



**Battery Park  
City Authority**

**REQUEST FOR PROPOSALS**  
**FOR**  
**Battery Park City**  
**Pile / Platform Assessment and**  
**Remediation Design Services**

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### **EXHIBITS:**

EXHIBIT A - SCOPE OF WORK

EXHIBIT B - PROPOSAL SUBMISSION PACKET

EXHIBIT C - BPCA'S STANDARD FORM OF CONTRACT (To be provided via Addendum)

EXHIBIT D - COST PROPOSAL SUBMISSION FORMS

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EXHIBIT E - DIVERSITY (M/WBE / SDVOB) AND EQUAL EMPLOYMENT (EEO) OPPORTUNITIES

EXHIBIT F - LIST OF BPCA BOARD MEMBERS AND EMPLOYEES

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## **I. ABOUT BPCA**

Created in 1968, Battery Park City Authority d/b/a Hugh L. Carey Battery Park City Authority (“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: <http://bpca.ny.gov/>. Public information regarding BPCA’s finances, budget, internal controls, guidelines, and policies may be viewed at: <http://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. OVERVIEW OF SERVICES NEEDED**

In furtherance of the Battery Park City Pile Remediation Design Project (the “Project”), BPCA hereby requests proposals (individually, a “Proposal” and collectively, the “Proposals”) from experienced engineers (individually, a “Proposer,” and collectively, the “Proposers”) to provide underwater inspection, assessment, design, and engineering services for the remediation of specified concrete piles that provide structural support to a relieving platform in Battery Park City, as well as construction administration services and pile testing for the Project (collectively, the “Services”), as specified in the Scope of Work (attached hereto as Exhibit A). BPCA will procure the Project’s construction services separately.

The Services shall include, but not be limited to:

- a) research toward, and provision of, recommendations for a phased pile remediation program; and
- b) preparation of design and construction documents for contractor bidding; and
- c) preparation and submission of all required permitting-related documentation; and
- d) provision of contractor bid support; and
- e) construction administration tasks; and,
- f) performance of all required pile testing.

## **III. GENERAL PROVISIONS**

This RFP, 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 under the solicitation associated with this RFP, 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 a Proposal or any part of a 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 opening of the Proposals, amend the RFP to correct errors or oversights, or to supply additional information as it becomes available;
- direct Proposers to submit Proposal modifications addressing subsequent amendments to the RFP;
- request that one (1) or multiple Proposers submit best and final offers (BAFOs) subsequent to BPCA’s opening of the Proposals;
- change any of this RFP’s scheduled dates;
- eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Proposers.

- waive any requirements in accordance with BPCA’s Procurement Guidelines;
- accept and consider for contract awards proposals with non-material deviations or non-material defects such as errors, technicalities, irregularities, or omissions;
- negotiate with one or more Proposers within the RFP scope and in the best interests of BPCA;
- conduct contract negotiations with another 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, regardless of whether a Contract is offered;
- 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.

#### IV. TIMETABLE & DESIGNATED CONTACT

##### A. *Key Dates*

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

PROCUREMENT STEP	DATE
RFP Issued	Tuesday, September 30, 2025
Virtual Pre-Proposal Meeting <i>Send <b>RSVP</b> to request a meeting link to the “Designated Contact” Ryan Murray, BPCA’s Chief Contracting Officer, at <a href="mailto:ryan.murray@bpca.ny.gov">ryan.murray@bpca.ny.gov</a> by 5:00 PM the day prior</i>	Wednesday, October 8, 2025, 2:00 p.m.
Deadline to Submit Questions to BPCA <i>All questions regarding this RFP should be submitted in writing via email to the “<b>Designated Contact</b>”: Ryan Murray (email provided above).</i>	Wednesday, October 15, by 3:00 P.M (by email only)
BPCA’s Response to Substantive Questions <i>Responses will be provided in the form of an addendum to be posted on BPCA’s website (<a href="https://bpca.ny.gov/apply/rfp-opp/">https://bpca.ny.gov/apply/rfp-opp/</a>).</i>	Friday, October 24, 2025
<b>PROPOSAL DUE DATE</b>	<b>Monday, November 3, 2025 by 5:00 p.m. (the “Due Date”)</b>
Proposer Shortlist Interviews	Weeks of Nov. 10 and Nov. 17th, 2025 (approximate)
Contract Start Date	January 2026 (approximate)

### ***B. Contract Term / Right to Terminate***

It is anticipated that the Contract's duration will be approximately sixty (60) months with three (3) one-year options to renew as BPCA's sole discretion. BPCA reserves the right to terminate the Contract at any time, with or without cause, in accordance with the terms of the Contract. BPCA's sample form of contract (the "Standard Form of Contract") will be provided as Exhibit C via Addendum.

## **V. 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;
- 2) Proposer must have an office in or within ninety (90) miles of New York City;
- 3) Proposer, and/or one of its principals or partners, must have at least five (5) years of experience in pile investigation and design services for comparable marine design and engineering projects; and,
- 4) Proposer must have undertaken at least seven (7) projects in New York City within the last five (5) years.

### ***B. MBE/WBE/SDVOB Participation, Joint Ventures, and Sub-consulting 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 contained in Exhibit E.

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

Overall goals for total MWBE and SDVOB participation:	36%
NYS-Certified Minority-Owned Business ("MBE") Participation:	15%
NYS-Certified Women-Owned Business ("WBE") Participation:	15%
NYS-Certified Service-Disabled Veteran-Owned Business ("SDVOB") Participation:	6%

For questions relating to MBE/WBE/SDVOB participation, joint ventures and sub-contracting goals *only*, please contact the "MBE/WBE/SDVOB Designated Contact" Zag Kimpolo at [zag.kimpolo@bpca.ny.gov](mailto:zag.kimpolo@bpca.ny.gov) or 212-417-2339.

### ***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 IV.A., or MBE/WBE/SDVOB Designated Contact, as specified in Section V.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 "Due Date" set forth in set forth in Section IV.A above.**

- Each Proposer must e-mail their Technical Proposal, as defined in Section VI(B) below, to the following e-mail address: [technicalproposals@bpca.ny.gov](mailto:technicalproposals@bpca.ny.gov). The Technical Proposal must be clearly labeled as “Proposal Enclosed – “Battery Park City Pile / Platform Assessment and Remediation Design.”
- Each Proposer must also e-mail their Cost Proposal, as defined in Section VIII herein, to the following e-mail address: [costproposals@bpca.ny.gov](mailto:costproposals@bpca.ny.gov). The Cost Proposal must be separately attached and clearly labeled as “Battery Park City Pile / Platform Assessment and Remediation Design.”
- **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](mailto: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, may 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 – Battery Park City Pile / Platform Assessment and Remediation Design,” as long as the amended Proposal is submitted by the Due Date.

## **VI. 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 VI, and shall be prepared to be printed on paper size no larger than standard 8-1/2” x 11” with 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 “Battery Park City Pile / Platform Assessment and Remediation Design” clearly marked on the cover of each of the Technical Proposal and the Cost Proposal.

### ***B. Proposal Content***

In addition to the separately submitted Cost Proposal, each Proposal must include the following in the order listed (the “Technical Proposal”):

- 1) Executive Summary.
- 2) Completed Proposal Submission Packet, attached as Exhibit B.
- 3) Financial Statements: Provide a copy of your firm’s most recent Audited Financial Statements (within the last year) or, where an audited financial statement is not available, the most recent tax return. In the event you do not have an audited financial statement you must provide a statement to that effect and summary financial information for the calendar year most recently ended certified by an authorized officer.
- 4) Appendices:
  - Attach professional biographies for all key personnel identified in your Proposal.
  - Objections to BPCA’s Standard Form of Contract (as described in Exhibit B, Section III.C.2).
- 5) Attach a project schedule showing resources based on the staffing required to manage the Project.
- 6) Any additional attachments, exhibits or appendices listed herein or in the Proposal Submission Packet.

**BPCA reserves the right to reject any Proposals that fail to include any required item described in this Section VI. B., including Cover Letters that are unsigned or fail to include each of the above representations**

(including an appendix, if applicable). As BPCA is currently only accepting electronic Proposal submissions, scans of documents requiring signatures and/or requiring notarization are acceptable.

## **VII. INSURANCE REQUIREMENTS**

### **1) General Requirements**

The total cost of the required insurance listed in paragraphs 2) and 3) below, must be incorporated into the Cost Proposal. The additional insured protection afforded BPCA, BPCPC, 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 30 days before such cancellation or non-renewal is effective, except for cancellations due to non-payment of premium, in which case 10 days written notice is acceptable.

### **2) Insurance Requirements for the Selected Proposer**

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 Project; and (ii) continuing throughout the entire Term. The insurance policies listed below must also conform to the applicable terms of the Contract, as shown in BPCA’s sample form of contract attached.

- **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 & 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.
- **Professional Liability (“Errors & Omissions”) Insurance** must be maintained at a limit of not less than \$5,000,000 each claim.

- **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

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.

### 3) 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 sample form of contract attached:

- **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 & 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.**

## **VIII. COST PROPOSAL: FORMAT AND REQUIRED INCLUSIONS**



Each Proposer must submit a cost proposal in the forms attached as Exhibits D-1, D-2, and D-3 (collectively, the “Cost Proposal”). The Cost Proposal shall include:

- A total lump-sum cost for performance of all Services contemplated herein;
- An itemized proposal showing the cost of each scope item, as delineated in Exhibit D-2;
- A not-to-exceed amount for all reimbursable costs associated with performance of the Services, including an allocation (as appropriate) of such costs between the Services;
- Hourly billing rates and multipliers for each personnel category (including Project team members) that the Proposer proposes to employ for the completion of the Services – for use in determining compensation for any extra work assigned under the Contract, in the Form of Technical Salary Rates.

The Cost Proposal must be submitted per the guidance of Section V. D.

## **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: <http://bpcanyc.org/public-information/>.

### ***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 as 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:

<b>CRITERIA</b>	<b>PERCENTAGE</b>
Experience performing similar large-scale marine engineering / design projects for urban waterfront facilities, especially projects involving pile repairs, encasements, and modifications in New York City	30%
Experience performing underwater inspection, testing and assessment services for urban waterfront facilities and piles	15%
Experience performing load bearing capacity analyses, especially for waterfront structures and piles	15%
Proposed Approach to Execute the Work, Team Staffing, Communication methods, and Schedule Management Protocols	15%
Experience of Proposed Project Team	15%
Response to Diversity Practices Questionnaire	10%

#### 2) Cost Proposal evaluation.

- 3) **Basis for Contract Award:** The Contract will be awarded to the highest technically rated Proposer whose Proposal is determined to be responsive and in the best interests of BPCA – subject to a determination that the Cost Proposal is fair, reasonable, and provides the best value to BPCA given the Project requirements.

## **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 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. EXECUTIVE ORDER 16**

Pursuant to Executive Order 16 dated March 17, 2022, all New York State agencies and authorities are prohibited from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia. As part of this RFP, each firm is required to certify that the firm is not an ‘entity conducting business operations in Russia.’ Certification under Executive Order No. 16 can be found in Section XV of Exhibit B: Proposal Submission Packet.

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## **EXHIBIT A**

### **SCOPE OF WORK**

#### **I. GENERAL DESCRIPTION OF PROJECT AREA**

Located at Manhattan's southwestern tip, Battery Park City ("BPC") is a 92-acre land tract built in the 1970's by dredging organic river soils and filling in a portion of the Hudson River with hydraulic sand fill. This fill is laterally retained with a combination of cellular steel sheet piles, crushed quarry stone dike, granular filter materials, timber sheeting bulkhead and a relieving platform.

There are a total of approximately 3,100 pre-stressed concrete piles that support the relieving platform (the "Project Area"). Approximately 2,300 are located underneath the BPC waterfront esplanade, and 800 are above the PATH tunnels. The piles are 20-inch pre-cast, pre-stressed concrete squares with a design axial capacity of 110 tons. In addition, there are timber piles located at the North Esplanade, Pier A Plaza, and South Cove.

The relieving platform is generally 70-feet wide, but ranges from 43-feet to 50-feet in the North and South Cove areas as well as in the North Platform area adjacent to Stuyvesant High School. The relieving platform is a concrete platform deck composed of 7 ½-inch thick pre-cast, pre-stressed concrete planks integrated with 7½-inch thick reinforced cast-in-place concrete, spanning between cast-in-place concrete pile-supported bents located approximately 23 feet on center. The relieving platform's landside edge has a continuous cast-in-place reinforced concrete beam (measuring 3-feet wide by 4- to 4½-feet high) that is supported by vertical and battered piles. Vertical timber sheeting lines the back (inboard) edge of the relieving platform's perimeter.

The relieving platform runs the entire length of BPC and is approximately 7,500 linear feet. Two other relieving platforms span over the PATH tubes for approximately 600 linear feet and have an overall width of 138 feet at the north end and 147 feet at the south. The PATH tube platforms extend from the North Cove Marina to the 1941 bulkhead line at West Street. The combined PATH tube platform area is approximately 150,000 square feet, including approximately 56,000 square feet beneath the Winter Garden and the Brookfield buildings. Each relieving platform is divided into sections, or 'bays,' which span between each pile bent. There are approximately 650 pile bents, each containing between 4 and 10 concrete piles. A pre-cast concrete seawall skirt along the western boundary protects the piles, relieving platform and bulkhead.

Beginning in 2007, BPCA established a multi-year program of inspection, maintenance, repair and encapsulation of the concrete piles that support the platform. As a part of ongoing State of Good Repair efforts, a new cycle of inspection, maintenance and repair of the piles as well as the platform is to commence.

#### **II. SCOPE OF WORK**

The selected Proposer shall provide BPCA with all investigation, design and engineering, and construction administration work and services necessary for completion of the Project, which shall consist of developing drawings and specifications for concrete and timber pile repair, platform repair and, if required, sheet-pile repairs throughout BPC. Any marine diving necessary for completion of the

investigation shall be included in this scope of work. Specifically, the Project shall include, but not limited to, performance of any and all work and service items listed below.

**A) Research & Planning**

- i) Meet with the Progressive Design-Build (PDB) team regarding the scheduled work for the North/West BPC Resiliency Project;
- ii) Establish a schedule for diving and investigation;
- iii) Make recommendations for a phasing plan that addresses a priority approach for necessary repairs;
- iv) Review and compile available documentary information, including but not limited to existing construction and shop drawings, design drawings, as-built drawings, previous inspection reports, studies, and any other information related to the previously completed phases of BPCA's multi-year pile remediation program;
- v) Based upon the information derived from a review of the documentation specified above, particularly the information pertaining to the South BPC Resiliency Project construction documents, North/West BPC Resiliency Project design progress documents, as well as other relevant materials, devise an approach for implementing the Project's design, which incorporates a grout system, pile protection details, platform repair details, structural repair details, and rip rap and obstruction details;
- vi) Identify any other information required to be obtained through underwater inspection, and devise a plan for an underwater inspection and verification survey of the Project Area. Such survey must include:
  - a) Performance of a visual inspection, including necessary underwater diving services, of all piles included in the Project's designated locations as shown in Exhibit G.
  - b) Measurement of the length of the inboard and outboard face of each pile, and use of such information when helping to prepare the Construction RFP for this Project, as defined in item 5 (Bid Support) below; and,
  - c) Performance of a penetration probe at each pile to ascertain bottom composition.
- vii) Revise the Project's design approach as necessary following completion of the underwater inspection and verification survey;
- viii) Submit a report including all information and make a complete recommendation to BPCA for a phased program of pile remediation; and,
- ix) Prepare New York State Department of Environmental Protection ("NYSDEC") filing documents.

**B) Design Development / Construction Documents**

- i) Construction Documents: With each submission phase (60% design and 100% construction), develop and submit the documents to be used for solicitation of bids for the Project's construction contractor, including, but not limited to, construction drawings, technical specifications, and an opinion of probable construction costs.

ii) Construction Cost Estimates: Prepare construction cost estimates, factoring for all construction items, including, but not limited to, mobilization, general conditions, labor, materials and all contingencies.

iii) **Pile Inspection**

BPCA has completed seven (7) phases of pile encasements over the last eighteen (18) years throughout BPC. This program resulted from an investigation that included a concrete testing program.

As required, based on initial diving investigations, the selected Proposer will be required to perform Level 1, Level 2, and Level 3 inspections on previously encased pre-stressed concrete piles to document the existing condition and assess the effectiveness of the ongoing program. The inspections should be conducted in a fashion which prioritizes the oldest encasements first, followed by the later encasement phases.

The conditions of the top and bottom seals, in addition to identifying any exposure due to movement of the mudline shall be documented (Level 1). In addition, the same piles shall be sounded with a hammer (Level 2) to confirm “soundness” of the concrete or epoxy fill material. An approximate area of the void shall be recorded and the percentage of the void against the remaining, properly filled, pile shall be calculated. Finally, one concrete core (Level 3) shall be extracted.

The cores shall be 4” diameter by 12” long. Laboratory analysis and testing shall be performed on each core. Testing shall include Petrographic Analysis, Chloride Analysis, and Compressive Strength. Test results shall then be compared against results from the previous investigations which will be provided upon award of the contract. The core holes shall be filled with Blue Line rapid setting cement after removal of the core sample.

iv) Design Development:

- a) Upon completion of sixty percent (60%) of all design and construction documents (the “60% Documents”), including the drafting of the technical specifications, submit all 60% documents to BPCA for review and approval. The 60% documents must contain sufficient detail to generally define the proposed design concepts and construction staging.
- b) Develop and submit an estimate of construction costs, including a twenty percent (20%) contingency.
- c) Continue developing the design and construction documents during BPCA's review of the 60% Documents so as to maintain the Project schedule.
- d) Review BPCA’s comments on the 60% Documents, as well as any additional submitted documents, and provide BPCA with a response to each such comment.

v) Final Design:

- a) Incorporate BPCA's comments submitted in response to the 60% Documents and develop such design and construction documents to one hundred percent (100%) completion.

b) Submit to BPCA one hundred percent (100%) complete design and construction documents, standard technical specifications, and an opinion of probable construction costs, including fifteen percent (15%) contingency.

c) Review BPCA's comments on the 100% complete design and construction documents and provide BPCA with a response to each such comment.

vi) Final Construction Documents: Incorporate BPCA's final comments into the 100% complete design and construction documents, standard technical specifications and estimate of construction costs, and finalize such documents.

### **C) Schedule**

The proposer shall provide a proposed design schedule for the work to be completed including durations for all phases outlined above.

Once design work is completed, the selected proposer shall make recommendations for a phasing plan that addresses a priority approach for necessary repairs for approval by BPCA.

### **D) Permitting**

i) The selected Proposer will be responsible for obtaining all required in-water construction permits including those issued by, but not limited to, the USACE, NYCDEC, and the NYC Department of Small Business Services (NYCSBS). All work must be done in compliance with these issued permits. As the NYSDEC permit will expire at the end of the current calendar year, renewal of this permit will be required. Careful consideration of the permit history and unique requirements of BPCA will necessitate a renewal that complies with previously negotiated fill volumes and areas and generates any possible mitigation for BPCA to utilize in other project areas.

ii) The selected Proposer shall prepare and submit any and all notices, submissions, requests (including any requests for variance, waiver or amendment) or any other documentation required under the terms of the USACE permit and/or the NYSDEC permit (individually, a "Permit" and, together, the "Permits") for performance of the Project. If any Project design and/or construction element is not consistent with the terms and conditions of either Permit, the selected Proposer shall, after consultation with BPCA, request a waiver and/or modification of the Permit(s) relevant terms and conditions from the issuing agency(ies). The selected Proposer shall take all steps to minimize any delay to the Project, including but not limited to, requesting such waiver and/or modification immediately upon identifying any deviation from the Permit(s) terms. The selected Proposer shall be responsible for submitting, and obtaining the approval of, any such request, which shall include, at minimum: the Permit number, the proposed deviation from the Permit's terms and conditions, the reason for any requested change, and any other information as directed by BPCA and/or the issuing governmental entity.

### **E) Contractor Bid Support**

i) Support BPCA throughout the solicitation and procurement processes for the Project's construction contractor(s). This may include one or multiple Requests for Proposals ("Construction RFPs"), and encompasses assistance with preparation of such solicitation documents.

- ii) Assist in responding to questions relating to the Construction RFP(s), including preparation of any addenda.
- iii) Evaluate technical aspects of bids/proposals submitted in response to the Construction RFP(s), as needed, to support selection of one or more construction contractors.
- iv) Attend meetings at BPCA offices relating to the Construction RFP(s), including but not limited to:
  - Pre-Proposal Meeting(s) and Site walk-through(s).
  - Proposer interviews (approximately 3-5 interviews per Construction RFP are anticipated, depending on the proposals received); and,
  - Review meetings for ‘best and final’ proposals, if such proposals are required.

**F) Construction Administration (“CA”)**

It is expected that the construction of the project will be phased over a period of several years. As such, the proposer shall:

- i) Help achieve effective CA – including, but not limited to, communication amongst participants, especially between the Project’s construction manager (to be selected by BPCA) and any contractor;
- ii) Review and respond to all Requests for Information (RFIs), submittals, shop drawings, as-built documents and field conditions.
- ii) Attend all work progress meetings; and,
- iii) Perform diving inspections of the pile remediation work to confirm compliance with the design specifications.

As noted in Exhibit D, Proposers must provide a monthly not-to-exceed amount for provision of CA services.

**EXHIBIT B**  
**PROPOSAL SUBMISSION PACKET**

**I. PROPOSAL SUBMISSION CHECKLIST AND CONFIRMATION STATEMENT**

- ☐ The Proposer hereby certifies that they meet the Minimum Qualification Requirements as stated in SECTION V.A of the RFP.
- ☐ The Proposer hereby certifies that 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.
- ☐ The Proposer hereby certifies that they have reviewed BPCA's Standard Form of Contract, attached as Exhibit C to the RFP, and either have no objections or have detailed their objections in an appendix to their Proposal.
- ☐ The Proposer hereby certifies that they possess the experience, ability, resources and financial standing to perform the Services and shall, upon request by the Authority, provide documentation of such.

The Proposer hereby certifies that their Proposal submitted for the BPC Artwork Logistics Project includes the following required documents and forms, or that, where any required form or document may not be included, a written explanation has been provided for that omission:

**1. Forms & Items included in this Exhibit (please note that this is an RFP, and a Bid Bond is not required. Please ensure that you submit all items in the checklist below):**

- ☐ This Checklist
- ☐ Answers to "Information Required"
- ☐ Vendor Responsibility Questionnaire / Certificate of No Change
- ☐ Statement of Non-Collusion
- ☐ Affirmation of Understanding of and Agreement Pursuant to State Finance Law §139-j(3) and §139-j(6)(b)
- ☐ Certification of Compliance with New York State Finance Law §139-k(5)
- ☐ Disclosure of Prior Non-Responsibility Determinations
- ☐ Encouraging the Use of New York State Businesses Statement
- ☐ Acknowledgement of Addenda Form
- ☐ MWBE Utilization Plan
- ☐ SDVOB Utilization Plan
- ☐ Minority and Women Owned Business Enterprises and Equal Employment Opportunity Policy Statement
- ☐ Diversity Practices Questionnaire
- ☐ Executive Order 16 Certification

**2. Additional Required Documents**

- ☐ Executive Summary
- ☐ Copy of the Proposer's IRS W9 Form (<https://www.irs.gov/pub/irs-pdf/fw9.pdf>)
- ☐ Copy of the Proposer's financial statements per section VI. B. 3
- ☐ Copies of appendices listed in section V. B. 4

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

Officer Name: \_\_\_\_\_

Officer Title: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Officer*



## II. INFORMATION REQUIRED

The information requested in Sections A and B below is mandatory, and your Proposal shall be rejected as non-responsive if it does not contain responses to these questions. Answers may be written in the space provided, or included on separate pages, as part of the Proposal.

- A. ***Minimum Qualifications*** – Provide an itemized and brief narrative demonstrating how the Proposer meets **each** of the minimum qualifications requirements set forth in Section V(A) of the RFP. Any projects identified in the Minimum Qualifications section of the firm’s proposal must include the project title, a brief description of the scope of work, start date, end date (if applicable), location, project owner, budget (construction cost).

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### ***B. Questions and Information Sought Relating to the Work***

- 1) **Experience performing similar large-scale marine engineering / design projects for urban waterfront facilities, especially projects involving pile repairs, encasements, and modifications in New York City (30%)**

- a. Describe your firm’s background, services, size, and history as these factors may be relevant to the Services – especially those services performed in New York City, with an emphasis on pile remediation design services.

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- b. Please describe your firm’s experience as well as your proposed subconsultants’ experience with design services for piles infrastructure located in public spaces. Also, describe your proposed team’s experience with similar work for other public entities, with an emphasis on New York State public entities.

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- c. Describe your firm’s experience with constructability reviews and cost estimating.

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- d. 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 project, the project’s date, and services performed, and provide the name, address, and telephone number for a person at client’s firm familiar with such work.

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**2) Experience performing underwater inspection, testing and assessment services for urban waterfront facilities and piles (15%)**

- a. Describe your firm’s experience with underwater inspection, testing, and assessment services for pile-supported marine or waterfront structures in urban settings, especially within New York City.

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**3) Experience performing load bearing capacity analyses, especially for waterfront structures and piles (15%)**

- a. Provide examples of projects in which your firm conducted load bearing capacity analyses for piles or waterfront structures. Describe the methodology and results, and any impact on final design or construction.

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**4) Proposed Approach to Execute the Work, Team Staffing, Communication methods, and Schedule Management Protocols (15%)**

- a. Describe your proposed approach to, and methodology for, performance of the Services – including your proposed approach to executing the scope of work and methodology with respect to staffing assignments, team structure, communication protocols, and schedule management – for providing recommendations and design for pile remediation work.

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**5) Experience of Proposed Project Team (15%)**

- a. 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.

- b. 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 services to be performed; and d) their experience and qualifications.

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- c. Provide an organizational chart and identify any subconsultants you intend to use for this engagement and describe the services to be performed by each subconsultant.

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***C. Questions and Information Sought Relating to Proposal and Proposer's Firm & Eligibility***

- 1) Clearly identify any information in your Proposal that you believe to be confidential and exempt from FOIL and state the reasons. Please note that this question is for informational purposes only, and BPCA will determine, in its sole discretion, whether requested documents are exempt from disclosure under FOIL.

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- 2) Identify any and all exceptions taken to BPCA's Standard Form of Contract, to be provided via Addendum 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.

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- 3) Describe your firm's environmentally sustainable business practices or activities, and how such practices may be brought to use in the performance of the Work.

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4) 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.

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5) How does your firm identify and manage conflicts of interest?

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6) Are there any potential conflict of interest issues posed by your firm's performance of the Work on behalf of BPCA?

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7) 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.

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8) 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.

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9) 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 as Exhibit F.

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10) If selected, will your firm assign any person to this engagement who was previously an employee of BPCA or BPCA's affiliate, Battery Park City Parks Conservancy ("BPCPC")? If so, please: i) identify when (month and year) that person's employment at BPCA/BPCPC terminated, and ii) describe that person's involvement, if any, with matters related to this RFP during his/her employment at BPCA/BPCPC.

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11) 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.

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### **III. VENDOR RESPONSIBILITY QUESTIONNAIRE**

#### ***A. Instructions***

The Standard Vendor Responsibility Form should be filled out by someone in your firm who knows about tax filings, prior findings of non-responsibility by a governmental authority, etc., and can certify the accuracy of all information requested in the form (such as legal status, tax status, and debarment status). You must answer every question on the questionnaire.

NOTE: You may fill out the “Certificate of No Change” form instead ONLY if your firm has submitted the Vendor Responsibility form to Battery Park City Authority already during this calendar year. If this is the first time your firm is proposing to do work for Battery Park City Authority this year, then you must fill out the entire Vendor Responsibility Questionnaire.

#### ***B. Standard Vendor Responsibility Questionnaire***

a. Legal Business Name:	
b. Federal Employer Id No. (FEIN):	
c. D/B/A – Doing Business As (if applicable): County Filed:	
d. Website Address (if applicable)	
e. Principal Place of Business	Address:
f. Telephone:	
g. Fax (if applicable):	
h. Authorized Contact for this Questionnaire:	i. Name: ii. Title: iii. Telephone: iv. Email:
<i>[NO FURTHER TEXT ON THIS PAGE]</i>	

<p>i. Type of Business (please check appropriate box and provide additional information)</p>	<p><input type="checkbox"/> Corporation (Sole Proprietor). State of Incorporation:</p> <p><input type="checkbox"/> Corporation (General Partnership). State of Incorporation:</p> <p><input type="checkbox"/> Corporation (Not-For-Profit). Charities Registration Number:</p> <p><input type="checkbox"/> Corporation (Limited Liability Company/LLC). Jurisdiction Filed In:</p> <p><input type="checkbox"/> Corporation (Limited Partnership). State/County filed in:</p> <p><input type="checkbox"/> Individual</p> <p><input type="checkbox"/> Other – Specify:</p>
<p>j. If not incorporated or formed in New York State, please provide a current Certificate of Good Standing from your state or applicable local jurisdiction.</p>	
<p>k. List the name and title of each principal owner, officer, major stockholder (10% or more of the voting shares for publicly traded companies, 25% or more of the shares for all other companies), director, and member, as applicable:</p>	
<p>l. Authorized Contact for the Proposed Contract:</p>	<p>i. Name:</p> <p>ii. Title:</p> <p>iii. Telephone:</p> <p>iv. Email:</p>

*[NO FURTHER TEXT ON THIS PAGE]*

Vendor Name:	Vendor FEIN:	
<p>C. Does the vendor use, or has it used in the past five (5) years, any other business name, FEIN, or D/B/A other than what is listed in question a-c above?</p> <p>If yes, please provide the name(s), FEIN(s), and D/B/A(s) and the address for each such company and D/B/A on a separate page and attach to this response.</p>		<p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>
<p>D. Within the past five (5) years, has the vendor, any principal, owner, officer, major stockholder (10% or more of the voting shares for publicly traded companies, 25% or more of the shares for all other companies), affiliate<sup>1</sup> or any person involved in the bidding, contracting or leasing process been the subject of any of the following<sup>2</sup>:</p>		
<p>a. a judgment or conviction for any business related conduct constituting a crime under federal, state or local government law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing or bid collusion or any crime related to truthfulness and/or business conduct?</p>		<p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>
<p>b. a criminal investigation or indictment for any business related conduct constituting a crime under federal, state or local government law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing or bid collusion or any crime related to truthfulness and/or business conduct?</p>		<p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>
<p>c. an unsatisfied judgment, injunction or lien for any business related conduct obtained by any federal, state or local government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed by any federal, state or local government agency?</p>		<p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>
<p>d. an investigation for a civil or criminal violation for any business related conduct by any federal, state or local agency?</p>		<p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>
<p>e. a grant of immunity for any business-related conduct constituting a crime under federal, state or local governmental law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, bid collusion or any crime related to truthfulness and/or business conduct?</p>		<p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>
<p>f. a federal, state or local government suspension or debarment from the contracting process?</p>		<p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>

<sup>1</sup>"Affiliate" meaning: (a) any entity in which the vendor owns more than 50% of the voting stock; (b) any individual, entity or group of principal owners or officers who own more than 50% of the voting stock of the vendor; or (c) any entity whose voting stock is more than 50% owned by the same individual, entity or group described in clause (b) In addition, if a vendor owns less than 50% of the voting stock of another entity, but directs or has the right to direct such entity's daily operations, that entity will be an "affiliate" for purposes of this questionnaire.



g. a federal, state or local government contract suspension or termination for cause prior to the completion of the term of a contract?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Vendor Name:</b>		<b>Vendor FEIN:</b>	
h. a federal, state or local government denial of a lease or contract award for non-responsibility?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
i. an administrative proceeding or civil action seeking specific performance or restitution in connection with any federal, state or local contract or lease?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
j. a federal, state or local determination of a willful violation of any public works or labor law or regulation?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
k. a sanction imposed as a result of judicial or administrative proceedings relative to any business or professional license?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
l. a consent order with the New York State Department of Environmental Conservation, or a federal, state or local government enforcement determination involving a violation of federal, state or local environmental laws?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
m. an Occupational Safety and Health Act citation and Notification of Penalty containing a violation classified as serious or willful?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
n. a rejection of a bid on a New York State contract or a lease with the State for failure to comply with the MacBride Fair Employment Principles?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
o. a citation, violation order, pending administrative hearing or proceeding or determination issued by a federal, state or local government for violations of:			
i. health laws, rules or regulations		Yes <input type="checkbox"/>	No <input type="checkbox"/>
ii. unemployment insurance or workers' compensation coverage or claim requirements		Yes <input type="checkbox"/>	No <input type="checkbox"/>
iii. ERISA (Employee Retirement Income Security Act)		Yes <input type="checkbox"/>	No <input type="checkbox"/>
iv. human rights laws		Yes <input type="checkbox"/>	No <input type="checkbox"/>
v. federal U.S. Citizenship and Immigration Services laws		Yes <input type="checkbox"/>	No <input type="checkbox"/>
vi. Sherman Act or other federal anti-trust laws		Yes <input type="checkbox"/>	No <input type="checkbox"/>
p. entered into an agreement to a voluntary exclusion from contracting with a federal, state or local governmental entity?		Yes <input type="checkbox"/>	No <input type="checkbox"/>

q. a denial, decertification, revocation or forfeiture of Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise status?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
r. a rejection of a low bid on a federal, state or local contract for failure to meet statutory affirmative action or Minority or Women's Business Enterprise or Disadvantaged Business Enterprise status requirements on a previously held contract?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>Vendor Name:</b>		<b>Vendor FEIN:</b>	
s. a finding of non-responsibility by an agency or authority due to a violation of State Finance Law §139-j?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
For each YES answer to questions D., a-s above, provide details on additional pages regarding the finding, including but not limited to cause, current status, resolution, etc.			
E. During the past three (3) years has the vendor failed to:			
a. File returns or pay any applicable federal, state or local government taxes?  If yes, identify the taxing jurisdiction, type of tax, liability year(s) and tax liability amount the company failed to file/pay and the current status of the liability.		Yes <input type="checkbox"/> No <input type="checkbox"/>	
b. File returns or pay New York State Unemployment Insurance?  If yes, indicate the years the company failed to file/pay the insurance and the current status of the liability.		Yes <input type="checkbox"/> No <input type="checkbox"/>	
F. Have any bankruptcy proceedings been initiated by or against the vendor or its affiliates within the past seven (7) years (whether or not closed) or is any bankruptcy proceeding pending by or against the vendor or its affiliates, regardless of the date of filing?  If yes, indicate if this is applicable to the submitting vendor or one of its affiliates:  If it is an affiliate, include the affiliate's name and FEIN:  Provide the court name, address and docket number:  Indicate if the proceedings have been initiated, remain pending or have been closed:  If closed, provide the date closed:		Yes <input type="checkbox"/> No <input type="checkbox"/>	
G. Does the vendor have the financial resources necessary to fulfill the requirements of the proposed contract?		Yes <input type="checkbox"/> No <input type="checkbox"/>	

<b>Vendor Name:</b>		<b>Vendor FEIN:</b>	
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### H. Certification:

State of: )

) SS:

County of: \_\_\_\_\_ )

**CERTIFICATION:**

The undersigned, personally and on behalf of the vendor identified in questions B(a)-B(c) above, does hereby state and certify to Battery Park City Authority – State of New York that the information given above is true, accurate and complete. It is further acknowledged that Battery Park City Authority – State of New York will rely upon the information contained herein and in any attached pages for purposes of evaluating our company for vendor's responsibility for contract award and Battery Park City Authority – State of New York may, in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein. It is further acknowledged that intentional submission of false or misleading information may constitute a felony under Penal Law Section 175.35 or may constitute a misdemeanor under Penal Law Sections 175.30, or 210.45, and may also be punishable by a fine and/or imprisonment of up to five years under 18 USC Section 1001 and may result in a denial of contract award or contract termination.

Name of Business: \_\_\_\_\_

Address:

City, State, Zip: \_\_\_\_\_

Officer Name: \_\_\_\_\_

Officer Title: \_\_\_\_\_

\_\_\_\_\_  
Signature of Officer

#### IV. CERTIFICATE OF NO CHANGE FORM

NOTE: You may fill out the "Certificate of No Change" form instead ONLY if your firm has submitted the Vendor Responsibility form to Battery Park City Authority already during this calendar year. If this is the first time your firm is proposing to do work for Battery Park City Authority this year, then you must fill out the entire Vendor Responsibility Questionnaire.

#### **CERTIFICATE OF NO CHANGE**

STATE OF (        )

COUNTY OF        ) ss.:

The undersigned, being duly sworn, deposes and says:

1. I am \_\_\_\_\_, the \_\_\_\_\_ (title) of \_\_\_\_\_ (hereinafter the "Contractor"), which is currently submitting an amendment to a State Contract.
2. Contractor previously submitted the completed Battery Park City Authority Standard Vendor Responsibility Questionnaire, dated \_\_\_\_\_, in connection with another State Contract.
3. Attached is an accurate and true copy of such previously submitted Standard Vendor Responsibility Questionnaire.
4. I hereby certify that with the exception of the information specified in Question 12, and as changed herein, there has been no material change in the information pertaining to the Contractor specified on such attached Questionnaire.

#### AUTHORIZED CONTACT FOR THE PROPOSED CONTRACT:

Name & Title: \_\_\_\_\_

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

Email: \_\_\_\_\_

\_\_\_\_\_  
*Signature*

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

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

## V. STATEMENT OF NON-COLLUSION

- A. By submission of this Proposal, Proposer and each person signing on behalf of Proposer certifies, (and in the case of a joint Proposal each party thereto certifies) as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:
- The prices in this Proposal have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Proposer or with any competitor.
  - Unless otherwise required by law, the prices which have been quoted in this Proposal have not been knowingly disclosed by the Proposer and will not knowingly be disclosed by the Proposer prior to opening, directly or indirectly to any other Proposer or to any competitor.
  - No attempt has been made or will be made by Proposer to induce any other person, partnership, firm or corporation to submit or not to submit a Proposal for the purpose of restricting competition.
- B. A Proposal shall not be considered for award nor shall any award be made where sub-paragraphs A.a, A.b, and A.c above have not been complied with provided however, that if in any case Proposer cannot make the foregoing certification and the Proposer shall so state and shall furnish with its Proposal a signed statement which sets forth in detail the reasons therefore. Where sub-paragraphs A.a, A.b, and A.c above have not been complied with, Proposal shall not be considered for award nor shall any award be made unless the Authority determines that such disclosure was not made for the purpose of restricting competition. The fact that a Proposer (a) has published price lists, rates, or tariffs covering items Being procured, (b) has informed prospective customers of proposed or pending Publication of a new or revised price lists for such item, or (c) has sold the same items To other customers at the same prices being proposed, does not constitute, without more, a disclosure within the meaning of paragraph A. a, above.
- C. This Proposal, if made by a corporate Proposer, shall be deemed to have been authorized by the board of directors of the Proposer and such authorization shall be deemed to include the signing and submission of the Proposal and the inclusion thereof of the statement of non-collusion as the act and deed of the corporation.

*(Insert Name of Proposer and Sign Below)*

By: \_\_\_\_\_  
*(Print full legal name of person, firm, partnership, or corporation)*

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Address)*

\_\_\_\_\_  
Corporate ID Number

\_\_\_\_\_  
Federal ID Number

\_\_\_\_\_  
Date

**STATEMENT OF NON-COLLUSION (CONTINUED)**

If the Proposer is an individual, the Proposer's legal residence is as follows:

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<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>ZIP</i>
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If Proposer is a Firm or Partnership, complete the following:

<b>Name of Members or Partners</b>	<b>Legal Residence</b>

If Proposer is a Corporation, complete the following:

<b>Names of All Officers</b>	
President:	
Vice President:	
Secretary:	
Treasurer:	
Other Officers/Titles (if applicable):	

**VI. OFFEROR'S AFFIRMATION OF UNDERSTANDING OF AND AGREEMENT PURSUANT TO STATE FINANCE LAW §139-j(3) AND §139-j(6)(b)**

For reference, the applicable sections of the New York State Finance Law can be found here:  
<https://www.nysenate.gov/legislation/laws/STF/139-J>

**Offeror affirms that it understands and agrees to comply with the procedures of Battery Park City relative to permissible Contacts as required by State Finance Law §139-j(3) and §139-j(6)(b).**

By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name – Printed)

\_\_\_\_\_  
(Title)

Contractor Name: \_\_\_\_\_  
(Company)

Contractor Address: \_\_\_\_\_

**VII. OFFEROR'S CERTIFICATION OF COMPLIANCE WITH STATE FINANCE LAW §139-k(5)**

For reference, the applicable sections of the New York State Finance Law can be found here:  
<https://www.nysenate.gov/legislation/laws/STF/139-K>

**I certify that all information provided to Battery Park City Authority, its subsidiaries and affiliates with respect to State Finance Law §139-k is complete, true and accurate.**

By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name – Printed)

\_\_\_\_\_  
(Title)

Contractor Name: \_\_\_\_\_  
(Company)

Contractor Address: \_\_\_\_\_



### **VIII. OFFEROR DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS**

Name of Individual or Entity Seeking to Enter into the Procurement Contract:	
Address:	
Name and Title of Person Submitting this Form:	
Project Name:	
Date:	

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years?  If yes, please answer the next questions:	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below:  Governmental Entity: _____ Date of Finding of Non-responsibility: _____ Basis of Finding of Non-Responsibility: _____ (add additional pages if required)	
5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information?  If yes, please provide details below:  Governmental Entity: _____ Date of Termination or Withholding of Contract: _____  Basis of Termination or Withholding: _____ (add additional pages if required)	Yes <input type="checkbox"/> No <input type="checkbox"/>

Offeror certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

*[NO FURTHER TEXT ON THIS PAGE; SIGNATURE PAGE TO FOLLOW]*

By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Name – Printed)*

\_\_\_\_\_  
*(Title)*

Contractor Name: \_\_\_\_\_  
*(Company)*

Contractor Address: \_\_\_\_\_

*[NO FURTHER TEXT ON THIS PAGE]*

**IX. 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*** ☐

**X. ACKNOWLEDGEMENT OF ADDENDA FORM**

**RFP TITLE:** \_\_\_\_\_

Complete Part I or Part II, whichever is applicable, and sign 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: \_\_\_\_\_

*[NO FURTHER TEXT ON THIS PAGE]*

**XI. MINORITY BUSINESS ENTERPRISE/WOMEN BUSINESS ENTERPRISE (MBE/WBE) UTILIZATION PLAN**

Please fill out utilization plan for MBE/WBE(s) participation, and use the same form for all additional MBE/WBE Firms.

**Contractor Information**

Project Name:		
Project No.:	Site #:	Date:
Name of Contractor:		
Address:		
Contact Person:		
Phone:		Fax:
Federal ID No.:		Tax ID:
Is Your Firm:     MBE <input type="checkbox"/> WBE <input type="checkbox"/>		
Work to Begin:	Work to be Completed:	

**MBE/WBE Information**

Sub-Contractor or Vendor:	
Name:	
Address:	
Contact Person:	
Phone:	Fax:
Federal ID No.:	Tax ID:
Is This Firm:     MBE <input type="checkbox"/> WBE <input type="checkbox"/>	
Total Percent of Contract Holder %	Trade:
Scope of Work to be done by MBE/WBE:	
Work to Begin:	Work to be Completed:

**MBE/WBE Information**

Sub-Contractor or Vendor:	
Name:	
Address:	
Contact Person:	
Phone:	Fax:
Federal ID No.:	Tax ID:
Is This Firm:     MBE <input type="checkbox"/> WBE <input type="checkbox"/>	
Total Percent of Contract Holder %	Trade:
Scope of Work to be done by MBE/WBE:	
Work to Begin:	Work to be Completed:

The Minimum MBE/WBE Business Participation Goal Expected for your Firm is as Follows:	Workforce Percentages set for this project is as Follows:
Trade(s)	Trade(s)
Minority Owned Business %	Minority Workforce %
Women Owned Business %	Female Workforce %

Please attach copies of the most recent New York State Certification Letters for all MBE/WBE Firms Listed on this Utilization Plan. If there are any changes in the information on this plan you must immediately re-submit this plan with the most recent date.

## **XII. SERVICE DISABLED VETERAN OWNED BUSINESSES (SDVOB) UTILIZATION PLAN**

Please fill out utilization plan for SDVOB(s) participation, and use the same format for all additional SDVOB sub-contractors.

### **Contractor Information**

Contractor:	Date:
Name:	
Address:	
Contact Person:	Phone:
Federal ID No.:	Fax:

### **SDVOB Information**

Sub-Contractor:	Federal ID No.:
Name:	Work to Begin
Address:	
Phone:	Work to Finish On:
Contact Person:	
Estimate % of Contract to be Awarded to SDVOB:	
Scope of Work to be Done by SDVOB:	

### **SDVOB Information**

Sub-Contractor:	Federal ID No.:
Name:	Work to Begin
Address:	
Phone:	Work to Finish On:
Contact Person:	
Estimate % of Contract to be Awarded to SDVOB:	
Scope of Work to be Done by SDVOB:	

**SDVOB Information**

Sub-Contractor:	Federal ID No.:
Name:	Work to Begin
Address:	
Phone:	Work to Finish On:
Contact Person:	
Estimate % of Contract to be Awarded to SDVOB:	
Scope of Work to be Done by SDVOB:	

**Workforce Percentage Information**

Trade (s)	
Minority Workforce:	%
Female Workforce:	%



### **XIII. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES 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” ).

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#### **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 \_\_\_\_\_

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: \_\_\_\_\_

#### **XIV. 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 ☐ 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?<sup>1</sup>
4. Does your Company provide technical training<sup>3</sup> to MBEs/WBEs? Yes ☐ 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?  
Yes ☐ No ☐  
*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 ☐ 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 ☐ 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 ☐ 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.

*[NO FURTHER TEXT ON THIS PAGE, APART FROM FOOTNOTES]*

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<sup>1</sup> Do not include onsite project overhead.

<sup>2</sup> 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.

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

**XV. CERTIFICATION UNDER EXECUTIVE ORDER NO. 16 PROHIBITING STATE AGENCIES AND AUTHORITIES FROM CONTRACTING WITH BUSINESSES CONDUCTING BUSINESS IN RUSSIA**

Executive Order No. 16 provides that “all Affected State Entities are directed to refrain from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia.” The complete text of Executive Order No. 16 can be found [here](#).

The Executive Order remains in effect while sanctions imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case the sanctions are lifted during a solicitation or even after award in the case of some solicitations.

As defined in Executive Order No. 16, an “entity conducting business operations in Russia” means an institution or company, wherever located, conducting any commercial activity in Russia or transacting business with the Russian Government or with commercial entities headquartered in Russia or with their principal place of business in Russia in the form of contracting, sales, purchasing, investment, or any business partnership.

Is Vendor an entity conducting business operations in Russia, as defined above? Please answer by checking one of the following boxes:

- ☐ 1. No, Vendor does not conduct business operations in Russia within the meaning of Executive Order No. 16.
- ☐ 2.a. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16 but has taken steps to wind down business operations in Russia or is in the process of winding down business operations in Russia. (Please provide a detailed description of the wind down process and a schedule for completion.)
- ☐ 2.b. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16 but only to the extent necessary to provide vital health and safety services within Russia or to comply with federal law, regulations, executive orders, or directives. (Please provide a detailed description of the services being provided or the relevant laws, regulations, etc.)
- ☐ 3. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16.

The undersigned certifies under penalties of perjury that they are knowledgeable about the Vendor’s business and operations and that the answer provided herein is true to the best of their knowledge and belief.

Vendor Name (Legal Entity): \_\_\_\_\_

By (Signature): \_\_\_\_\_

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

Title: \_\_\_\_\_

**EXHIBIT C**  
**BPCA'S STANDARD FORM OF CONTRACT**

*[To be provided via Addendum]*

**EXHIBIT D**  
**COST PROPOSAL SUBMISSION FORMS**

*[NO FURTHER TEXT ON THIS PAGE; SEE PAGES TO FOLLOW]*

**EXHIBIT D-1**  
**FORM OF COST PROPOSAL**

**COST PROPOSAL**

(Proposer to submit executed Cost Proposal on its letterhead)

Battery Park City Authority  
One World Financial Center – 24<sup>th</sup> Floor  
New York, New York 10281

Attention:      Mr. Ryan Murray  
                         Designated Contact

Dear Mr. Murray:

The undersigned (the “Proposer”) hereby proposes to provide all specified work necessary to provide all work specified in Exhibit A for the **Battery Park City Pile / Platform Assessment and Remediation Design Services**, and agrees to commence the Services immediately upon receipt of an Initial Letter of Intent or executed contract for the sums written below.

**A. Base Proposal**

A total not-to-exceed amount of \$\_\_\_\_\_ (\_\_\_\_\_ Dollars and \_\_\_\_\_ Cents) to perform all work as described in, and associated with, Exhibit A (inclusive of amounts in Items B and C, below).

**B. Itemized Proposal**

An itemized proposal (Exhibit D-2) showing the cost of each Task described in, and associated with, Exhibit A.

**C. Form of Technical Salary Rates**

Technical salary rate ranges for all categories of personnel and areas of specialty, according to the attached Technical Salary Rates Sheet (Exhibit D-3), together with a Multiplier covering benefits, burdens, and all overhead and profit.

**D. Reimbursable Expenses**

A total not-to-exceed amount of \$\_\_\_\_\_ (\_\_\_\_\_ Dollars and \_\_\_\_\_ Cents) for any reimbursable costs to be incurred in performing the work as described in Exhibit A.

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

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

**Date:** \_\_\_\_\_



**EXHIBIT D-2**  
**FORM OF COST PROPOSAL BREAKDOWN**

<b>TASK</b>	<b>ESTIMATED DURATION</b>	<b>NTE AMOUNT</b>
Research & Planning		
Design Development / Construction Documents		
Permitting		
Contractor Bid Support		
Construction Administration	Per Month Fee: _____ x _____ Months	
Pile Testing		
Reimbursable Expenses	N/A	
Total Not-To-Exceed Amount		

**EXHIBIT D-3**  
**FORM OF TECHNICAL SALARY RATES**

Proposers shall complete the table below by listing all appropriate titles/functions necessary to ensure the highest quality work. The rate ranges listed below represent Proposer's range of actual hourly rates of pay (or pro-rated equivalent for salaried employees) (the "Actual Rate of Pay") paid to employees occupying the listed positions, for the first year of the Contract term.

<b>TITLE/FUNCTION<sup>4</sup></b>	<b>HOURLY RATE RANGE</b>
Principal	
Project Executive	
Senior Project Manager	
Project Manager	
Assistant Project Manager	
Scheduler	
Senior Estimator	
Estimator	
Technical Advisor, Quality Manager	
PE Diver – Senior Engineer	
Junior Engineer	
Dive Supervisor	
<i>Other</i>	
<i>Other</i>	

Rates utilized for invoicing will be the Actual Rate of Pay for the individual employees (corresponding to the appropriate title) utilized for that Work, which rate may be subject to audit at the discretion of BPCA. Invoicing shall factor the Actual Rate of Pay, times the actual hours of productive work expended on the Project, times the auditable Multiplier identified below<sup>5</sup>.

Prior to commencement of work, and/or prior to the addition of any personnel to the Project, the selected Consultant must submit evidence substantiating each employee's Actual Rate of Pay and receive approval thereof from BPCA. Proposers are advised that the approved Actual Rate of Pay for each employee shall remain firm for the first year of the Contract. Thereafter, the Consultant may request increases to the Actual Rate of Pay for its employees no more frequently than once per year. Requests must be submitted at least thirty (30) days prior to the applicable contract anniversary date and must include supporting documentation, including actual payroll records, to substantiate the requested increase. If BPCA determines that the requested revised Actual ate

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<sup>4</sup> Should positions other than those listed above be required, identify the positions in the blank lines in this table.

<sup>5</sup> Include additional multipliers for each sub-consultant as needed.

of Pay is in excess of reasonable market rates for the position in question, BPCA may in its sole discretion reject the request.

MULTIPLIER: \_\_\_\_\_% (for self-performed work)

MULTIPLIER: \_\_\_\_\_% (for each sub-consultant proposed)

The auditable multiplier selected by the Proposer shall be limited to the direct payroll burden as allowed in list below and a reasonable profit and overhead percentage. These items should only be included in the Multiplier, and not in the Raw Rate used in Consultant's invoicing.

<b>ITEMIZATION OF DIRECT PAYROLL BURDEN</b>		
1. F.I.C.A.	9. Group Hospitalization	17. Tuition and Seminar Reimbursement
2. Federal Unemployment Income	10. Vacation Time Attributable to Project	18. Company Training Program
3. State Unemployment Insurance	11. Major Medical Insurance	19. Employee Bonuses – Non-Principals and Non-Shareholders
4. Worker's Compensation	12. Pension and Profit-Sharing Plan	20. Travel and Meal Allowances – Overtime Work Only
5. Life Insurance	13. 401K Program (company contribution)	21. Premium for Staff Overtime – Support or Clerical Work
6. Accidental Death and Disbursement	14. Medicare	22. Sick Time and Personal Days for Employees
7. NYS Disability Insurance	15. Long-Term Disability Insurance	
8. PL and PD Insurance	16. Company Automobile Expenses	

**EXHIBIT E**  
**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 broker that shall be deemed to represent the commercially useful function providing supplies shall be sixty percent (60%) 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 Jennifer Yam at [jennifer.yam@bpca.ny.gov](mailto:jennifer.yam@bpca.ny.gov) or 212-417-2337. Please note that the NYSCS is a one-stop solution for all of your MBE/WBE and Article 15-A contract requirements. 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 thirty (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 Jennifer Yam at BPCA, by email at [jennifer.yam@bpca.ny.gov](mailto:jennifer.yam@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 monthly M/WBE Contractor Compliance & Payment Report to BPCA, by the tenth (10<sup>th</sup>) day following each end of month 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: <https://sdves.ogs.ny.gov/business-search>. 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 to 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. 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 thirty (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 Jennifer Yam at BPCA, by email at [jennifer.yam@bpca.ny.gov](mailto:jennifer.yam@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 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 EEO 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 MWBE and EEO 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 using the New York State Contract System or by other electronic means accepted by BPCA. Workforce Utilization Reporting shall be via the NYSCS Workforce Reporting Module. Monthly reports will be generated from the NYSCS for relevant contractors, and must be completed in order to be in compliance with this requirement.

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.**



## **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 username and password at <https://ny.newnycontracts.com/>. 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 Jennifer Yam at [jennifer.yam@bpca.ny.gov](mailto:jennifer.yam@bpca.ny.gov) or 212-417-2337. 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/>).

For more information, contact Zag Kimpolo at [zag.kimpolo@bpca.ny.gov](mailto:zag.kimpolo@bpca.ny.gov) or 212-417-2339.

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**EXHIBIT F**  
**LISTS OF BPCA & BPCPC BOARD MEMBERS AND EMPLOYEES**

Donald Capoccia  
Martha J. Gallo  
Lester Petracca  
Catherine McVay Hughes  
Anthony Kendall  
Angela Pinsky  
Clinton Plummer

**EMPLOYEES:**

Betzayda Afzal	Anastasia Gonzalez	Maril Ortiz
Curtis Afzal	Robert, Gould	Kevin O'Toole
Elsa Alvarez	Evelyn Gregg	Willem Paillant
Dana Anders	Jonathan Gross	Jonathan Parker
Conrad Anderson	Zalissa Guigma	Bertram Payne Onwuegbule
David Babb	Dmitriy Gutin	Gladys Pearlman
Sharmila Baichu	Robert Hansen	Dahlia Pena
Marie Baptiste	Nimisha Patel-Haribaran	Roman Petrov
Brett Beecham	Nicole Heater	Rynell Pimentel
Freddy Belliard	Sankar Heerah	Katherine Powell
Marieke Bender	Alex Hing	Sandra Power
Yipin Benon	Raul Hernandez	Robert Quon
Zachary Bergen	Brendan Hoey	Jason Rachnowitz
Marcus Billips	Tasha Holley	Madelin Ramirez
Emily Birdseye	Megan Hood	Aline Reynolds
Nidia Blake	Angela Howard	Kwame Richards
Sully Bonnelly	Craig Hudon	Angel Rivera
Latoya Brooks-Jones	Amy Jogie	Manuel Rivera
Nancy Buivid	Jade Johnson	Ruben Rivera
Anthony Buquicchio	Jasmine Mikayla Johnson	Nelson Rogers
Peter Campbell	Gamal Jones	Joel Rufino
Angel Caraballo	Saladin Jones	Paul Russell
Daniel Carmalt	Ebonique Julien	Carlos Santiago
Monica Centeno	Ann Ketring	Kimberlae Saul
Alexis Torres Cid	Karl Koenig	Nicholas Sbordone
Jonathan, Cogan	Michael Lamancusa	Jean Schwartz
Sarah Curtin	Boris Leon	Rekha Sewraj-Kumar
Elizabeth Davis	Marianna Lerner	Sean Simon
Raymond Davy	Triny Lima	Kemnarine Singh
Gwen Dawson	Rene Lopcy	Sarah Smedley
Nicole Dawson	Janira Lopez	Shinay Stewart
Gilbert De Padua	Roman Lora	Patricia Striggles
DeSantis, Phillip	Robert Maggi	Jerome Sturiano
Joshua DeVoto	Evelin Maisonet	Marcella Taft
Ismael Diaz	Raju Mann	Ryan Torres
Jan Pierre Diaz	Lenore Manzella	Michelle Torres Davila

Paul Diaz-Larul  
Daniel Dickson  
Tonasia Dopson  
Terrence Eggleston  
Abigail Ehrlich  
AnnMaria Ellison  
Jason, Espinal,  
Richard Faraino  
Claudia Filomena  
Tamara Flores  
Juan Fonseca  
Dennis Fortune  
Pamela Frederick  
James Gallagher  
Abigail Goldenberg  
DonnaMarie, Garcia-Edwards

Eric Martinez  
Maria Martinez  
Princess McNeill  
Vanessa Mesine  
Ronnie Mohammed  
Lilka Mimbella  
Irene Moulketis  
Eric Munson  
Patrick Murphy  
Ryan Murray  
Lauren Murtha  
Jahmeliah Nathan  
Siu May Ng  
Janie Ngo  
Yoshihiro Nishida  
Stuart Ohleyer

Douglas Van Horn  
Christian Vargas  
Peter Velsey  
Yves Emmanuel Veve  
Peter Velsey  
Evangelio Villalobos  
Sharon Wade  
David Wallace  
John Wells  
Dwight Williams  
Jennifer Wisnewski  
Al Wright  
Sarah Wolfe  
Jennifer Yam  
Erin Yokoi

**EXHIBIT G**  
**PILE REPAIR WORK HISTORY**

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