



**Battery Park
City Authority**

REQUEST FOR PROPOSALS

FOR

General Contractor Services Job Order Contract

TABLE OF CONTENTS

I.	SUMMARY.....	1
II.	GENERAL PROVISIONS	1
III.	TIMETABLE & DESIGNATED CONTACT	2
	A. Key Dates	2
	B. Anticipated Contract Term.....	2
IV.	GENERAL REQUIREMENTS.....	2
	A. Minimum Qualification Requirements.....	2
	B. MBE/WBE/SDVOB Participation, Joint Ventures, and Sub-contracting Goals	3
	C. Restricted Period	3
	D. Submission of Proposals	3
	E. Job Assignments Subject to NYS Prevailing Wage Requirements.....	4
V.	PROPOSAL FORMAT AND CONTENTS.....	4
	A. Proposal Format	4
	B. Proposal Content	4
VI.	INFORMATION REQUIRED	5
	A. Questions and Information Sought Relating to the Work	5
	B. Questions and Information Sought Relating to Proposer’s Firm & Eligibility	6
	C. Required Attachments	6
VII.	INSURANCE AND BONDING REQUIREMENTS.....	7
	A. General Requirements	7
	B. Insurance Requirements for the Selected Proposer.....	7
	C. Insurance Requirements for all Subcontractors.....	8
	D. Payment and Performance Bond Requirements.....	9
VIII.	COST PROPOSAL: FORMAT AND REQUIRED INCLUSIONS	9
IX.	SELECTION PROCESS	9
	A. Evaluation	9
	B. Interviews.....	10
	C. Evaluation Criteria for Selection.....	10
	D. Basis for Contract Award.....	10
	E. Assignment of Projects Under the Job Order Contracts.....	10
X.	NON-COLLUSION.....	11
XI.	IRAN DIVESTMENT ACT	11
XII.	ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE..	11
EXHIBIT A – SCOPE OF WORK		
EXHIBIT B – MBE/WBE/SDVOB REQUIREMENTS, MBE/WBE & EEO POLICY STATEMENT, AND DIVERSITY PRACTICES QUESTIONNAIRE		
EXHIBIT C – BPCA’S STANDARD FORM OF CONTRACT		
EXHIBIT D – FORM OF COST PROPOSAL		
EXHIBIT E – FORM OF LABOR RATES		
EXHIBIT F – PREVAILING WAGE RATE SCHEDULE		
EXHIBIT G – ACKNOWLEDGEMENT OF ADDENDA		
EXHIBIT H – LIST OF BPCA & BPCPC BOARD MEMBERS AND EMPLOYEES		

I. SUMMARY

Battery Park City Authority d/b/a Hugh L. Carey Battery Park City Authority (“BPCA”) hereby requests proposals (each individually a “Proposal” and collectively the “Proposals”) from general construction contractors (each individually a “Proposer” and collectively the “Proposers”) to provide general contractor (“GC”) services on an as-needed “Job Order” basis (the “Job Order Services” or the “Services”) to BPCA from time to time as requested by BPCA for various construction and capital maintenance and repair projects (individually, a “Job Assignment” or “Job”). A detailed Scope of Work for which the selected Proposer will be responsible is attached hereto as Exhibit A (collectively, the “Work”). BPCA has in the past referred to its GC Job Order Contracts as “On-Call GC Contracts.”

The Job Order Services shall generally include, but not be limited to: 1) interior fit-out and repair work; (2) carpentry and finishing work; (3) mechanical, HVAC and plumbing work; (4) electrical work (both interior and exterior); (5) system controls; (6) exterior façade, waterproofing and roofing work; (7) exterior civil/site work, including excavation; (8) marine construction; (9) testing procedures/probes; (10) maintenance work in parks and other open spaces; (11) landscaping and irrigation; (12) masonry and pavement; (13) historic preservation; and (14) street and utility work. The selected Proposers shall be prepared to provide the specified types of general construction either directly or through subcontractors. Proposed subcontractors must be submitted to BPCA for approval prior to the commencement of a Job.

The Job Assignments will typically include, but are not limited to, Battery Park City (“BPC”) projects which are relatively straightforward and small- to medium-scale, as well as projects performed in response to emergency situations or under time exigencies. Though the award of a contract (individually, a “Job Order Contract” and collectively, the “Job Order Contracts”) pursuant to this solicitation does not guarantee that any particular selected Proposer will be selected to perform a particular number of Jobs, since 2019, BPCA has assigned approximately eighty-six (86) projects to its GCs, with project costs ranging from a low of \$380 to a high of \$1,152,000 (average project cost was approximately \$71,420). It is anticipated that BPCA will award contracts to multiple Proposers, and that the average number and value of future Job Assignments may increase. The Job Order Contracts will have a term of three (3) years, with two (2) one (1) year options to extend each such Contract – which options may be exercised within BPCA’s sole discretion and upon notice to the selected Proposers.

Created in 1968, BPCA is a New York State public benefit corporation responsible for financing, developing, constructing, maintaining, and operating Battery Park City as a richly diversified mixed use community providing residential and commercial space, with related amenities such as parks, plazas, recreational areas, and a waterfront esplanade. A summary of BPCA’s structure, mission, and history, as well as the Battery Park City project area, may be viewed at: www.bpca.ny.gov. Public information regarding BPCA’s finances, budget, internal controls, guidelines, and policies may be viewed at: www.bpca.ny.gov/public-information.

New York State-certified Minority-Owned Business Enterprises (“MBE”), Women-Owned Business Enterprises (“WBE”) and Service-Disabled Veteran-Owned Business Enterprises (“SDVOB”) are encouraged to submit Proposals.

II. GENERAL PROVISIONS

This Request for Proposals, including attachments, exhibits, and any amendments or addenda (collectively, the “RFP”) is subject to the rights reserved by BPCA, including, but not limited to BPCA’s right to:

- Reject any or all Proposals received in response to this RFP;
- Withdraw the RFP at any time, at BPCA’s sole discretion;
- Make an award of the resulting contract associated with this RFP (the “Contract”) in whole or in part;
- Disqualify any Proposer whose conduct and/or Proposal fails to conform to the requirements of this RFP;
- Seek clarifications and/or revisions of the Proposal or any part of the Proposal;
- Use information obtained by BPCA through site visits; interviews; investigation of a Proposer’s qualifications, experience, ability or financial standing; and any other material or information provided by or received from the Proposer during the procurement process;

- Prior to BPCA’s review of the Proposals, direct Proposers to submit Proposal modifications addressing subsequent amendments to the RFP;
- Request that Proposers submit best and final offers subsequent to BPCA’s review of the Proposals;
- Change any of this RFP’s scheduled dates;
- Waive any non-material requirements;
- Negotiate with the selected Proposer within the scope of this RFP and in the best interests of BPCA;
- Conduct Contract negotiations with the next responsible Proposer if BPCA is unable to finalize contractual terms with the first selected Proposer;
- Utilize any and all ideas submitted in the Proposals received;
- Require clarification at any time during the procurement process, and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Proposal and/or to determine a Proposer’s compliance with the requirements of the RFP; and,
- Make non-material revisions to the Scope of Work following receipt of Proposals.

BPCA is not liable or responsible in any way for any expenses incurred in the preparation of a Proposal in response to this RFP. All information submitted in response to this RFP is subject to the Freedom of Information Law, Article 6 of the New York State Public Officers Law (“FOIL”), which requires public access to certain documents possessed by BPCA, unless a specific exemption applies. Proposers are responsible for identifying any information in their respective Proposals considered to be confidential and exempt from FOIL. BPCA, however, is obligated to disclose information consistent with the requirements of FOIL, NYS Public Officers Law Section 87.

III. TIMETABLE & DESIGNATED CONTACT

A. Key Dates

Subject to change at BPCA’s discretion, the following are key dates for this RFP:

- RFP issued: November 16 2023
- Pre-proposal meeting: November 20, 2023, 10 a.m. (EST) at BPCA’s offices:
200 Liberty Street – 24th Floor, New York N.Y. 10281.
Note that attendance of this meeting is not required but is strongly encouraged.
- Deadline to submit questions to BPCA: December 5, 2023 by 4:00 p.m. (by email only)
All questions regarding this RFP should be submitted in writing via email to the “Designated Contact”: Michael LaMancusa, Battery Park City Authority, at Michael.lamancusa@bpca.ny.gov.
- BPCA’s response to substantive questions: December 11, 2023 (posted via addendum on BPCA site)
- PROPOSAL DUE DATE: December 20, 2023 by 4:00 p.m. (the “Due Date”)
- Contract start date: March 2024 (Approximate)

B. Anticipated Contract Term

The anticipated term of the Job Order Contracts awarded pursuant to this RFP (the “Contracts”) will be thirty-six (36) months. Each of the Job Order Contracts will also contain an option for BPCA, within its sole discretion, to extend its term by twelve (12) additional months up to two (2) times, resulting in a maximum of two (2) single-year extensions. BPCA reserves the right to terminate the Contract at any time, with or without cause, in accordance with the terms of the Job Order Contract. BPCA’s sample form of contract (the “Standard Form of Contract”) is attached as Exhibit C.

IV. GENERAL REQUIREMENTS

A. Minimum Qualification Requirements

The following are the minimum qualification requirements for this RFP. Proposals that fail to meet these requirements will be rejected.

- 1) Proposer must be lawfully authorized to do business in the State of New York; and,
- 2) Proposer must have at least five (5) years of experience in providing general contracting services.

B. MBE/WBE/SDVOB Participation, Joint Ventures, and Sub-contracting Goals

Contractor requirements and procedures for business participation opportunities for New York State certified MBEs/WBEs/SDVOBs and equal employment opportunity requirements relating to minority group members and women are attached as Exhibit B. For questions relating to MBE/WBE/SDVOB participation, joint ventures and sub-contracting goals *only*, please contact the “MBE/WBE/SDVOB Designated Contact” Mr. Justin McLaughlin-Williams at justin.mclaughlin-williams@bpca.ny.gov or 212-417-4337.

C. Restricted Period

New York State’s State Finance Law sections 139-j and 139-k apply to this RFP, restricting Proposers’ contacts with BPCA. Proposers are restricted from making any contact (defined as oral, written or electronic communications with BPCA under circumstances where a reasonable person would infer that a communication was intended to influence BPCA’s conduct or decision with respect to a procurement) relating to this RFP with anyone other than the Designated Contact, as specified in Section III.A., or MBE/WBE/SDVOB Designated Contact, as specified in Section IV.B., from the time of Proposer’s receipt of notice of this RFP through the date of the Final Award as defined in BPCA’s Procurement Guidelines (the “Restricted Period”). BPCA employees must record certain contacts during the Restricted Period, including, but not limited to, any oral or written communications that could reasonably be seen as intended to influence BPCA’s conduct or award of this RFP. Upon notice of an improper contact, BPCA shall make a determination regarding the Proposer’s eligibility to continue participating in this RFP.

D. Submission of Proposals

Proposals must be received by BPCA no later than 4:00 p.m. on December 20, 2023

- Each Proposer must e-mail their Technical Proposal to the following e-mail address:
technicalproposals@bpca.ny.gov

The Technical Proposal must be clearly labeled as “Proposal Enclosed –
JOB ORDER GENERAL CONTRACTOR SERVICES.”

- Each Proposer must also e-mail their Cost Proposal to the following e-mail address:
costproposals@bpca.ny.gov

The Cost Proposal must be separately attached and clearly labeled as “Cost Proposal –
JOB ORDER GENERAL CONTRACTOR SERVICES.”

- **Each Proposer is responsible for the successful delivery and receipt of their Proposal. BPCA is not accepting Proposals sent via messenger, overnight courier, or certified mail to BPCA offices.** If a Proposer has already sent a Proposal via one of these methods, please e-mail the Proposal to the above e-mail address by the Due Date. If a Technical Proposal’s file size is too large to submit by e-mail, the Proposer must make alternate electronic accommodations (e.g., linking to a file sharing website), which shall also be transmitted through technicalproposals@bpca.ny.gov. Please contact the Designated Contact prior to the Due Date in order to ensure successful transmission of the documents prior to the Due Date.
- Proposals must arrive at the time and place specified herein. Please leave ample time for submission. Late Proposals, no matter the cause of their lateness, will NOT be accepted. Hard copy or faxed Proposals will NOT be accepted. A Proposer may, after submitting a Proposal, amend its Proposal by submitting an amended Proposal, clearly labeled “Amended Proposal – JOB ORDER GENERAL CONTRACTOR SERVICES,” as long as the amended Proposal is submitted by the Due Date.

[NO FURTHER TEXT ON THIS PAGE]

E. Job Assignments Subject to New York State Prevailing Wage Requirements

Job Assignments awarded under a Job Order Contract are subject to Labor Law 220, the New York State Prevailing Wage Law (“Prevailing Wage”). All labor employed on the Project must be paid the Prevailing Rate of Wage (the “Prevailing Wage Rate”) as identified by the New York State Department of Labor (“NYSDOL”). Attached to this RFP as Exhibit F is a Prevailing Wage Schedule provided by the NYSDOL. Any discrepancy between the Prevailing Wage Rates contained therein, and the Prevailing Wage Rates which may be required by law, shall not relieve the selected Proposer from the requirement to pay the legally required Prevailing Wage Rate, nor shall they entitle the selected Proposer to any additional compensation under the Contract.

V. PROPOSAL FORMAT AND CONTENTS

A. Proposal Format

The submitted Proposal must be organized in accordance with the subheadings of Proposal contents set forth in this Section V. Proposals shall be prepared with paper size no larger than standard 8 1/2” x 11” and a minimum font size of 11 point, with reasonable exceptions for charts, graphics and financial information. Proposal pages must be numbered, with the Proposer’s name and “Job Order General Contracting Services” clearly marked on the cover of each of the Technical Proposal and the Cost Proposal.

The Proposal shall be separately packaged into two (2) components:

- A Technical Proposal containing the information required in Section V. B (“Proposal Content”). The Technical Proposal shall be limited to thirty-five (35) pages. This page limit excludes the Proposal Cover Letter (defined in Section B, below) and the Required Attachments listed in Section VI. C (“Required Attachments”). Proposers should, however, submit a Proposal that provides the information requested in this RFP in a clear, concise, and complete manner. The Technical Proposal shall not include any cost or pricing information that is included in the Cost Proposal.
- A Cost Proposal containing the information required in Section VIII (“Cost Proposal”) of this RFP. There is no page limit for the Cost Proposal.

B. Proposal Content

In addition to the separately sealed Cost Proposal, described in Section VIII. below, each Proposal must include the following in the order listed:

- 1) Cover Letter, signed by a person within the firm who is authorized to bind the Proposer, which includes representations that:
 - (a) Except as disclosed in the Proposal, no officer or employee of the Proposer is directly or indirectly a party to or in any other manner interested financially or otherwise in this RFP;
 - (b) Proposer satisfies all of the minimum qualification requirements in Section IV.A; and,
 - (c) Proposer has reviewed BPCA’s Standard Form of Contract, attached as Exhibit C to this RFP, and either has no objections or has detailed their objections in an appendix to their Proposal.
- 2) Executive Summary.
- 3) Responses to the Questions as well as all of the Information Required (Sections VI.A. and B.).
- 4) Required Attachments (Section VI. C.). Mandatory Forms and resumes do not count toward the page limit.

BPCA reserves the right to reject any Proposals that fail to include any required item described in this Section V. B., including Cover Letters that are unsigned or fail to include each of the above representations (including an appendix, if applicable).

[NO FURTHER TEXT ON THIS PAGE]

VI. INFORMATION REQUIRED

A. Questions and Information Sought Relating to the Work

- 1) Describe your firm's background, size, and history as it may be relevant to the Job Order Services, with an emphasis on general construction work provided on an on-call or task order basis. If your firm has offices in more than one (1) city, indicate which office will provide the Services.
- 2) Describe your firm's experience, as applicable, providing GC services for the following types of construction along with examples of such work:
 - a. Interior fit-out and repair work;
 - b. Carpentry and finishing work;
 - c. Mechanical, HVAC and plumbing work;
 - d. Electrical work (interior and exterior);
 - e. System controls;
 - f. Exterior façade, waterproofing and roofing work;
 - g. Marine construction;
 - h. Exterior civil/site work, including excavation;
 - i. Maintenance work in parks and open spaces;
 - j. Landscaping and irrigation;
 - k. Masonry and pavement work;
 - l. Historic preservation; and,
 - m. Street and utility work.
- 3) Describe your experience and methodology for staffing on-call or task order contracts and your proposed approach to the Job Order Services. Indicate which construction trades, if any, will be performed by your firm directly, and which construction trades would be sub-contracted. If known, please identify any subcontractors you would propose to use for specific construction trades.
- 4) Describe your approach to ensuring adequate and timely responsiveness to the provision of the Job Order Services, including accessibility, communication, site visits, job order cost proposals and project completion, as well as your approach to expediting subcontractor proposals and performance.
- 5) List each key member of the team you intend to assign to this engagement, and include for each listed individual: (a) area(s) of specialization; (b) title and/or position within your firm; (c) the GC services to be performed.
- 6) Identify the person who will be the lead project manager (the "Lead PM") and primary contact in providing services to BPCA, and any other persons who will be listed as a "key person" in any contract with BPCA. These people must attend the pre-Contract award interview if your firm is invited to such interview.
- 7) If known, identify specific subcontractors you intend to use for this engagement, and describe the services to be performed by each subcontractor.
- 8) Describe your proposed team's experience with on-call or task order construction work for other public entities, with an emphasis on New York State public entities.
- 9) Describe your proposed teams' approach to maintaining quality and schedule, while handling multiple concurrent job assignments.
- 10) List all pieces of construction equipment that your firm owns and would use for performance of the Job Order Services.
- 11) Clearly identify any information in your Proposal that you believe to be confidential and exempt from disclosure under from FOIL, and state the reasons. Please note that this question is for informational purposes only, and BPCA will determine FOIL applicability in its sole discretion.

- 12) Identify any and all exceptions taken to BPCA's Standard Form of Contract, attached as Exhibit C, explaining the reasons for such exceptions. Such exceptions must be detailed in an appendix to your Proposal labeled, "Appendix: Objections to BPCA Form of Contract." No exceptions to the Contract will be considered by BPCA after submission of the Proposals. BPCA maintains the right to reject Proposals based on non-conformance with the Standard Form of Contract.
- 13) Provide at least three (3) client references for whom your firm has performed similar work to that requested in this RFP. For each client, describe the projects, dates, and services performed, and provide the name, address, and telephone number for a person at client's firm familiar with such work.

B. Questions and Information Sought Relating to Proposer's Firm & Eligibility

- 1) Within the past three (3) years, have there been any significant developments in your firm such as changes in ownership or restructuring? Do you anticipate any significant changes in the near future? If so, please describe.
- 2) How does your firm identify and manage conflicts of interest?
- 3) Are there any potential conflict of interest issues posed by your firm's performance of the Work on behalf of BPCA?
- 4) Has your firm or have any of the firm's partners/employees been disciplined or censured by any regulatory body within the last five (5) years? If so, please describe the relevant facts and disposition.
- 5) Within the last five (5) years, has your firm, or a partner or employee in your firm, been involved in litigation or other legal proceedings relating to the provision of professional services? If so, please provide an explanation and the current status or disposition of the matter.
- 6) List any professional or personal relationships your firm's employees may have with BPCA's Board Members and/or employees, a list of which is attached hereto as Exhibit H.
- 7) If selected, will your firm assign any person to this engagement who was previously an employee of BPCA? If so, please: i) identify when (month and year) that person's employment at BPCA terminated, and, ii) describe that person's involvement, if any, with matters related to this RFP during his/her employment at BPCA.
- 8) In the past five (5) years, have any public sector clients terminated their working relationship with your firm? If so, please provide a brief statement of the reasons. Provide the name of the client and provide a contact person, address and telephone number.

C. Required Attachments

- 1) Mandatory Forms:

Each Proposal must include a completed copy of all "Mandatory Forms" found at: <https://bpca.ny.gov/wp-content/uploads/2015/03/Mandatory-Forms.pdf>. The Mandatory Forms include the following:

- a) NYS Standard Vendor Responsibility Questionnaire, notarized and signed by the individual(s) authorized to contractually bind the Proposer, indicating the signer's title/position within the firm.*
- b) Certificate of No Change (if applicable).
- c) Statement of Non-Collusion.
- d) MBE/WBE/SDVOB Utilization Plans. Please note that all such plans must be submitted even if Proposer is an MBE/WBE/SDVOB.
- e) Proposer's Affirmation of Understanding of and Agreement pursuant to State Finance Law 139-j(3) and 139-j(6)(b).
- f) Proposer's Certification of Compliance with State Finance Law 139-k (5).
- g) Proposer's Disclosure of Prior Non-Responsibility Determinations.

- 2) Response to the question regarding the use of New York State businesses set forth in Section XIII.
- 3) W-9 form.
- 4) Completed MBE/WBE and EEO Policy Statement and Diversity Practices Questionnaire (attached to this RFP as part of Exhibit B).
- 5) Financial Statements: Provide a copy of your firm's most recent Audited Financial Statements (within the last year). In the event you do not have audited financials you must provide a statement to that effect with your proposal, and summary financial information for the calendar year most recently ended.
- 6) Acknowledgement of Addenda: Attach a completed and signed Acknowledgement of Addenda Form, attached as Exhibit G, acknowledging receipt of all addenda to this RFP, if any, issued by BPCA before the Due Date. Addenda are posted by BPCA as necessary and can be found on the BPCA website at www.bpca.ny.gov. It is the responsibility of each Proposer to check the BPCA website for addenda and to review addenda prior to submitting any proposal in response to this RFP.
- 7) Appendices: Attach professional biographies for all Project executives, Project Managers, and general foremen identified in your Proposal.

VII. INSURANCE AND BONDING REQUIREMENTS

A. General Requirements

The selected Proposer will be required to obtain and provide proof of the types and amounts of insurance listed below: (i) as a condition precedent to the award of the contract for the work; and (ii) continuing throughout the entire term of the Contract. The insurance policies listed below must also conform to the applicable terms of the Contract, as shown in BPCA's Standard Form of Contract, attached as Exhibit C.

The total cost of the required insurance listed in Items B) and C) below, must be incorporated into the Cost Proposal. The additional insured protection afforded BPCA, Battery Park City Parks Conservancy Corporation ("BPCPC"), BPCA's affiliate, and the State of New York must be on a primary and non-contributory basis. All policies must include a waiver of subrogation in favor of BPCA, BPCPC, and the State of New York, no policies may contain any limitations / exclusions for New York Labor Law claims, and cross liability coverage must be provided for BPCA, BPCPC, and the State of New York.

All of the carriers that provide the below required insurance must be rated "A-:VII" or better by A.M. Best and must provide direct written notice of cancellation or non-renewal to BPCA, BPCPC, and the State of New York at least thirty (30) days before such cancellation or non-renewal is effective, except for cancellations due to non-payment of premium, in which case ten (10) days' written notice is acceptable.

B. Insurance Requirements for the Selected Proposer

- **Commercial General Liability Insurance**, written on ISO Form CG 00 01 or its equivalent and with no modification to the contractual liability coverage provided therein, shall be provided on an occurrence basis and limits shall not be less than:
 - \$6,000,000 per occurrence
 - \$7,000,000 general aggregate which must apply on a per location / per project basis
 - \$7,000,000 products / completed operations aggregate

BPCA, BPCPC, and the State of New York must be protected as additional insureds on ISO Form CG 2010 (11/85) or its equivalent on policies held by the selected Proposer and any of its subcontractors. Should the Proposer's work include construction activities of any kind then the Proposer must maintain Products / Completed Operations coverage for no less than three years after the construction work is completed, and continue to include Additional Insured protection for BPCA, BPCPC, and the State of New York for the prescribed timeframe. When providing evidence of insurance, the Proposer must include a completed Acord 855 NY form. Securing the required limits via a combination of primary and umbrella/excess liability policies is allowed. The General Aggregate limit must apply on a per project basis on the primary General Liability

policy should a combination of primary and Umbrella/Excess liability policies be utilized to secure the required total limits of coverage.

- **Automobile Liability Insurance** with a combined single limit of not less than \$1,000,000. Coverage must apply to the Proposer's owned, hired, and non-owned vehicles and protect BPCA, BPCPC, and the State of New York as additional insured.
- **Workers' Compensation, Employer's Liability, and Disability Benefits** shall not be less than statutory limits, including United States Longshore and Harbor Workers Act coverage as applicable to the operations of the Proposer.

As applicable to the selected Proposer's work and the risk characteristics of specific projects, the selected Proposer will need to maintain or cause to be maintained the following (any additional cost for which shall be incorporated into the selected Proposer's submitted Approach Plan for the particular assigned Job generating the need for the additional coverage):

- **Builder's Risk / Installation Floater Insurance** in an amount not less than in an amount not less than \$250,000. Coverage must be written on ISO Special Form CP 10 30 04 02 or its equivalent on a completed value non-reporting basis and provide coverage for the Proposer, all subcontractors, BPCA, BPCPC, and the State of New York. Coverage must apply to property while on site, off site, and in transit, include an agreed amount provision which eliminates any coinsurance provision, and include BPCA as a loss payee. Coverage must include the insurable interests of all subcontractors retained by the Proposer.
- **Contractor's Pollution Liability Insurance** covering bodily injury, property damage, clean-up costs/remediation expenses and legal defense costs. Such insurance shall provide coverage for sudden and non-sudden pollution conditions arising out of the proposer's operations in Battery Park City. The limit of coverage shall not be less than \$1,000,000 per occurrence. BPCA, BPCPC, and the State of New York must be protected as additional insureds on policies held by the selected Proposer and any of its subcontractors.
- **Comprehensive Marine Liability Insurance** must be maintained at a limit of not less than \$1,000,000 per occurrence and include the following coverage:
 - Protection and indemnity
 - General liability
 - Pollution liability

BPCA, BPCPC, and the State of New York must be protected as additional insureds on policies held by the selected Proposer and any of its subcontractors.

- **Professional Liability ("Errors & Omissions") Insurance** must be maintained at a limit of not less than \$1,000,000 each claim.
- **Additional Coverage Requirements:** BPCA reserves the right to require additional coverage, including an increase the Commercial General Liability coverage limits, for particular Job Orders on a case by case basis. BPCA shall identify any additional coverage requirements for particular Jobs Order in the Job Notification, and the selected Proposers must incorporate their increased costs, if any, in their Job Proposals.

C. Insurance Requirements for all Subcontractors

Any subcontractor(s) utilized by the selected Proposer will be required to obtain the types and amounts of insurance listed below: (i) as a condition of commencing any Work; and (ii) continuing throughout the duration of the subcontractor's Work. The insurance policies listed below must also conform to the applicable terms of the Contract, as shown in BPCA's Standard Form of Contract (attached as Exhibit C):

[NO FURTHER TEXT ON THIS PAGE]

- **Commercial General Liability Insurance**, written on ISO Form CG 00 01 or its equivalent and with no modification to the contractual liability coverage provided therein, shall be provided on an occurrence basis and limits shall not be less than:
 - \$1,000,000 per occurrence
 - \$2,000,000 general aggregate which must apply on a per location / per-project basis
 - \$2,000,000 products/completed operations aggregate

BPCA, BPCPC, and the State of New York must be protected as additional insureds on ISO Form CG 2010 (11/85) or its equivalent on policies held by all subcontractors. Should the subcontractor's work include construction activities of any kind then the subcontractor must maintain Products / Completed Operations coverage for no less than three years after the construction work is completed and continue to include Additional Insured protection for BPCA, BPCPC, and the State of New York for the prescribed timeframe. When providing evidence of insurance the subcontractor must include a completed Acord 855 NY form. Securing the required limits via a combination of primary and umbrella/excess liability policies is allowed. The General Aggregate limit must apply on a per project basis on the primary General Liability policy should a combination of primary and Umbrella/Excess liability policies be utilized to secure the required total limits of coverage.

- **Automobile Liability Insurance** with a combined single limit of not less than \$1,000,000. Coverage must apply to the subcontractor's owned, hired, and non-owned vehicles and protect BPCA, BPCPC, and the State of New York as additional insured.
- **Workers' Compensation, Employer's Liability, and Disability Benefits** shall not be less than statutory limits, including United States Longshore and Harbor Workers Act coverage as applicable to the operations of the subcontractor.
- **Subcontractors will also be required to obtain all other insurances listed in Section (2) unless otherwise approved in writing by BPCA prior to commencement of any Subcontractor's work.**

D. Payment and Performance Bond Requirements

For any Jobs with a price equal to or greater than \$200,000, a payment and performance bond will be required, the cost of which shall be included in the selected Proposer's project cost proposal for the relevant Job. Provide with your Proposal a letter from your surety(ies) stating that you are able to provide a payment and performance bond as required in the Standard Form of Contract (attached hereto as Exhibit C).

VIII. COST PROPOSAL: FORMAT AND REQUIRED INCLUSIONS

Each Cost Proposal shall be comprised of Proposer's daily labor rates by trade for the performance of all Services, and shall be submitted in the form attached hereto as Exhibit D. Please note that the Project is subject to the Prevailing Wage requirements contained in Labor Law 20. As stated in Section IV. D. above, each Proposer must e-mail its Cost Proposal to the following e-mail address: costproposals@bpca.ny.gov. The Form of Labor Rates must be clearly labeled "Cost Proposal – Job Order General Contractor Services."

IX. SELECTION PROCESS

A. Evaluation

Each timely submitted Proposal will be reviewed for compliance with the form and content requirements of this RFP. A committee of BPCA employees selected by BPCA (the "Committee") will then review and evaluate the Proposals in accordance with the evaluation criteria set forth below. While only Committee members will score the evaluation criteria, the Committee may consult an outside expert for advisement on the evaluation of matters requiring technical expertise. Before final selection, BPCA must determine that the proposed selected Proposer is responsible, in accordance with applicable law and BPCA's Procurement Guidelines, which may be viewed at: www.bpca.ny.gov/public-information.

[NO FURTHER TEXT ON THIS PAGE]

B. Interviews

BPCA reserves the right to decide whether to interview any or all of the Proposers. The Committee may conduct interviews for many reasons, including to further assess a Proposer's ability to perform the Work or provide specific services, or to seek information related to any other evaluation criteria. The proposed Lead PM, as well all other key personnel proposed to perform the Work, must be available to participate in the interview.

C. Evaluation Criteria for Selection

Selection will be based upon the following criteria:

1) Technical Evaluation:

- Experience providing general contracting services, including one or more of the following types of construction.....30%
 - a. Interior fit-out and repairs;
 - b. Carpentry and finishes;
 - c. Mechanical, HVAC and plumbing;
 - d. Electrical (interior and exterior);
 - e. System controls;
 - f. Exterior façade, waterproofing and roofing work;
 - g. Marine construction;
 - h. Exterior civil/site work, including excavation;
 - i. Maintenance of Parks and public spaces;
 - j. Landscaping and irrigation;
 - k. Masonry and pavement;
 - l. Testing procedures and probes;
 - m. Historic preservation; and,
 - n. Street and utility work.
- Experience providing GC services on an on-call or job order basis.....30%
- Project Team /Approach, including.....30%
 - Internal staffing;
 - Means for ensuring timeliness, responsiveness and quality control; and,
 - Proposed subcontractors.
- Response to Diversity Practices Questionnaire.....10%

2) Cost Proposal evaluation.

D. Basis for Contract Award

BPCA will assess the Proposals utilizing the criteria set forth above. BPCA will select one or more qualified Proposers to be "pre-qualified" to perform the Job Order Services contemplated by this RFP, and will then award Contracts to one or more of those pre-qualified Proposers. Selection as a pre-qualified Proposer is subject to BPCA's determination that the Proposal is responsive to the requirements stated in this RFP and that the Proposer receives a satisfactory score as a result of the technical evaluation.

E. Assignment of Projects Under the Job Order Contracts

Once selected Proposers are awarded Job Order Contracts with the BPCA, they will be eligible to receive notifications ("Job Notifications") of Job Order Services work that may from time to time be needed. Upon receipt of a Job Notification, Pre-qualified Contractors will be expected to submit a Proposal and (depending on the size of the project) an Approach Plan detailing (among other things) the Contractor's Lump Sum or Not-to-Exceed price for the Job, its relevant experience, its available workforce, and other relevant factors.

Individual jobs will be awarded, at the discretion of the BPCA, either utilizing Lump Sum or Not-to-Exceed amounts proposed by Pre-Qualified Contractors, or on a time-and-material basis utilizing the labor rates set forth in the Cost Proposal.

Upon receipt of Proposals from the notified Pre-qualified Contractors, the BPCA will assign the Job to one of the Contractors by determining best value to the BPCA based upon the following factors:

- The expertise of the Contractor as relevant to the Job;
- The Contractor's rates, as identified in either the Lump Sum Proposal Amount, or the Rate Sheet;
- The availability and experience of the Contractor's assigned employees;
- The amount of other BPCA work assigned to the Contractor; and,
- The Contractor's proposed compliance with M/WBE and SDVOB goals of the Job Order Contract.

In assigning Jobs, BPCA reserves the right to take into account a Pre-qualified Contractor's prior poor performance or lack of responsiveness in connection with other Job Order Services.

X. NON-COLLUSION

By submitting a Proposal, each Proposer warrants and represents that any ensuing Contract has not been solicited or secured directly or indirectly in a manner contrary to the laws of the State of New York, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the Contract by any conduct, including the paying or giving of any fee, commission, compensation, gift, or gratuity or consideration of any kind, directly or indirectly, to any member of the board of directors, employee, officer or official of BPCA.

XI. IRAN DIVESTMENT ACT

By submitting a Proposal or by assuming the responsibility of any Contract awarded hereunder, each Proposer certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the New York State Office of General Services website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize any subcontractor/consultant that is identified on the Prohibited Entities List on this Contract. The selected Proposer agrees that should it seek to renew or extend any Contract awarded hereunder, it must provide the same certification at the time the Contract is renewed or extended. The selected Proposer also agrees that any proposed assignee of the Contract will be required to certify that it is not on the Prohibited Entities List before BPCA may approve a request for assignment of the Contract.

During the term of any Contract awarded hereunder, should BPCA receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, BPCA will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the New York State Iran Divestment Act of 2012 within ninety (90) days after the determination of such violation, then BPCA shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the selected Proposer in default of the awarded Contract.

BPCA reserves the right to reject any request for renewal, extension, or assignment for an entity that appears on the Prohibited Entities List prior to the renewal, extension, or assignment of the Contract, and to pursue a responsibility review with the selected Proposer should it appear on the Prohibited Entities List hereafter.

XII. ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Proposers for this Contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the Contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Proposers are strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, Proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its New York State business partners. New York State businesses will promote the contractor's optimal performance under the Contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. The State therefore expects bidders/proposers to provide maximum assistance to New York businesses in their contracts. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Proposers can demonstrate their commitment to the use of New York State businesses by responding to the question below. Each proposer must include a response to this question with their proposal. Please note that a "yes" response requires supporting information. If yes, identify New York State businesses that will be used and attach identifying information.

Will New York State businesses be used in the performance of this contract? ☐ Yes ☐ No

EXHIBIT A

SCOPE OF WORK

Contractor shall perform various work at the direction of the BPCA, in accordance with the following protocol:

I. Contractor Receipt of Job Notification

As the need for construction services may arise, the BPCA may prepare and issue a notification (“the Job Notification”) to one or more of the Selected Proposers. The Job Notification shall set forth the scope of work needed for an individual work assignment (hereafter, a “Job”), to a level of detail that befits the complexity of the particular Job. A Job Notification may add to, or eliminate, any of the specific requirements of the Job Order Contract as may be required. However, in the absence of an express exclusion of contract terms, all terms, provisions and requirements of the Job Order Contract will apply.

II. Contractor Response to Job Notification

- A. Upon receipt of a Job Notification, unless otherwise directed by BPCA, the Contractor shall:
1. If so requested, coordinate with BPCA to conduct a site visit to the site of the Job (“Site Visit”) within forty-eight (48) hours of receipt of the Job Notification; and,
 2. Within five (5) business days of the Site Visit, submit to BPCA a written proposal (the “Job Proposal”), including (1) a Lump Sum or Not-To-Exceed cost for the Job (inclusive of all Labor, Materials and Equipment to fully perform the work set forth in the Job Notification)¹; (2) a commencement date; (3) a duration of the construction work; (4) a brief narrative description of Contractor’s anticipated means and methods for completing the Job; and (5) a description of how Contractor intends to comply with its M/WBE and SDVOB obligations.
- B. In the event that sufficient information is not available to submit the Job Proposal within the specified five (5)-day period, the Contractor shall submit to BPCA, prior to the expiration of the five (5)-day period, a written request, including specific reasons therefor, for an extension of the five (5)-day period for submission of the Job Proposal. Notwithstanding the foregoing, under emergency circumstances, BPCA may request that the Contractor conduct a site visit and submit a Job Proposal within such shorter period of time as BPCA reasonably specifies under the circumstances.
- C. Failure to respond to a Job Notification by BPCA, to conduct a Site Visit, or to submit a Job Proposal within the timeframes referenced above, unless an extension is approved in advance and in writing by BPCA, more than five (5) times during the course of the Contractor’s Job Order Contract term shall be grounds for termination of such Contractor’s Job Order Contract for cause by BPCA.
- D. If the duration of a Job is greater than ten (10) total work days and the estimated cost for such Job is greater than fifty thousand dollars (\$50,000), the Contractor shall provide an Approach Plan (the “Approach Plan,” as outlined in Item E, below) to BPCA with respect to such Job, along with the Job Proposal. In the event that any specific element listed in the Approach Plan does not apply to the Job, the selected Proposer may so specify.
- E. If required for a Job, the Approach Plan provided by the Contractor shall include the following information (along with any additional information deemed necessary by the BPCA Project Manager):
- A concise narrative description of how the Contractor intends to handle any challenging or difficult aspects of the Job;
 - Biographies or resumes or key personnel the Contractor intends to utilize on the Job;
 - A brief listing of projects completed by the Contractor in the past five (5) years of similar scope and

¹ The submitted cost is subject to the additional breakdown and specification requirements for Approach Plans, as detailed in this Exhibit A – Scope of Work’s Section II.E. herein.

- complexity;
- A listing of any materials with long lead times;
- A listing of any M/WBE and SDVOB enterprises that the Contractor intends to utilize in the performance of its work;
- A Schedule of Values breaking down all Job costs for purposes of payment;
- A Bar schedule including durations and proposed start date for work to be performed; and
- Any other information specifically requested in the Job Notification.

III. BPCA Selection of Contractor and Assignment of Work

The BPCA, upon receipt of one or more Job Proposals, shall assign the Job to one of the responding Contractors on a best value basis. The BPCA may assign the Job either on the basis of a Lump Sum amount identified by a Contractor and agreed to by the BPCA, or on a Time-and-Material basis utilizing the rates identified in the Rate Sheet made a part of this Contract.

The BPCA shall consider the following factors in an award of a Job:

- The expertise of the Contractor as relevant to the Job;
- The Contractor's rates, as identified in either the Lump Sum Proposal Amount, or the Rate Sheet;
- The availability and experience of the Contractor's assigned employees;
- The amount of other BPCA work assigned to the Contractor; and
- The Contractor's proposed compliance with M/WBE and SDVOB goals of the Job Order Contract.

In assigning Jobs, BPCA reserves the right to take into account Contractor's prior poor performance or lack of responsiveness in connection with other Job Order Services.

The BPCA further reserves the following rights with respect to the assignment of any Job under this Contract:

- To reject any or all Job Proposals received in response to a Job Notification;
- To issue a Job Order to any of the Contractors submitting a Job Proposal, in whole or in part;
- To seek clarifications and/or revisions of and Job Proposal;
- To negotiate with one or more Contractors regarding the scope and/or price of the Job;
- To make revisions to the scope of any Job and/or Job Notification either before or following receipt of Job Proposals.

Upon selection of a Contractor, the BPCA shall issue a Job Order to the Contractor.

IV. Performance of Work

The Contractor shall perform all labor, material, and equipment specified in the Job Order, in accordance with the specific scope of work (including drawings and specifications, if applicable) set forth in the Job Order and/or Job Notification. Contractor shall perform all work either directly or through subcontractors. The names of all prospective subcontractors shall be submitted to BPCA for approval.

Contractor shall provide all services identified in the Job Order Contract as it relates to the Job, including but not limited to all requirements contained in Article 2 and Article 6 of the Contract. This includes, but is not limited to, the Contractor's obligation to perform all necessary investigation; planning and scheduling; permitting; supervision; coordination; close-out; sign-offs; and, warranties, as applicable. Contractor shall additionally provide any additional services identified in the Scope of Work applicable to the Job Order and/or Job Notification.

The Contractor shall not proceed with any Job with a value in excess of fifty-thousand dollars (\$50,000) until a) BPCA approves the Approach Plan as submitted, or (if applicable) as revised; and b) the parties have executed a "Job Order" for performance of the relevant Job.

EXHIBIT B
CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK
STATE-CERTIFIED MBEs/WBEs/SDVOBs AND EQUAL EMPLOYMENT OPPORTUNITIES FOR
MINORITY GROUP MEMBERS AND WOMEN

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations BPCA is required to promote opportunities for the maximum feasible participation of New York State-certified MBEs/WBEs (collectively, “MWBE(s)”) and the employment of minority group members and women in the performance of BPCA contracts. Pursuant to New York State Executive Law Article 17-B and 9 NYCRR §252, BPCA recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified SDVOBs.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, BPCA hereby establishes the following MWBE participation goals, based on the current availability of MWBEs:

Overall goal for total MWBE participation: 30%

NYS-Certified Minority-Owned Business (“MBE”) Participation: 15%

NYS-Certified Women-Owned Business (“WBE”) Participation: 15%

A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the Proposer agrees that BPCA may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how BPCA will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The Proposer understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.

In accordance with 5 NYCRR § 142.13, the Proposer further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of contract and BPCA may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a Proposer agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a Proposer may arrange to provide such evidence via a non-electronic method by contacting Justin McLaughlin-Williams at Justin.mclaughlin-williams@bpca.ny.gov or 212-417-4337. Please note that the NYSCS is a one-stop solution for all of your MBE/WBE and Article 15-A contract requirements. For additional information on the use of the NYSCS to meet the Proposer’s MBE/WBE requirements, please see the attached MBE/WBE guidance from the New York State Division

of Minority and Women's Business Development, "Your MWBE Utilization and Reporting Responsibilities Under Article 15-A."

Additionally, a Proposer will be required to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to BPCA for review and approval.
- B. BPCA will review the submitted MWBE Utilization Plan and advise the Proposer of BPCA acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, the Proposer will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to Michael LaMancusa at BPCA, by email at michael.lamancusa@bpca.ny.gov, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by BPCA to be inadequate, BPCA shall notify the Proposer and direct the Proposer to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.
- D. BPCA may disqualify a Proposer as being non-responsive under the following circumstances:
 - 1) If a Proposer fails to submit an MWBE Utilization Plan;
 - 2) If a Proposer fails to submit a written remedy to a notice of deficiency;
 - 3) If a Proposer fails to submit a request for waiver; or
 - 4) If BPCA determines that the Proposer has failed to document good faith efforts.

The successful Proposer will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to BPCA, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful Proposer will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to BPCA, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Business Participation Opportunities for SDVOBs

For purposes of this solicitation, BPCA hereby establishes an overall goal of **6%** for SDVOB participation. A Proposer must document good faith efforts to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract and Proposer agrees that BPCA may withhold payment pending receipt of the required SDVOB documentation. The directory of New York State Certified SDVOBs can be viewed at: http://www.ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf. For guidance on how BPCA will determine a Contractor's "good faith efforts," refer to 9 NYCRR §252.2(f)(2).

In accordance with 9 NYCRR §252.2(s), the Proposer acknowledges that if it is found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the Contract, such finding constitutes a breach of Contract and Contractor shall be liable for damages as specified in the Contract.

Such damages shall be calculated based on the actual cost incurred by BPCA related to BPCA's expenses for personnel, supplies and overhead related to establishing, monitoring and reviewing certified SDVOB programmatic goals.

- A. Additionally, a Proposer agrees to submit a Utilization Plan with their bid or Proposal as evidence of compliance with the foregoing. Any modifications or changes to the Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised Utilization Plan and submitted to BPCA.

- B. BPCA will review the submitted Utilization Plan and advise the Proposer of BPCA's acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, Proposer agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to Michael LaMancusa at BPCA, by email at michael.lamancusa@bpcanyc.gov, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by BPCA to be inadequate, BPCA shall notify the Proposer and direct the Proposer to submit, within five (5) business days, a request for a partial or total waiver of SDVOB participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or Proposal.
- D. BPCA may disqualify a Proposer as being non-responsive under the following circumstances:
 - 1) If a Proposer fails to submit a Utilization Plan;
 - 2) If a Proposer fails to submit a written remedy to a notice of deficiency;
 - 3) If a Proposer fails to submit a request for waiver; or
 - 4) If BPCA determines that the Proposer has failed to document good faith efforts.

The successful Proposer shall attempt to utilize, in good faith, any SDVOB identified within its Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to the Contract award may be made at any time during the term of the Contract to BPCA, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful Proposer is required to submit a Contractor's SDVOB Contractor Compliance & Payment Report to BPCA on a monthly basis over the term of the Contract documenting the progress made toward achievement of the SDVOB goals of the Contract.

Equal Employment Opportunity (EEO) Requirements

By submission of a bid or proposal in response to this solicitation, the Proposer agrees with all of the terms and conditions of the attached MWBE Equal Employment Opportunity Policy Statement. The Proposer is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Proposer, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The Proposer will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, Form # 4, to BPCA with its bid or proposal.

If awarded a Contract, Proposer shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by BPCA on a monthly basis during the term of the Contract.

Pursuant to Executive Order #162, contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the Workforce Utilization Report on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence

victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

[NO FURTHER TEXT ON THIS PAGE]



Your MBE/WBE Utilization and Reporting Responsibilities Under Article 15-A

The New York State Contract System (“NYSCS”) is your one stop tool compliance with New York State’s MBE/WBE Program. It is also the platform New York State uses to monitor state contracts and MBE/WBE participation.

GETTING STARTED

To access the system, please login or create a user name and password at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=7562>. If you are uncertain whether you already have an account set up or still need to register, please send an email to the customer service contact listed on the Contact Us & Support page, or reach out to Justin McLaughlin-Williams at justin.mclaughlin-williams@bpca.ny.gov or 212-417-4337. For verification, in the email, include your business name and contact information.

VENDOR RESPONSIBILITIES

As a vendor conducting business with New York State, you have a responsibility to utilize minority- and/or women-owned businesses in the execution of your contracts, per the MBE/WBE percentage goals stated in your solicitation, incentive proposal or contract documents. NYSCS is the tool that New York State uses to monitor MBE/WBE participation in state contracting. Through the NYSCS you will submit utilization plans, request subcontractors, record payments to subcontractors, and communicate with your project manager throughout the life of your awarded contracts.

There are several reference materials available to assist you in this process, but to access them, you need to first be registered within the NYSCS. Once you log onto the website, click on the **Help & Support** >> link on the lower left hand corner of the Menu Bar to find recorded trainings and manuals on all features of the NYSCS. You may also click on the **Help & Tools** icon at the top right of your screen to find videos tailored to primes and subcontractors. There are also opportunities available to join live trainings, read up on the “Knowledge Base” through the Forum link, and submit feedback to help improve future enhancements to the system. Technical assistance is always available through the **Contact Us & Support** link on the NYSCS website (<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=7562>).

For more information, contact Justin McLaughlin-Williams by email at justin.mclaughlin-williams@bpca.ny.gov or by phone at 212-417-4337.

MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES (M/WBE)
EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY STATEMENT

I, _____ (the "Contractor"), agree to adopt the following policies with respect to the project being developed at, or services rendered to, the Battery Park City Authority ("BPCA").

MBE/WBE

This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the MBE/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively soliciting bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to MBE/WBE contractor associations.
- (2) Requesting a list of State-certified MBEs/WBEs from BPCA and soliciting bids from these MBEs/WBEs directly.
- (3) Ensuring that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective MBEs/WBEs.
- (4) Where feasible, dividing the work into smaller portions to enhance participations by MBEs/WBEs and encourage the formation of joint venture and other partnerships among MBE/WBE contractors to enhance their participation.
- (5) Documenting and maintaining records of bid solicitation, including those to MBEs/WBEs and the results thereof. The Contractor will also maintain records of actions that its subcontractors have taken toward meeting MBE/WBE contract participation goals.
- (6) Ensuring that progress payments to MBEs/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives are developed to encourage MBE/WBE participation.

EEO

(a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing diversity programs to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts.

- (b) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.
- (c) At the request of BPCA, this organization shall request that each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.
- (d) The Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. The Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.
- (e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.

Agreed to this _____ day of _____ (*month*), _____ (*year*)

By _____

Print: _____ Title: _____

_____ is designated as the Consultant's Minority Business Enterprise Liaison responsible for administering the Minority and Women-Owned Business Enterprises - Equal Employment Opportunity (MBE/WBE - EEO) program.

MBE/WBE Contract Goals

30% Minority and Women's Business Enterprise Participation

____% Minority Business Enterprise Participation

____% Women's Business Enterprise Participation

EEO Contract Goals (if applicable)

____% Minority Labor Force Participation

____% Female Labor Force Participation

(Authorized Representative)

Title: _____

Date: _____

Diversity Practices Questionnaire

I, _____, as _____ (title) of _____ company (the "Company"), swear and/or affirm under penalty of perjury that the answers submitted to the following questions are complete and accurate to the best of my knowledge:

1. Does your Company have a Chief Diversity Officer or other individual who is tasked with supplier diversity initiatives? Yes or No

If Yes, provide the name, title, description of duties, and evidence of initiatives performed by this individual or individuals.

2. What percentage of your Company's gross revenues (from your prior fiscal year) was paid to New York State certified MBEs/WBEs as subcontractors, suppliers, joint-ventures, partners or other similar arrangement for the provision of goods or services to your Company's clients or customers?

3. What percentage of your Company's overhead (i.e. those expenditures that are not directly related to the provision of goods or services to your Company's clients or customers) or non-contract-related expenses (from your prior fiscal year) was paid to New York State certified MBEs/WBEs as suppliers/contractors?²

4. Does your Company provide technical training³ to MBEs/WBEs? Yes or No

If Yes, provide a description of such training which should include, but not be limited to, the date the program was initiated, the names and the number of MBEs/WBEs participating in such training, the number of years such training has been offered and the number of hours per year for which such training occurs.

5. Is your Company participating in a government approved M/WBE mentor-protégé program?

If Yes, identify the governmental mentoring program in which your Company participates and provide evidence demonstrating the extent of your Company's commitment to the governmental mentoring program.

6. Does your Company include specific quantitative goals for the utilization of MBEs/WBEs in its non-government procurements? Yes or No

If Yes, provide a description of such non-government procurements (including time period, goal, scope and dollar amount) and indicate the percentage of the goals that were attained.

7. Does your Company have a formal M/WBE supplier diversity program? Yes or No

If Yes, provide documentation of program activities and a copy of policy or program materials.

8. Does your Company plan to enter into partnering or subcontracting agreements with New York State certified MBEs/WBEs if selected as the successful Proposer? Yes or No

If Yes, complete the attached Utilization Plan

All information provided in connection with the Diversity Practices Questionnaire is subject to audit and any fraudulent statements are subject to criminal prosecution and debarment.

² Do not include onsite project overhead.

³ Technical training is the process of teaching employees how to more accurately and thoroughly perform the technical components of their jobs. Training can include technology applications, products, sales and service tactics, and more. Technical skills are job-specific as opposed to soft skills, which are transferable.

Battery Park City Authority Request For Proposals

Signature of
Owner/Official
Printed Name of
Signatory
Title

Name of Business

Address

City, State, Zip

STATE OF _____

COUNTY OF _____) ss:

On the _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of _____, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to this certification and said person executed this instrument.

Notary Public

EXHIBIT C
BPCA STANDARD FORM OF CONTRACT

To be provided at a later date following the RFP's issuance, via an addendum.

EXHIBIT D
FORM OF COST PROPOSAL

COST PROPOSAL

(Proposer to submit executed Cost Proposal on its letterhead)

Date:

Battery Park City Authority
200 Liberty Street – 24th Floor
New York, NY 10281
Attention: Mr. Michael LaMancusa, Contract Administrator

Dear Mr. LaMancusa,

The undersigned (the “Proposer”) hereby proposes to perform Job Order General Contracting Services on a project-by-project basis as requested by BPCA (collectively, the “Job Order Projects”).

During the term of the contract (the “Contract”) awarded pursuant to the RFP associated with this Cost Proposal (the “RFP”), Proposer agrees to submit in writing with respect to each Job Notification received, a project proposal that includes a binding Lump Sum price proposal (inclusive of all materials, labor, equipment, and general conditions, as well as any additional insurance or bonding costs, any overhead, and any profit). If selected, Proposer agrees to perform all the work associated with the Job Notification for the quoted price.

In the event that BPCA elects to award a Job on a time-and-material basis, Proposer will perform the Work as described in Exhibit A of the RFP in accordance with the rates specified in the attached form of Trade Rates. The Proposer shall specify the timing and means for the determination of expected increases, if any, in such Trade Rates over the term of the Contract. Upon award of the Contract, the selected Proposer will provide backup documentation for these Labor Rates upon request.

The Proposer has submitted as part of this Cost Proposal Trade Rates for all relevant categories of personnel and areas of specialty. Expected increases in such Trade Rates, if any, over the course of the three (3) year Contract term (plus a potential fourth year option term) are noted below or in the attached form of Trade Rates (note – Trade Rates may not be increased more frequently than annually).

Name of Proposer: _____

By: _____

Title: _____

EXHIBIT E
FORM OF LABOR RATES

The following labor rates are to be listed by craft and classification and are to include base wages, benefits, taxes, insurance and payroll costs complete, as well as any overhead and profit.

Please note that these rates are only to be used when project work is performed on a time-and-material basis, and are intended to compensate the Contractor for all costs associated with the work, inclusive of profit and overhead. These rates shall not be used on any Job selected on the basis of a lump-sum proposal, nor for any Change Order work associated with a lump-sum Job unless agreed upon in advance by BPCA.

Note that this Project is subject to Prevailing Wage Rates. Neither award of the Contract nor acceptance of the selected Proposer's Proposal constitutes approval or acquiescence on the part of the BPCA of the rates outlined below. Regardless of the rates identified below, the selected Proposer has the legal obligation to pay, at a minimum, the Prevailing Wage Rates for the applicable trade.

[NO FURTHER TEXT ON THIS PAGE]

<u>CRAFT</u>	<u>CLASSIFICATION</u> <u>(IF ANY)</u>	<u>HOURLY RATES</u>
Boilermaker		
Carpenter (Interiors/Sheetrock)		
Carpenter (Dock Builders, Heavy and Highway)		
Carpenter (Building, Floor Coverer)		
Diver		
Diver Tender		
Electrician (Audio Sound, Teledata)		
Electrician (Building, Fire Alarm, Maintenance, Security System)		
Electrician (Highway and Street Lighting)		
Glazier (Building)		
Insulator (Heat and Frost)		
Ironworker (Building, Mover, Rigger, Structural)		

[CONTINUED ON NEXT PAGE]

<u>CRAFT</u>	<u>CLASSIFICATION</u> <u>(IF ANY)</u>	<u>HOURLY RATES</u>
Ironworker (Building Reinforcing)	_____	_____
Laborer (Building)	_____	_____
Laborer (Demolition)	_____	_____
Laborer (Basic, Mason Tender)	_____	_____
Laborer - Concrete and Asphalt Paving	_____	_____
Mason - (Bricklayer, Building)	_____	_____
Mason - (Pointer, Caulker, Cleaner)	_____	_____
Operating Engineer – Building (Building, Survey, Survey Crew)	_____	_____
Painter (Building, Dry Wall Taper)	_____	_____
Painter (Bridge and Structural Steel)	_____	_____
Plumber	_____	_____
Sheet Metal Worker	_____	_____
Steamfitter	_____	_____
Field Supervisor	_____	_____
Foreman	_____	_____

EXHIBIT F
PREVAILING WAGE RATE SCHEDULE

Wage rates shall apply as shown in the Prevailing Wage Schedule prepared by the New York State Department of Labor for this project (the Prevailing Wage Case Number (PRC#) assigned to this project is 2023000652). The Schedule can be viewed at, and downloaded from, the following web site: <https://apps.labor.ny.gov/wpp/publicViewProject.do?method=showIt&id=1543841#>. Upon award of the Contract to the selected Proposer, a hard copy of the Schedule will be provided.

EXHIBIT G
ACKNOWLEDGEMENT OF ADDENDA

RFP TITLE: _____

Complete Part I <u>or</u> Part II, whichever is applicable, and sign your name in Part III.

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 _____, ____

Part II Acknowledgement of No Receipt

_____ No Addendum was received in connection with this RFP

Part III

Proposer's Name: _____

Proposer's Authorized Representative:

Name: _____

Title: _____

Signature: _____ Date: _____

EXHIBIT H
LIST OF BPCA & BPCPC BOARD MEMBERS AND EMPLOYEES

LIST OF BOARD MEMBERS

Donald Capoccia

Martha J. Gallo

Lester Petracca

Louis J. Bevilacqua

Catherine McVay Hughes

Anthony Kendall

[CONTINUED ON NEXT PAGE]

Employees:

Betzayda Afzal
Curtis Afzal
Elsa Alvarez
Dana Anders
Sharmila Baichu
Marie Baptiste
Brett Beecham
Freddy Belliard
Marieke Bender
Yipin Benon
Zachary Bergen
Marcus Billips
Emily Birdseye
Nidia Blake
Sully Bonnelly
Jasmine Briggs
Latoya Brooks-Jones
Nancy Buivid
Anthony Buquicchio
Thierry Byron
Peter Campbell
Donna Canfield
Daniel Carmalt
Monica Centeno
Alexis Torres Cid
Sarah Curtin
Elizabeth Davis
Raymond Davy
Gwen Dawson
Nicole Dawson
Gilbert De Padua
Joshua DeVoto
Ismael Diaz
Paul Diaz-Larui
Jan Pierre Diaz
Daniel Dickson
Tonasia Dopson
Abigail Ehrlich
AnnMaria Ellison
Richard Faraino
Claudia Filomena
Tamara Flores
Pamela Frederick
James Gallagher
Abigail Goldenberg
Anastasia Gonzalez
Ned Greenberg

Evelyn Gregg
Robert Hansen
Jonathan Gross
Nimisha Patel-Haribaran
Nicole Heater
Sankar Heerah
Raul Hernandez
Brendan Hoey
Megan Hood
Angela Howard
Craig Hudon
Amy Jogie
William John
Jasmine Mikayla Johnson
Saladin Jones
Andrew Katersky
Ann Ketring
Karl Koenig
Michael Lamancusa
John Lonie
Rene Lopcy
Janira Lopez
Roman Lora
Rodolfo Machuca
Robert Maggi
Evelin Maisonet
Maria Martinez
Justin McLaughlin-Williams
Princess McNeill
Vanessa Mesine
Lilka Mimbella
Ronnie Mohammed
Irene Moulketis
Eric Munson
Lauren Murtha
Jahmeliah Nathan
Robert Nesmith
Siu May Ng
Yoshihiro Nishida
Kevin O'Toole
Stuart Ohleyer
Maril Ortiz
Willem Paillant
Jonathan Parker
Gladys Pearlman
Dahlia Pena
Rynell Pimentel

Katherine Powell
Sandra Power
Robert Quon
Jason Rachnowitz
Madelin Ramirez
Ryan Ramlall
Debi Ray-Chadhuri
Aline Reynolds
Angel Rivera
Manuel Rivera
Nelson Rogers
Joel Rufino
Paul Russell
Carlos Santiago
Kimberlae Saul
Nicholas Sbordone
Jean Schwartz
Rekha Sewraj-Kumar
Marcella Shanley Taft
Sean Simon
Kemnarine Singh
Sarah Smedley
Shinay Stewart
Patricia Striggles
Jerome Sturiano
Ryan Torres
Michelle Torres Davila
Douglas Van Horn
Noe Velasquez
Yves Emmanuel Veve
Evangelio Villalobos
Sharon Wade
David Wallace
John Wells
Dwight Williams
Jennifer Wisnewski
Al Wright
Erin Yokoi

[END OF DOCUMENT]