



NEW YORK CITY DEPARTMENT OF
DESIGN + CONSTRUCTION

TWO-STAGE
REQUEST
FOR
PROPOSALS

RFP



PIN

PRE-PROPOSAL CONFERENCE

PROJECT

SUBMISSION DEADLINE

MICHAEL R. BLOOMBERG
Mayor

DAVID J. BURNEY, FAIA
Commissioner

DAVID RESNICK, AIA
Associate Commissioner
Structures Division

NEW YORK CITY DEPARTMENT OF DESIGN AND CONSTRUCTION

REQUEST FOR PROPOSALS, TWO-STAGE

PROJECT: C114NEWRI

**CONSULTANT FOR ARCHITECTURAL, ENGINEERING DESIGN SERVICES &
SERVICES DURING CONSTRUCTION FOR**

**CAPACITY REPLACEMENT PROGRAM –
RIKERS ISLAND 1,500-BED NEW ADMISSIONS FACILITY**

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PREFACE

Through this project, the City of New York intends to create a new 1,500-bed male Detention Complex at Rikers Island, New York.

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

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

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

SECTION I. TIMETABLEA. RFP IssuancePre-Proposal Conference

A pre-proposal conference will be held on Monday, February 28, 2011 at DDC headquarters, 30-30 Thomson Avenue, 1st Floor (Bid Room), Long Island City, N.Y. 11101. Attendance is strongly encouraged, but not mandatory, to propose on the contract described in this RFP.

Submission DeadlinesStage One Submissions

1 original and 7 copies of the Stage One Proposal and one original of Doing Business Data Form shall be delivered on or before 4:00 PM on Thursday, March 17, 2011, clearly marked with the project name and "Stage One Proposal" on the exterior of the envelope or other packaging.

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

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

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

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

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

B. Inquiries

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

DDC's website at <http://ddcftp.nyc.gov/rfpweb/>. All inquiries must be directed ONLY to the contact person listed on the previous page.

C. Addenda

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

D. RFP Schedule

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

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

SECTION II. SUMMARY OF THE REQUEST FOR PROPOSALS**A. General**

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

The selected firm would demonstrate an understanding of and commitment to design excellence that will be expressed in dignified forms and interior and exterior spaces that will inspire pride in city architecture.

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

B. Background and Objectives of Project

The mission of the New York City Department of Correction is to provide care, custody and control of persons older than sixteen years of age, accused of crimes, convicted or sentenced to one year or less of jail time. Those sentenced to prison terms of more than one year are held pending transfer to the New York State Department of Correctional Services

Of the fourteen DOC inmate facilities, ten are located on Rikers Island in Queens. About 4,000 detainees are housed here in temporary modular structures built many years ago, which have reached the end of their expected use. As part of the overall Capacity Replacement Program, these temporary facilities will be replaced with permanent structures appropriate for this function

C. Joint Ventures and Other Consultant Relationships

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

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

SECTION III. SCOPE OF WORK AND CONTRACT CONDITIONS

A. Project Objectives

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

The Department of Correction has prepared a detailed, 607,315 gross square foot program which is listed as Attachment 8 to the RFP. The project should address the following:

- The site environmental analysis and planning will be done in the preliminary phase.
- The demolition and removal of all existing structures on site to be included in scope of work.
- The all-male New Admissions facility shall accommodate 1,500-beds. It will comprise of 13 open dormitory-type units of 100 beds each and 4 infirmary units of 50 beds each.
- The facility shall have a uniformed staff of 500, however, because the male to female ratio may change, 640 lockers shall be provided.
- Mandated literature shall be shelved in the Law Library stacks.
- In accordance with Local Law 86 of 2005, the project shall be required to achieve a LEED Silver rating as well as a 20-30% reduction in domestic water use. Subconsultant expertise must be provided as follows: Lighting consultant with proven expertise in energy efficient lighting design; LEED Specialist and Energy Modeling and Analysis specialist.
- DDC intends to use building information modeling (BIM) and document management system software on this project.
- The structural design package will require at least one Peer Review.

B. Cost Estimate and Contract Term

The estimated cost of the required construction work for the project is \$450,000,000. The Contract shall commence as of the date of registration by the Comptroller and shall remain in effect until Final Acceptance of all required construction work for the Project and completion of all required services. The anticipated time frame for completion of all required services, broken down by phase, is set forth below. All time frames below are in consecutive calendar days ("CCDs").

- Anticipated Time Frame for Completion of all Required Services: 2,640 CCDs
- Anticipated Time Frame for Design Phase: * 965 CCDs
- Anticipated Time Frame for Construction Phase: 1,675 CCDs

* The Design Phase includes, but is not limited to the following: (1) preparation of design documents, (2) review by City agencies, (3) value engineering, and (4) bid, award and registration of construction contracts.

C. Insurance

Requirements for insurance that must be provided by the Consultant and its subconsultants are specified in Article 7 of Appendix A, included as an Exhibit to the contract, which will be provided to Stage One short-listed firms. The cost of all insurance is deemed included in payments to the Consultant, as set forth in the contract.

D. Contract Provisions

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

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

This project will be subject to Local Law 86 of 2005 (the Green Building Law). Local Law 86 applies to capital projects for or in new buildings, for additions to existing buildings and in existing buildings subject to substantial reconstruction, including fit-outs of condominium units and leased space, costing \$2 million or more. Most covered projects must be built to achieve a "Silver" rating under the Leadership in Energy and Environmental Design (LEED) rating system of the U.S. Green Building Council (LEED "Certified" rating for educational and certain types of institutional projects). There are additional requirements in the law regarding energy and water efficiency: including those for plumbing systems, boiler replacements, and/or lighting and HVAC comfort control systems, above certain dollar thresholds. The law does not apply to projects within spaces classified in certain occupancy groups, including residential and industrial, and is subject to certain exemptions.

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

The consultant will provide all services as necessary to support the commissioning agent to be hired under a separate contract by the DDC. Commissioning services will be sufficient to achieve the LEED prerequisite and credit for enhanced commissioning.

F. Participation by Minority Owned and Women Owned Business Enterprises in City Procurement:

The contract resulting from this Request for Proposals will be subject to Local Law 129 of 2005, the Minority-Owned and Women-Owned Business Enterprise (M/WBE) program. Please refer to Attachment 6 for information on the M/WBE requirements established for this solicitation and instructions on how to complete the required forms.

If a M/WBE Subcontractor Utilization Plan is required for this proposal, the plan must be submitted in a separate, sealed envelope marked "Subcontractor Utilization Plan" at the same time the technical proposal is submitted. This envelope will be opened only when and if the firm is selected for fee negotiations. Failure to include or properly fill out the Subcontractor Utilization Plan will result in the rejection of the Proposal as non-responsive. If a full waiver has been granted, the proposer shall include the signed waiver form in the envelope in lieu of a

Subcontractor Utilization Plan. If a partial waiver has been granted, the proposer shall include the signed waiver form in the envelope with its Subcontractor Utilization Plan.

Note: As fully explained in Attachment 6, if you are planning to request a waiver of the Target Subcontracting Percentage, the waiver must be submitted to the Agency at least seven days prior to the proposal due date and time in order to be considered.

Completion of M/WBE Subcontractor Utilization Plan is only applicable to Stage Two short-listed firms.

G. Compliance with Local Law 34 of 2007

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

SECTION IV. FORMAT AND CONTENT OF THE PROPOSALProposal 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/epawaste/conservation/cpg/index.htm>). Pages should be paginated. The proposal will be evaluated on the basis of its content, not its length. Failure to comply with any of these instructions will not make the proposal non-responsive.

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

A. Stage 1 Proposal Requirements

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

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

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

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

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

A cover letter of no more than three pages, including the company name and address, and the name, address and telephone number of the person authorized to represent the responding firm. **(Be sure to refer to the proper DDC project number and title on the cover page.)** Include a brief history of the firm, the overall firm organization, its goals and objectives, and a statement of its design philosophy.

1. Experience of Consultant and Subconsultants

Complete and submit Attachment 2, identify by name the subconsultants the proposer intends to use for this project. Submit the following for the proposer and each subconsultant identified in Attachment 2:

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

2. Key Personnel for the Project:

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

- a. Resume detailing the individual's qualifications and experience with similar projects.
- b. SF-224 and 255 Forms

3. Technical Approach:

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

4. Project Methodology

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

5. Statement of Understanding

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

6. Acknowledgement of Addenda:

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

C. Fee Proposal

A form for 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 (10) business days of such notice. The proposer must complete the Fee Proposal as per instructions on Attachment 3.

D. Proposal Package Contents ("Checklist")

The Proposal Package should contain the following Materials:

Stage One:

1. Portfolio (1 original and 7 copies)
Separate sealed envelope clearly marked with "Stage One Submission", including
 - a. Statement of Understanding (Attachment 1)
 - b. Acknowledgement of Addenda (Attachment 4)
2. Doing Business Data Form (Attachment 7)
Separate sealed envelope clearly marked as "Doing Business Data Form" containing a completed Doing Business Data Form.

Stage Two:

1. Technical Proposal (1 original and 7 copies):
Separate sealed envelope clearly marked with "Stage Two Submission", including
 - Technical Proposal – Forms (Attachment 2)
 - Acknowledgement of Addenda (Attachment 4)
2. Subcontractor Utilization Plan (1 original) (Attachment 6)
Separate sealed envelope clearly marked as "Subcontractor Utilization Plan".

SECTION V. - PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES

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

A. Technical Proposal Evaluation**1. Stage One Selection Process****Selection Process**

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

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

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

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

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

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

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

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

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

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

3. Basis of Award

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

4. Supply and Service Employment Report

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

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 Vindex 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/vindex to download the new VENDEX Questionnaires and a Vendor's Guide to VENDEX or contact DDC's VENDEX Unit at 718-391-1845.

- a. Submission: VENDEX Questionnaires (if required) must be submitted directly to the Mayor's Office of Contract Services, ATTN: VENDEX, 253 Broadway, 9th Floor, New York, New York 10007.

- b. Requirement: Pursuant to Administrative Code Section 6-116.2 and the PPB Rules, proposers may be obligated to complete and submit VENDEX Questionnaires. If required, Vendex Questionnaires must be completed and submitted before any award of contract may be made or before approval is given for a proposed subcontractor. Non-compliance with these submission requirements may result in the disqualification of the proposal, disapproval of a subcontractor, subsequent withdrawal of approval for the use of an approved subcontractor, or the cancellation of the contract after award.

6. Contract Finalization

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

SECTION VI. GENERAL INFORMATION TO PROPOSERS**A. Complaints**

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

B. Applicable Laws

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

C. Contractual Requirements

1. Any firm awarded a contract as a result of this RFP will be required to sign the City's standard contract for Engineering Inspection Services. A copy of the contract is attached for your information. The requirements for performance of this Project, as well as insurance, payment terms and all other provisions are contained in the contract.
2. Any information which may have been released either orally or in writing prior to the issuance of the RFP shall be deemed preliminary in nature and bind neither the City nor the Proposer.
3. The City will deal only with the Engineer and the City has no financial obligation to sub-consultants and sub-contractors of the Engineer. However, all sub-consultants and sub-contractors are subject to the City's contracting requirements including Equal Employment Opportunity (Executive Order #50 of 1980 as revised).
4. If this is an Infrastructure contract for engineering design services, the Proposer must negotiate with the agency the adoption of a schedule of payments and deliverables. In the event that a satisfactory decision cannot be reached regarding those schedules, the agency reserves the right to award to another proposer.

D. Contract Award

Contract award is subject to each of the following applicable conditions and any others that may apply: New York City Fair Share Criteria; New York City MacBride Principles Law; submission by the proposer of the requisite New York City Department of Small Business Services/Division of Labor Services Employment Report and certification by that office; submission by the proposer of the requisite VENDEX Questionnaires/Affidavits of No Change and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity; and Section 6-108.1 of the New York City Administrative Code relating to the Local Based Enterprises program and its implementation rules.

E. Proposer Appeal Rights

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

F. Multi-Year Contracts

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

G. Prompt Payment Policy

Pursuant to the PPB Rules, it is the City's policy to process contract payments efficiently and expeditiously. The prompt Payment provisions set forth in the edition of the Procurement Policy Board Rules in effect at the time of this solicitation shall be applicable to payments made under a contract resulting from this solicitation. The provisions require the payment to contractors of interest payments made after the required payment date except as set forth in the Rules.

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

H. Prices Irrevocable

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

I. Confidential, Proprietary Information or Trade Secrets

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

J. RFP Postponement/Cancellation

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

K. Proposer Costs

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

L. VENDEX Fees

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

M. Charter Section 312(a) Certification

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

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 project, as described in the RFP and all attachments; (ii) has the capacity to execute this project, (iii) agrees to accept payment in accordance with the requirements of this RFP and the standard design contract, attached hereto, and (iv) will, if its proposal is accepted, enter into the attached Standard Contract with the New York City Department of Design and Construction.

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

Yes **No**

I hereby certify that my firm will carry all types of insurance specified in the contract.

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

Name of Firm

By: _____
Signature of Partner or Corporate Officer

Date

Print Name

Title

Telephone #

EIN #

Address

E-Mail Address

ATTACHMENT 2

STAGE TWO TECHNICAL PROPOSAL FORMS

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

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

Architectural Design Services	_____
Correction Facility Programming Services	_____
Landscape Architectural Design Services	_____
Civil Engineering Design Services	_____
Structural Engineering Services	_____
Geotechnical Engineering Services	_____
Plumbing Design Services	_____
HVAC & Fire Protection Design Services	_____
Electrical Design Services	_____

ATTACHMENT 2 (continued)

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

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

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

Architectural Design Services:

Project Manager: _____

Project Architect: _____

Senior Architectural Designer: _____

Correction Facility Programming Services:

Project Manager: _____

Senior Designer: _____

Landscape Architectural Services:

Senior Landscape Architect: _____

Civil Engineering Services:

Senior Civil Designer _____

Structural Engineering Services:

Project Engineer: _____

Senior Structural Designer: _____

Plumbing Engineering Services:

Project Engineer: _____

Senior Plumbing Designer: _____

ATTACHMENT 2 (continued)

HVAC/Fire Protection Services:

Project Engineer: _____

Senior HVAC Designer: _____

Senior Fire Protection Designer: _____

Electrical Engineering Services:

Project Engineer: _____

Senior Electrical Designer: _____

Fire Alarm Specialist: _____

ATTACHMENT 3

**STAGE 2 FEE PROPOSAL
FEE CURVE FOR DESIGN FEE**

Project: C114NEWRI, Consultant for Architectural, Engineering Design Services & Services during Construction for capacity replacement program – Rikers Island 1,500-Bed New Admissions Facility

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

(1) **Design Fee:** In the space provided below, for each increment in estimated construction cost, the proposer shall indicate a design fee, calculated as a percent of the total estimated cost of construction. For the purpose of applying the Fee Curve, the total estimate of the cost of construction for the Project shall be the total estimate of the cost of construction of the Project approved in writing by the Commissioner at the conclusion of Design Development. If the total estimate of the cost of construction falls between the dollar levels designated in the Fee Curve, the Design Fee shall be interpolated on a straight line basis between the corresponding two dollar levels. The Design Fee shall not be subject to adjustment for services performed during non-regular business hours. The costs and expenses deemed included in the Design Fee are set forth in Article 7 of the contract.

<u>Total Estimated Construction Cost</u>	<u>Design Fee as a Percent of Estimated Construction Cost</u>	<u>Amount of Design Fee</u>
\$400,000,000	%	\$
\$410,000,000	%	\$
\$420,000,000	%	\$
\$430,000,000	%	\$
\$440,000,000	%	\$
\$450,000,000	%	\$
\$460,000,000	%	\$
\$470,000,000	%	\$
\$480,000,000	%	\$
\$490,000,000	%	\$
\$500,000,000	%	\$
\$510,000,000	%	\$
\$520,000,000	%	\$
\$530,000,000	%	\$
\$540,000,000	%	\$
\$550,000,000	%	\$
\$560,000,000	%	\$
\$570,000,000	%	\$
\$580,000,000	%	\$
\$590,000,000	%	\$
\$600,000,000	%	\$

Do not leave blanks - do not retype this sheet.

ATTACHMENT 3 (continued)
FEE PROPOSAL FORM: ALL INCLUSIVE HOURLY RATES

(2) **ALL-INCLUSIVE HOURLY RATES:** In the space provided below, the Proposer shall indicate All Inclusive Hourly Rates for specified titles of personnel. Such rates SHALL ONLY BE USED for those services the consultant is directed to perform on a Time Card basis (Additional Professional Services). The costs and expenses that are deemed included in the All Inclusive Hourly Rates are set forth in Article 7 of the contract.

BACK UP MATERIAL: If requested in writing, the proposer shall submit Back Up Material for All Inclusive Hourly Rates. Such back up material may include the following: (1) actual direct salary rates per hour for individuals identified as key personnel, (2) latest audited multiplier, and (3) payroll register.

ARCHITECTURAL DESIGN SERVICES:

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

CORRECTION FACILITY PROGRAM SERVICES:

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

LANDSCAPE ARCHITECTURAL DESIGN SERVICES:

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

CIVIL ENGINEERING DESIGN SERVICES:

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

ATTACHMENT 3 (continued)

STRUCTURAL ENGINEERING SERVICES:

TITLE

ALL INCLUSIVE HOURLY RATE

Project Engineer (Structural Engineering)
Project Manager (Structural Engineering)
Senior Structural Designer
Junior Structural Designer
Senior Engineering Draftsperson/CAD
Junior Engineering Draftsperson/CAD

GEOTECHNICAL ENGINEERING SERVICES:

TITLE

ALL INCLUSIVE HOURLY RATE

Senior Geotechnical Engineer
Junior Geotechnical Engineer

PLUMBING DESIGN SERVICES:

TITLE

ALL INCLUSIVE HOURLY RATE

Project Engineer (Plumbing Engineering)
Project Manager (Plumbing Engineering)
Senior Plumbing Designer
Junior Plumbing Designer
Senior Engineering Draftsperson/CAD
Junior Engineering Draftsperson/CAD

HVAC AND FIRE PROTECTION DESIGN SERVICES:

TITLE

ALL INCLUSIVE HOURLY RATE

Project Engineer (HVAC Engineering)
Project Manager (HVAC Engineering)
Senior HVAC Designer
Junior HVAC Designer
Senior Fire Protection Designer
Junior Fire Protection Designer
Senior Engineering Draftsperson/CAD
Junior Engineering Draftsperson/CAD

ELECTRICAL ENGINEERING DESIGN SERVICES:

TITLE

ALL INCLUSIVE HOURLY RATE

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

SECURITY SYSTEMS DESIGN SERVICES:

TITLE

ALL INCLUSIVE HOURLY RATE

Senior Security System Designer
Junior Security System Designer

ATTACHMENT 3 (continued)

VERTICAL TRANSPORTATION DESIGN SERVICES

TITLE

Project Manager
Senior Designer

ALL INCLUSIVE HOURLY RATE

FOOD PREPARETION SERVICES

TITLE

Senior Designer / Project Manager

ALL INCLUSIVE HOURLY RATE

HIGH PERFORMANCE DESIGN SERVICES:

TITLE

High Performance Designer
LEED Specialist

ALL INCLUSIVE HOURLY RATE

ENERGY MODELING AND ANALYSIS SERVICES:

TITLE

Energy Modeling and Analysis Specialist

ALL INCLUSIVE HOURLY RATE

ENERGY EFFICIENT LIGHTING DESIGN SERVICES:

TITLE

Lighting Designer

ALL INCLUSIVE HOURLY RATE

COST ESTIMATING SERVICES:

TITLE

Senior Estimator
Junior Estimator

ALL INCLUSIVE HOURLY RATE

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

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

Name of Firm

By: _____
Signature of Partner or Corporate Officer

Date

Print Name

Title

Telephone #

EIN #

Address

E-Mail Address

ATTACHMENT 4

ACKNOWLEDGEMENT OF ADDENDA

<u>TITLE OF THE REQUEST FOR PROPOSALS:</u> C114NEWRI, Consultant for Architectural, Engineering Design Services & Services during Construction for capacity replacement program – Rikers Island 1,500-Bed New Admissions Facility	<u>PIN:</u> 8502011CR0002P
--	-------------------------------

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

 Part I

Listed below are the dates of issue for each Addendum received in connection with this RFP.

Addendum # 1, dated _____

Addendum # 2, dated _____

Addendum # 3, dated _____

Addendum # 4, dated _____

Addendum # 5, dated _____

Addendum # 6, dated _____

Addendum # 7, dated _____

Addendum # 8, dated _____

Addendum # 9, dated _____

Addendum #10, dated _____

 Part II

No Addendum was received in connection with this RFP.

Proposer Name _____

Proposer’s Authorized Representative:

Name: _____

Title: _____

Signature: _____

Date: _____

ATTACHMENT 5

CONFIRMATION OF VENDEX COMPLIANCE

The Proposer shall submit this Confirmation of VENDEX Compliance

Name of Proposer: _____

Proposer's Address: _____

Proposer's Telephone Number: _____

Proposer's Fax Number: _____

Date of Proposal Submission: _____

Project ID: _____

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

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

Date of Submission: _____

By: _____
(Signature of Partner or corporate officer)

Print Name: _____

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

By: _____
(Signature of Partner or corporate officer)

Print Name: _____

ATTACHMENT 6

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 or via facsimile at (718) 391-1866. Bidders/proposers who have submitted requests will receive a response by no later than two (2) calendar days prior to the date bids or proposals are due, provided, however, that if that date would fall on a weekend or holiday, a response will be provided by close-of-business on the business day before such weekend or holiday date.

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

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

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

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

THE BIDDER/PROPOSER MUST COMPLETE THE SUBCONTRACTOR UTILIZATION PLAN INCLUDED HEREIN (SCHEDULE B, PART II). SUBCONTRACTOR UTILIZATION PLANS WHICH DO NOT INCLUDE THE REQUIRED AFFIRMATIONS WILL BE DEEMED TO BE NON-RESPONSIVE, UNLESS A FULL WAIVER OF THE TARGET SUBCONTRACTING PERCENTAGE IS GRANTED (SCHEDULE B, PART III). IN THE EVENT THAT THE CITY DETERMINES THAT VENDOR HAS SUBMITTED A SUBCONTRACTOR UTILIZATION PLAN WHERE THE REQUIRED AFFIRMATIONS ARE COMPLETED BUT OTHER ASPECTS OF THE PLAN ARE NOT COMPLETE, OR CONTAIN A COPY OR COMPUTATION ERROR THAT IS AT ODDS WITH THE AFFIRMATION, THE VENDOR WILL BE NOTIFIED BY THE AGENCY AND WILL BE GIVEN FOUR (4) CALENDAR DAYS FROM RECEIPT OF NOTIFICATION TO CURE THE SPECIFIED DEFICIENCIES AND RETURN A COMPLETED PLAN TO THE AGENCY. FAILURE TO DO SO WILL RESULT IN A DETERMINATION THAT THE BID/PROPOSAL IS NON-RESPONSIVE. RECEIPT OF NOTIFICATION IS DEFINED AS THE DATE NOTICE IS

E-MAILED OR FAXED (IF THE VENDOR HAS PROVIDED AN E-MAIL ADDRESS OR FAX NUMBER), OR NO LATER THAN FIVE (5) DAYS FROM THE DATE OF MAILING OR UPON DELIVERY, IF DELIVERED.

5. Where a Subcontractor Utilization Plan has been submitted, the Contractor shall, within 30 days of issuance by Agency of a notice to proceed, submit a list of proposed persons or entities to which it intends to award subcontracts within the subsequent 12 months. In the case of multi-year contracts, such list shall also be submitted every year thereafter. **PLEASE NOTE: If this Contract is a public works project subject to GML §101(5) (i.e., a contract valued at or below \$3M for projects in New York City) or if the Contract is subject to a project labor agreement in accordance with Labor Law §222, and the bidder is required to identify at the time of bid submission its intended subcontractors for the Wicks trades (plumbing and gas fitting; steam heating, hot water heating, ventilating and air conditioning (HVAC); and electric wiring), the Contractor must identify all those to which it intends to award construction subcontracts for any portion of the Wicks trade work at the time of bid submission, regardless of what point in the life of the contract such subcontracts will occur. In identifying intended subcontractors in the bid submission, bidders may satisfy any Subcontractor Participation Goals established for this Contract by proposing one or more subcontractors that are M/WBEs for any portion of the Wicks trade work if the amount to be awarded to such M/WBE subcontractor is under \$1 million.** 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/buycertified, by emailing DSBS at buyer@sbs.nyc.gov, by calling (212) 513-6356, or by visiting or writing DSBS at 110 William St., New York, New York, 10038, 7th floor. Eligible firms that have not yet been certified may contact DSBS in order to seek certification by visiting www.nyc.gov/getcertified, emailing MWBE@sbs.nyc.gov, or calling the DSBS certification helpline at (212) 513-6311.

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. **PLEASE NOTE: If this Contract is a public works project subject to GML §101(5) (i.e., a contract valued at or below \$3M for projects in New York City) or if the Contract is subject to a project labor agreement in accordance with Labor Law §222, and the bidder is required to identify at the time of bid submission its intended subcontractors for the Wicks trades (plumbing and gas fitting; steam heating, hot water heating, ventilating and air conditioning (HVAC); and electric wiring), the Contractor may request a Modification of its Subcontractor Utilization Plan as part of its bid submission.** The Agency may grant a request for Modification of a Contractor's Subcontractor Utilization Plan if it determines that the Contractor has established, with appropriate documentary and other evidence, that it made reasonable, good faith efforts to meet the **Subcontractor Participation Goals**. In making such determination, Agency shall consider evidence of the following efforts, as applicable, along with any other relevant factors:

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

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

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

(d) The Contractor made efforts to identify portions of the work that could be substituted for portions originally designated for participation by

MBEs 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 this Contract is for an indefinite quantity of construction or professional services or is a requirements type contract and the Contractor has submitted a Subcontractor Utilization Plan and has committed to subcontract work to MBEs and/or WBEs in order to meet the **Subcontractor Participation Goals**, the Contractor will not be deemed in violation of the M/WBE requirements for this Contract with regard to any work which was intended to be subcontracted to an MBE and/or WBE to the extent that the Agency has determined that such work is not needed.

13. 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. If a Subcontractor Utilization Plan has been submitted, and pursuant to this Article II, Section 3, the Contractor has been found to have failed to award subcontracts to MBEs and/or WBEs sufficient to meet the Subcontractor Participation Goals contained in its Subcontractor Utilization Plan or the Subcontractor Participation Goals as modified by Agency pursuant to Article I, Part A, Section 11, Agency may assess liquidated damages in the amount of ten percent (10%) of the difference between the dollar amount of subcontracts required to be awarded to MBE and/or WBE subcontractors to meet the Subcontractor Participation Goals and the dollar amount the Contractor actually awarded and paid to MBE and/or WBE subcontractors. In view of the difficulty of accurately ascertaining the loss which the City will suffer by reason of Contractor's failure to meet the Subcontractor Participation Goals, the foregoing amount is hereby fixed and agreed as the liquidated damages that the City will suffer by reason of such failure, and not as a penalty. Agency may deduct and retain out of any monies which may become due under this Contract the amount of any such liquidated damages; and in case the amount which may become due under this Contract shall be less than the amount of liquidated damages suffered by the City, the Contractor shall be liable to pay the difference.

5. 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.

6. 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.

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

ATTACHMENT 6 (continued)**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".

Requirements Contracts: As part of the Subcontractor Utilization Plan (Part II), the proposer is required to insert the "Total Bid/Proposal Value". If this RFP involves a Requirements Contract, the proposer shall insert the "Not to Exceed" amount of the contract in the space provided for the "Total Bid/Proposal Value". The "Not to Exceed" amount of the contract is set forth in Exhibit A of the contract.

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 complete the Subcontractor Utilization Plan (Part II) set forth on the following pages. Subcontractor Utilization Plans which do not include the required affirmations (on the second page of the form) 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 City determines that the proposer has submitted a Subcontractor Utilization Plan where the required affirmations are completed but other aspects of the Plan are not complete, or contain a copy or computation error that is at odds with the affirmation, the proposer will be notified by the Agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a completed plan to the Agency. Failure to do so will result in a determination that the proposal is non-responsive. Receipt of notification is defined as the date notice is emailed or faxed (if the proposer has provided an email address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

Tax ID #: _____

PIN #: 8502011CR0002P



The City of New York

SCHEDULE B – Subcontractor Utilization Plan – Part I: Agency’s Target

This page to be completed by contracting agency

Contract Overview

Pin #	<u>8502011CR0002P</u>	FMS Project ID#:	<u>C114NEWRI</u>
Project Title	<u>Consultant for Architectural, Engineering Design Services & Services during Construction for Capacity Replacement Program – Rikers Island 1,500-Bed New Admissions Facility</u>		
Contracting Agency	<u>Department of Design and Construction</u>		
Agency Address	<u>30-30 Thomson Avenue</u>	City	<u>Long Island City</u>
		State	<u>NY</u>
		Zip Code	<u>11101</u>
Contact Person	<u>James Cerasoli</u>	Title	<u>Deputy Director</u>
Telephone #	<u>(718) 391-1549</u>	Email	<u>cerasoli@ddc.nyc.gov</u>

Project Description *(attach additional pages if necessary)*

The New York City Department of Design and Construction, Division of Structures, is seeking an appropriately qualified consultant team to perform architectural, engineering, and construction-related services for the New York City Department of Correction’s new 1,500-Bed Admissions Facility on Rikers Island.

- (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. 10%

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

Group	Construction	Professional Services	
Black American	%	Unspecified	%
Hispanic American	%	Unspecified	%
Asian American	%	No Goal	
Caucasian Female	No Goal	Unspecified	%
Total Participation Goals	(2) %	(3)	40%

* The Total Participation Goals for construction subcontracts may be met by using Black American, Hispanic American or Asian American firms or any combination of such firms. The Total Participation Goals for professional services subcontracts may be met by using Black American, Hispanic American or Caucasian Female firms or any combination of such firms.



THE CITY OF NEW YORK

SCHEDULE B – 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. AFFIRMATIONS; Bidder/proposer must check the applicable boxes below, affirming compliance with M/WBE requirements.

Bidder/proposer AFFIRMS or DOES NOT AFFIRM [statement below]

It is a material term of the contract to be awarded that, with respect to the total amount of the contract to be awarded, bidder/proposer will award one or more subcontracts for amounts under one million dollars, sufficient to meet or exceed the Target Subcontracting Percentage (as set forth in Part I) unless it obtains a full or partial waiver thereof, and it will award subcontracts sufficient to meet or exceed the Total Participation Goals (as set forth in Part I) unless such goals are modified by the Agency.

- Bidder/proposer AFFIRMS that it intends to meet or exceed the Target Subcontracting Percentage (as set forth in Part I); or
- AFFIRMS that it has obtained a full/partial pre-award waiver of the Target Subcontracting Percentage (as set forth in Part I) and intends to award the modified Target Subcontracting Percentage, if any; or
- DOES NOT AFFIRM

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. This category does not include standard services which may be associated with construction projects but which do not constitute construction, such as trucking, site protection, site security, site surveying, soil testing, extermination, and maintenance/operations.
- 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): b. Type of work on Subcontract (Check all that apply):

- Construction Professional Services Construction Professional Services Other

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) (construction/professional services)	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 = _____ %
<ul style="list-style-type: none"> 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).**

NOTE: The "Calculated Target Subcontracting Percentage" MUST equal or exceed the Target Subcontracting Percentage listed by the agency on Page 1, Line (1).

Step 2:

Calculate value of subcontractor participation goals

Subcontracts under \$1M
(construction/professional services)

a. Copy value from Step 1, line (4) – the total value of all expected subcontracts under \$1M for construction and/or professional services \$ _____

b.

- From line a. above, allocate the dollar value of "Subcontracts under \$1M" by Construction and Professional Services,
- If all subcontracts under \$1M are in one industry, enter '0' for the industry with no subcontracts.
- Amounts listed on these lines should add up to the value from line a.

	Construction	Professional Services
Subcontracts under \$1M by Industry	\$ _____	\$ _____
Total Participation Goals	x _____ %	x _____ %
Value of Total Participation Goals	\$ _____	\$ _____

c.

- For Construction enter percentage from line (2) from Page 1.
- For Professional Services enter percentage from line (3) from Page 1.
- **Total Participation Goals Percentages must be copied from Part I, lines (2) and (3).**

Step 3:

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

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 and Required Affirmations

I hereby 1) acknowledge my understanding of the M/WBE 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 M/WBE 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; 4) agree and affirm that it is a material term of this contract that the Vendor will award subcontract(s) sufficient to meet the Target Subcontracting Percentage, unless a waiver is obtained, and the Vendor will award subcontract(s) sufficient to meet the Total Participation Goals unless such goals are modified by the Agency; and 5) agree and affirm, if awarded this contract the Vendor intends to make all reasonable, good faith efforts to meet the Target Subcontracting Percentage, or If the Vendor has obtained a waiver, the Vendor intends to meet the modified Target Subcontracting Percentage, if any, and the Vendor intends to solicit and obtain the participation of M/WBEs so as to meet the Total Participation Goals unless modified by the Agency.

Signature _____ **Date** _____

Print Name _____ **Title** _____

SCHEDULE B – PART III – REQUEST FOR WAIVER OF TARGET SUBCONTRACTING PERCENTAGE

Contract Overview

Tax ID # _____ FMS Vendor ID # _____

Business Name _____

Contact Name _____ Telephone # _____ Email _____

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

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

(Check one):

Construction Construction Other

Professional Services Professional Services

SUBCONTRACTING as described in bid/solicitation documents (Copy this % figure from the solicitation)

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

ACTUAL SUBCONTRACTING as anticipated by vendor seeking waiver

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

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

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

References

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

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

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

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

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

Signature: _____ Date: _____

Print Name: _____ Title: _____

Shaded area below is for agency completion only

AGENCY CHIEF CONTRACTING OFFICER APPROVAL

Signature: _____ Date: _____

CITY CHIEF PROCUREMENT OFFICER APPROVAL

Signature: _____ Date: _____

ATTACHMENT 7**DOING BUSINESS DATA FORM****DOING BUSINESS ACCOUNTABILITY PROJECT
QUESTIONS AND ANSWERS ABOUT THE DOING BUSINESS DATA FORM****What is the purpose of this *Data Form*?**

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

Why have I received this *Data Form*?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Doing Business Data Form

To be completed by the City Agency prior to distribution			
Agency: 850	Transaction ID: 8502011CR0002P/85011P0020		
Check One:	Transaction Type (check one):		
<input checked="" type="checkbox"/> Proposal	<input type="checkbox"/> Concession	<input checked="" type="checkbox"/> Contract	<input type="checkbox"/> Economic Development Agreement
<input type="checkbox"/> Award	<input type="checkbox"/> Franchise	<input type="checkbox"/> Grant	<input type="checkbox"/> Pension Investment Contract

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

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

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

Section 1: Entity Information

Entity Name: _____

Entity EIN/TIN: _____

Entity Filing Status (select one):

- Entity has never completed a Doing Business Data Form. *Fill out the entire form.*
- Change from previous Data Form dated _____. *Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.*
- No Change from previous Data Form dated _____. *Skip to the bottom of the last page.*

Entity is a Non-Profit: Yes No

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

Address: _____

City: _____ State: _____ Zip: _____

Phone : _____ Fax : _____

E-mail: _____

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

Section 2: Principal Officers

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

Chief Executive Officer (CEO) or equivalent officer This position does not exist

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

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

This person replaced former CEO: _____ on date: _____

Chief Financial Officer (CFO) or equivalent officer This position does not exist

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

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

This person replaced former CFO: _____ on date: _____

Chief Operating Officer (COO) or equivalent officer This position does not exist

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

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

This person replaced former COO: _____ on date: _____

Section 3: Principal Owners

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

There are no owners listed because (select one):

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

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

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

Remove the following previously-reported Principal Owners:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Section 4: Senior Managers

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

Senior Managers:

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

Remove the following previously-reported Senior Managers:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Certification

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

Name: _____

Signature: _____ Date: _____

Entity Name: _____

Title: _____ Work Phone #: _____

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

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

