

DATE: 05/30/2023

CONTRACT SOLICITATION NOTICE/PROJECT OVERVIEW

MTA-C&D IS NOW ADVERTISING FOR THE FOLLOWING:

SSE EVENT#: 0000436615

OPENING/DUE DATE: 07/14/2023

TYPE OF SOLICITATION: RFP

DOCUMENT AVAILABILITY DATE: 05/30/2023

SOLICITATION TITLE: C43760 Design-Build Services for Rehabilitation of Police District Office #4 at the 14th Street – Union Square Station

DESCRIPTION: The Metropolitan Transportation Authority ("MTA"), by and through the MTA Construction and Development Company ("MTA C&D"), will be issuing a two-step Request for Proposals ("RFP"), in order to identify and engage a qualified Design-Builder to provide design-build services for the Rehabilitation of Police District Office #4 at the 14th Street Union Square Station (the "Contract"). In the first step, MTA C&D will issue a Request for Qualifications ("RFQ") seeking Respondents who are qualified and prepared in all respects to perform the work on schedule and within budget. In the second step, MTA C&D will issue an RFP for the contract to the Respondents determined by MTA C&D to be qualified in the first step. Respondents with current contracts to perform work on MTA projects must be in good standing and satisfactorily progressing the work on such contracts to be deemed qualified to participate in the solicitation for the Contract. Following an increase in subway ridership over the past thirty years, and an increase in command personnel at the Union Square/14th Street Station, the Transit Police Facility needs to be upgraded to accommodate this expansion of personnel and services. This Project is intended to renovate and expand the existing space by re-configuring the operation floors and rehabilitating certain underutilized corridor areas. The Work also includes decommissioning and removal of existing fan plant equipment, construction of a ventilation shaft in Union Square Park and installation of new water service for the Transit Police Facility and for Union Square Park. The 14th Street Station and Union Square Park are each listed on the National Register of Historic Places and have areas, zones or architectural elements designated to have historical value. Applicable portions of the Work must therefore comply with New York's State Historic Preservation Office ("SHPO") requirements. It is anticipated that the Contract will not be Federally funded.

Funding: 100% MTA Goals: 15% MBE; 15% WBE; 6% SDVOB Est \$ Range: Over \$100M Contract Term: No greater than 32 Months

****PLEASE SEE THE ATTACHED PROJECT OVERVIEW FOR ADDITIONAL INFORMATION****

(X) PRE-BID CONFERENCE LOCATION:

DATE: 06/13/2023

TIME: 10:00AM

Virtual via Microsoft Teams- Please contact the assigned procurement representative a nicole.gubelli@mtacd.org to register

() SITE TOUR LOCATION:

DATE:

TIME:

FOR MORE INFORMATION, PLEASE CONTACT:

PROCUREMENT REPRESENTATIVE: Nicole Gubelli

EMAIL: nicole.gubelli@mtacd.org

REQUIREMENTS TO PARTICIPATE

SYSTEM FOR AWARD MANAGEMENT (SAM): VENDORS ARE REQUIRED TO REGISTER WITH SAM, A FEDERAL VENDOR DATABASE USED TO VALIDATE VENDOR INFORMATION, BEFORE REQUESTING BID DOCUMENTS. YOU CAN VISIT THEIR WEBSITE AT www.sam.gov TO REGISTER. A DUNS NUMBER IS REQUIRED FOR REGISTRATION.

*****WE CANNOT PROCESS DOCUMENT REQUESTS WITHOUT A MTA BIDDER/SUPPLIER NUMBER. PLEASE ACCESS THE MTA VENDOR PORTAL, WWW.MYMTA.INFO, TO REGISTER AS A BIDDER*****

**Contract No. C43760
Project Overview**

1. Introduction to the Project

The Work for Contract C43760- NYPD Transit District No. 4. Rehabilitation - Union Square is for design-build services for the reconfiguration, renovation and expansion of the New York City Police Department ("NYPD") Transit District No. 4's existing facility located on the mezzanine area of the Union Square – 14th Street Station ("Transit Police Facility").

2. Contracting Methodology

The Design-Build contract will be awarded as a fixed lump sum contract to the proposer that submits the proposal that MTA C&D determines, in its sole discretion, to offer the best value based on an evaluation of qualitative factors, as well as cost and schedule, following a two-step solicitation process. This method of procurement is intended to encourage development of innovative designs, planning and logistics while also optimizing schedule and the sharing of risks related to the Work.

3. Project Scope/Description

I. BACKGROUND INFORMATION

Following an increase in subway ridership over the past thirty years, and an increase in command personnel at the Union Square/14th Street Station, the Transit Police Facility needs to be upgraded to accommodate this expansion of personnel and services. This Project is intended to renovate and expand the existing space by re-configuring the operation floors and rehabilitating certain underutilized corridor areas. The Work also includes decommissioning and removal of existing fan plant equipment, construction of a ventilation shaft in Union Square Park and installation of new water service for the Transit Police Facility and for Union Square Park.

The 14th Street Station and Union Square Park are each listed on the National Register of Historic Places and have areas, zones or architectural elements designated to have historical value. Applicable portions of the Work must therefore comply with New York's State Historic Preservation Office ("SHPO") requirements.

II. WORK ELEMENTS

The Work includes design-build services for the following:

A. Transit Police Facility

- Renovation of existing administrative and detention spaces within the Transit Police Facility.
- Replacement of the existing HVAC systems and ancillary ejector rooms.
- Decommissioning and removal of ventilation equipment from the ventilation plant.
- Installation of new water service for the Transit Police Facility's fire protection sprinkler system.
- Installation of a new fire protection sprinkler system.
- Replacement of existing drainage system.
- Replacement of the electrical system and installation of new connections to the existing panel located in the 14th St. Station EDR.
- Installation of fiber optic and copper communication equipment.

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B. Union Square Park

- Installation of new water service for the Transit Police Facility's fire protection sprinkler system.
- Installation of new water service for Union Square Park, including all necessary relocation/maintenance and protection of affected utilities.
- Installation of vent structure for the Transit Police Facility bathroom exhaust, including all necessary surveys, excavation and shoring.
- Restoration of the roadway and sidewalk affected by the Work.
- Restoration of Union Square Park parkland and sidewalk affected by the Work.

4. Procurement Process

The procurement process will consist of two steps: (i) the Request for Qualifications; and (ii) the Request for Proposals, as described in further detail below.

- A. Pursuant to the Request for Qualifications ("RFQ"), MTA C&D will invite entities or groups of entities ("Respondents") interested in competing to perform the Work to submit Statements of Qualifications ("SOQs") that detail, among other things, their qualifications and preparedness to formally submit proposals for the Contracts.
- B. MTA C&D will evaluate all SOQs received in accordance with the evaluation criteria set out in the RFQ. Based on the results of the evaluation, and at its discretion, MTA C&D then expects to select up to four (4) Respondents (the "Shortlisted Respondents") with the capability, capacity, and experience necessary to undertake and successfully complete the Work as the Design-Builder, to participate in the second step of the process, the Request for Proposals ("RFP").
- C. After shortlisting but prior to issuance of a final RFP, MTA C&D may, at its discretion, issue a draft RFP to the Shortlisted Respondents and carry out a series of one-on-one discussions with the Shortlisted Respondents in order to solicit feedback on the draft RFP. This draft RFP would include a draft form of Contract.
- D. With or without issuance of a draft RFP, the second step in the procurement process will involve inviting the Shortlisted Respondents to respond to the RFP. Through the evaluation of the Proposals submitted in response to the RFP, MTA C&D intends to ultimately select the Shortlisted Respondent whose Proposal, in MTA C&D's discretion, represents the best value to MTA C&D based on an evaluation of pricing and qualitative factors. While price will be a factor in the evaluation, design, technical approach and other qualitative factors will also be considered in determining best value. In particular, schedule will be a major determinative element in awarding the Contract.
- E. The purpose of the RFP will be to allow MTA C&D to select the Design-Builder for award of the Contract. The RFP will provide specific instructions on required submittals, the evaluation factors, the objectives and requirements for evaluation, and the evaluation criteria for the RFP step of the procurement.
- F. During Step 2, MTA C&D will offer a stipend to Shortlisted Respondents that submit Proposals responsive to the RFP requirements, but who are not awarded the Contract.

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5. RFQ Availability

The RFQ documents will be made available to all prospective Respondents on or about **May 30, 2023**. In order to obtain the RFQ documents, prospective Respondents need to complete and submit the Contract Document Order Form to SolicitationDocs@mtacd.org. After the order form is processed, prospective Respondents will be notified and instructed to log in the MTA Vendor Portal, www.mymta.info, and download the RFQ documents.

IMPORTANT:

- 1) Vendors' contact information must be updated in the Supplier Portal in order to receive notifications regarding this solicitation.**
- 2) New Vendors must first complete the registration process in order to obtain the RFQ documents. To register log in the MTA Vendor Portal, www.mymta.info, selecting Vendor Sign-in & Registration, select New Bidder Registration and then follow the on-screen instructions.**

6. Evaluation of SOQs

As described in more detail in the RFQ, SOQs will be evaluated to establish a shortlist of qualified Respondents. Each Respondent's SOQ will be evaluated on a pass/fail basis for compliance with the SOQ submittal requirements, including:

i. Threshold Evaluation Criteria

- b. Completeness:** The SOQ conforms to the RFQ requirements and includes all materials required by the RFQ.
- c. Timeliness:** The SOQ was submitted on or before the SOQ Due Date.
- d. Capacity:** The Respondent has presented evidence that its organization has the legal capacity to enter into and perform the Contract to design and build the Project and comply with New York licensing requirements.
- e. Responsibility:** Neither the Respondent nor any Major Participant is currently disqualified, removed, debarred, or suspended from performing or bidding on Work for the United States government, any state or territory of the United States, or any New York local government; and demonstrates responsibility based on any publicly available reports and filings, reference checks as applicable, and company or court records or other internal MTA documents that are available to MTA C&D.
- f. Financial Capability:** Respondent has demonstrated financial strength sufficient to complete the Project and has provided a letter from an eligible Surety to satisfy the financial requirements set forth in Section 9.9 of the RFQ.

ii. Substantive Evaluation Criteria.

- a. Team, Key Personnel, and Organization:** The demonstrated qualifications and experience of the proposed Key Personnel; the demonstrated capability and experience of the proposed management team, including the ability to manage all aspects of the Contract and successfully integrate the various Major Participants; organizational capacity to ensure sufficient staffing to

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perform the design and construction work; successful working relationships of Major Participants on previous projects.

- b. **Understanding of the Work**: The extent to which a Respondent demonstrates an understanding of, and experience with the development, design, and construction of similar projects and is able to identify issues, risks, and any challenges associated with the Project.
- c. **Prior Design Build Experience**: The extent and depth of each Major Participant's experience with comparable design-build projects.
- d. **Past Performance**: Demonstrated record of performance of all Major Participants including: completion of contracts on schedule; quality of work product; completion within budget; good standing and adequate progression of work; claims history including number of claims submitted that were ultimately disallowed or significantly reduced, number of disputes submitted to formal dispute resolution and disposition of such actions, claims brought against the firm under the False Claims Act); record of terminations for cause and defaults; disciplinary action, including suspension; safety record; client references; and awards, citations and commendations.
- e. **Diversity Compliance**: Respondent's record of successful MWBE, DBE, or SDVOB usage on past and current projects, and organizational commitment as demonstrated by policies, internal structures, and practices.

7. Experience and Performance of Respondent Teams

- A. During the RFQ process, MTA C&D will identify Respondents that include Lead Contractors and Designers with:
 - i. experience in successfully managing, designing and constructing projects of size, type and complexity as anticipated for the Project;
 - ii. a record of completing contracts on time and within budget;
 - iii. technical and management experience and expertise to plan, organize and execute the design and construction and assure the quality and safety of the Work; and
 - iv. qualified key personnel with experience managing and performing work in active rail and transit environments, including without limitation, project managers, construction managers, design consultants, safety managers, quality managers and schedulers.
- B. The background and experience for the Lead Contractors and Designers are expected to be as follows:
 - i. Relevant experience of successfully performing as a prime or general contractor or Designer on multiple construction projects of size, type and complexity similar to this Project. Each identified project shall be in excess of \$10 million;
 - ii. relevant experience of performing work as the prime or general contractor or as Designer on urban transit construction projects for the design, construction, and repair of transit facilities; and
 - iii. sufficient organizational structure, management resources, equipment and labor, including an appropriate construction/design management team to be assigned to the Contract, to assure MTA C&D that the Project will be properly coordinated and managed and will be completed on schedule.

8. General Limitations on Respondent Team Membership

- A. Subject to the Limitations on Exclusivity set forth in Section 10 below as it applies to Designers, and in addition to any other restriction or qualification on Respondent team membership and on the inclusion of Major Participants and Key Personnel as set forth in the RFQ:
 - i. no Major Participant shall participate on more than one (1) Respondent team;

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- ii. non-Major Participant Subcontractors and their Affiliates may participate on more than one (1) respondent team, subject to compliance with Section 5.3 of the RFQ, this Section 8, and Section 10;
 - iii. no Affiliate of any Major Participant shall participate on another Respondent's team;
 - iv. no individuals serving a Key Personnel role on one Respondent team may serve any role on another Respondent team; and
 - v. no firm that employs one or more of the individuals named as Key Personnel on one (1) Respondent team may serve any role on another Respondent team.
- B. Following the public announcement identifying the Shortlisted Respondents, members of each unsuccessful Respondent team (including Major Participants) may seek to join the team of a Shortlisted Respondents.

9. Proposed Engagements with Duplicate Major Participants

- A. Each Respondent may only identify and propose a single entity for each category of Major Participant in its SOQ, for which purposes a Joint Venture will be considered to be a single entity.
- B. Notwithstanding the foregoing restriction, a Respondent may include in its SOQ two (2) proposed Designers as alternatives, subject to the restrictions set forth in Section 10.B below.

10. Limitations on Exclusivity

- A. Non-Major Participants, Subcontractors, and other Persons which are not prohibited from participating on more than one (1) Respondent team under Section 9A above, may participate on more than one (1) Respondent team subject to compliance with the following requirements in order to protect the integrity of the procurement process:
 - i. Respondents may not team with or engage an entity if such teaming is conditioned on that entity or its Affiliates being on a Respondent's team on an exclusive basis.
 - ii. Any otherwise permitted engagement of a Person by two (2) or more Respondent teams shall be subject to: (i) the disclosure to all relevant Respondent teams that such entities and personnel are engaged by another Respondent team; (ii) the institution of Information Barriers acceptable to MTA C&D; and (iii) the prohibition of any such entity and their personnel sharing information (or being asked by a Respondent team to share information) regarding the procurement, and the Design-Build Contract between or among Respondent teams.
- B. If a Respondent elects to non-exclusively engage two (2) Designers for its SOQ, MTA C&D will treat such Designers as a Joint Venture. However, if MTA C&D determines that such arrangement does not represent a true Joint Venture and is not in the best interests of the RFQ and/or performance of the Work, MTA C&D may, in its discretion, require the Respondent to: (i) demonstrate that such arrangement reflects a true Joint Venture arrangement appropriate for Contract P36343; and/or (ii) finalize the engagement of one (1) but not both Designers with the revised engagement documented as an Organizational Change either under the terms of this RFQ or the equivalent terms of the RFP. In addition, Shortlisted Respondents and Proposers will be entitled, on their own initiative, to finalize the engagement of one (1) Designer, but not both Designers with the revised engagement documented as an Organizational Change either under the terms of this RFQ or the equivalent terms of the RFP.