 10<sup>th</sup> Ave and 30<sup>th</sup> Street
- \* Connection east to Farley corridor
- \* High Line Connection
- \* Major cultural facility
- \* Retail requirements along public places

- open public space
- enclosed or unenclosed public space
- ground floor retail frontage required

