

DATE: 4/6/22

CONTRACT SOLICITATION NOTICE/PROJECT OVERVIEW

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

SSE EVENT#: 0000391152

OPENING/DUE DATE: 5/26/22

TYPE OF SOLICITATION: RFP

DOCUMENT AVAILABILITY DATE: 4/6/22

SOLICITATION TITLE: A-37369 Progressive Design-Build Services for State of Good Repair Work at Various Stations.

DESCRIPTION: MTA seeks to retain the services of a qualified design-build team (the "Design-Builder") to perform the design and construction Work for 44 NYCT subway stations in the Boroughs of Manhattan and Brooklyn (the "Project" or the "Work") in two phases. In Phase 1, the Design-Builder will perform site surveys, investigations, planning, secure approvals and permits, develop design documents, prepare cost estimates and pricing for a group of stations (each, a "Station Bundle"). In Phase 2, the Design-Builder will perform structural repairs for that Station Bundle (including repairs of: (i) steel columns, beams and other station structural elements, (ii) concrete platform edges and supporting structures, (iii) platform rubbing boards and ADA warning strips, (iv) concrete and steel stairs, (v) station canopies, (vi) wall finishes, (vii) floor finishes, (viii) ceiling finishes, and (ix) water leak mitigation and waterproofing). While it is expected that MTA C&D and the Design-Builder will negotiate and agree on the performance of Phase 2 Work for each Station Bundle, MTA C&D will not be obligated to enter into any such contract amendment.

Funding: 100% MTA
Contract Term: 48 Months

Goals: MBE 15%; WBE:15%; SDVOB: 6%

Est \$ Range: Over \$100M

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

(X) PRE-BID CONFERENCE LOCATION:

DATE: 4/19/22

TIME: 10:00AM

Virtual via Microsoft Teams- please contact Remy Martin at remy.martin@mtacd.org to register and obtain Teams link

() SITE TOUR LOCATION:

DATE:

TIME:

FOR MORE INFORMATION, PLEASE CONTACT:

PROCUREMENT REPRESENTATIVE: Remy Martin

EMAIL: remy.martin@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. A37369
Project Overview**

1. Introduction to Design-Build Services for Progressive Design-Build Services for State of Good Repair Work at Various Stations

MTA seeks to retain the services of a qualified design-build team (the “Design-Builder”) to perform the design and construction Work for 44 NYCT subway stations in the Boroughs of Manhattan and Brooklyn (the “Project” or the “Work”) in two phases. In Phase 1, the Design-Builder will perform site surveys, investigations, planning, secure approvals and permits, develop design documents, prepare cost estimates and pricing for a group of stations (each, a “Station Bundle”). In Phase 2, the Design-Builder will perform structural repairs for that Station Bundle (including repairs of: (i) steel columns, beams and other station structural elements, (ii) concrete platform edges and supporting structures, (iii) platform rubbing boards and ADA warning strips, (iv) concrete and steel stairs, (v) station canopies, (vi) wall finishes, (vii) floor finishes, (viii) ceiling finishes, and (ix) water leak mitigation and waterproofing). While it is expected that MTA C&D and the Design-Builder will negotiate and agree on the performance of Phase 2 Work for each Station Bundle, MTA C&D will not be obligated to enter into any such contract amendment.

2. Contracting Methodology

The Design-Build Contract will be awarded as a progressive design-build contract that will provide for the design and construction of the Project in two phases, as further described in Section 1.4 of the Request for Qualifications (RFQ). The Award will be made to the Shortlisted Respondent, in its capacity as a Proposer under the RFP, 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 following the two-step solicitation process. This method of procurement is intended to provide for a collaborative process and coordinated design development, with the Design-Builder eliciting MTA C&D input in a manner that preserves the Design-Builder’s sole responsibility for the achievement of Project performance objectives, results in cost effective Project solutions and transparent pricing that provides MTA C&D confidence that construction costs are reasonable, and minimizes impacts to the public.

3. 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, preparedness to formally submit a proposal (“Proposal”) for the Contract and qualifications to perform the Work.
- B. MTA C&D will evaluate all SOQs received in accordance with the criteria set out in this RFQ. Based on its evaluation, MTA C&D will select Respondents (the “Shortlisted Respondents”) that it has deemed, in its sole discretion, to possess the capability, capacity, and experience necessary to undertake and successfully complete the Work. Only the Shortlisted Respondents will be eligible to participate in the second step of the procurement process, the Request for Proposals (“RFP”).
- C. In Step 2, MTA C&D will issue the RFP to invite the Shortlisted Respondents as proposers (“Proposers”) to submit Proposals. MTA C&D will evaluate each Proposal received in accordance with the RFP requirements and select the Proposal that, in MTA C&D’s sole discretion, represents the best value to MTA C&D. Schedule will be a major determinative element in awarding the Design-Build Contract.
- D. The RFP will provide specific instructions on the submission requirements, the evaluation factors, and rating guidelines.
- E. Prior to issuing the RFP, MTA C&D may, in its discretion, issue a draft of the RFP to the Shortlisted Respondents to solicit feedback. MTA C&D reserves the right to conduct one-on-one discussions with each Shortlisted Respondent to obtain such feedback.

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- F. During Step 2, MTA C&D will offer a stipend to Shortlisted Respondents that submit Proposals that are responsive to the RFP requirements but are not awarded the Contract.

4. RFQ Availability

The RFQ documents will be made available to all prospective Respondents on or about **April 5, 2022**. In order to obtain the RFQ documents, prospective Respondents need to complete and submit the order form available on the MTA's website by clicking the "Document Order Form" link.

Vendors' contact information must be updated in the Supplier Portal in order to receive notifications regarding this solicitation. New Vendors must register first in order to log into the MTA Vendor Portal. To do so, after selecting Vendor Sign-in & Registration, select New Bidder Registration and follow the on-screen instructions.

5. Evaluation of SOQs

As described in more detail in the RFQ, SOQs will be evaluated utilizing a two-step process. The first step will be a pass/fail evaluation of threshold criteria ("Threshold Evaluation") followed by a qualitative evaluation based on technical factors ("Substantive Evaluation").

MTA C&D will first evaluate each SOQ based on the following pass/fail criteria:

1. Completeness: The SOQ conforms to the RFQ requirements and includes all materials required by the RFQ.
2. Timeliness: The SOQ was submitted on or before the SOQ Due Date.
3. 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.
4. 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.
5. Bonding Capacity: Respondent has provided a letter from an eligible Surety to satisfy the requirements set forth in Section 9.9 of the RFQ that demonstrates that the Respondent has available bonding capacity at least commensurate with the Work.

SOQs must satisfy each of the pass/fail criterion, subject to MTA C&D's reserved rights set forth in the RFQ, to advance to the Substantive Evaluation. SOQs not satisfying each pass/fail criterion will be excluded from further consideration and those Respondents will be so notified.

Each SOQ passing the Threshold Evaluation will undergo a Substantive Evaluation. The Substantive Evaluation will be conducted using the technical criteria listed below in descending order of importance:

1. Team, Key Personnel, and Organization: The demonstrated qualifications and experience of the proposed Key Personnel, including with progressive design-build contracting; the demonstrated capability and experience of the proposed management team, including the ability to manage all aspects of the Design-Build Contract and successfully integrate the various Major Participants; organizational capacity to ensure sufficient staffing to perform the design and construction work; successful working relationships of Key Personnel and Major Participants on previous projects.
2. Project Approach: The extent to which a Respondent demonstrates an understanding of, and approach to, the development, design, and construction of the Project including unique issues, specific risks, and any challenges associated with the Project.

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3. Prior Experience: The extent and depth of each Major Participant's experience with comparable progressive design-build projects and demonstrated experience of the Lead Contractor and the Designer working together to successfully deliver projects of a similar size, type, and complexity to the Project on a progressive design-build (or another collaborative delivery) basis.
4. 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.
5. 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.
6. Financial Capability: The Respondent's financial capability will be evaluated based on the financial statements provided pursuant to Section 9.9 of the RFQ using the following criteria: profitability and growth; solvency; financial efficiency; market strength; and bond, credit, and other ratings. Material adverse conditions, such as pending litigation, insufficient liquidity, weak operating net income or cash flow, or excessive leverage, that gives rise to reasonable doubt concerning a Major Participant's ability to continue to operate as an ongoing concern or to maintain sufficient financial strength to undertake and successfully complete the Project and to mitigate and absorb associated risks will be taken into consideration in the financial evaluation.

Subject to MTA C&D's reservation of rights set forth in the RFQ, MTA C&D anticipates selecting as Shortlisted Respondents those Respondents that have submitted SOQs that (i) have satisfied all pass/fail criteria; and (ii) are determined to be the most technically qualified based on the Substantive Evaluation.

6. 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, individually and collectively, in successfully managing, designing and constructing projects of the size, type and complexity as reflected in the scope of Work and 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;
 - iv. qualified key personnel with experience managing and performing work in active rail and transit station environments, including without limitation, project managers, construction managers, design consultants, safety managers, quality managers and schedulers.
- B. The background and experience for the Lead Contractor and Lead Designer shall be demonstrated on at least two (2), but no more than four (4), Reference Projects of similar size, type, and complexity with:
 - i. Project delivery using progressive design-build and fixed-price design-build contracting;
 - ii. Experience in transportation infrastructure design and construction; and/or
 - iii. Project delivery in a major metropolitan area within North America.

7. General Limitations on Respondent Team Membership

- a. Subject to Section **Error! Reference source not found.** in the RFQ, and in addition to any other restriction or qualification on Respondent team membership and on the inclusion of Major Participants and Key Personnel:
 - i. with the exception of the Designer or their Affiliates:

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- A. no Major Participant shall participate on more than one (1) Respondent team;
 - B. no Affiliate of any Major Participant shall participate on another Respondent's team;
 - C. Affiliated entities shall not participate on separate Respondent teams;
 - D. 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; and
 - E. no individuals serving a Key Personnel role on one (1) Respondent team may serve any role on another Respondent team.
- b. Respondents and Major Participants that are not selected as a Shortlisted Respondent are not restricted under Section **Error! Reference source not found.** of the RFQ, solely on the basis of having been a member of such unsuccessful Respondent team. 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, subject to the restrictions set forth herein.

8. Limitations on Exclusivity

Designers, or their Affiliates, which are not prohibited from participating on more than one (1) Respondent team under Section **Error! Reference source not found.** of the RFQ, 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:

- a. The engagement of a Designer or any of their Affiliates 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.