

BATTERY PARK CITY AUTHORITY

REQUEST FOR PROPOSALS

FOR

SOUTH END AVENUE & WEST THAMES STREET

STREETSCAPE DESIGN SERVICES

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I. SUMMARY

Battery Park City Authority d/b/a Hugh L. Carey Battery Park City Authority (“BPCA”) requests proposals (each individually, a “Proposal” or collectively, the “Proposals”) from urban planning, architectural, economic planning and/or engineering firms (each individually, a “Proposer” or collectively, the “Proposers”) to provide evaluation, planning and design services related to the streetscape environment (the “Streetscape Environment”) associated with South End Avenue (the “Avenue”) from Liberty Street to the South Cove and on West Thames Street (“West Thames”) west of West Street/Route 9A (“Route 9A”) to the intersection of South End Avenue in Battery Park City (the “Project Area”), in accordance with the General Work Description attached to this RFP as **Exhibit A** (the “Work”) (collectively, the “Project”). The Project Area is highlighted in **Exhibit A, Attachment 1**, and illustrated in **Exhibit A, Attachment 2**.

The Work shall include, but not be limited to: (1) review and evaluation of existing Streetscape Environment with respect to appearance, functionality, efficiency, safety, economic vitality, service to community and environmental sustainability; (2) identification of concerns, problems, deficiencies and/or areas of underperformance, if any, related to the specified Streetscape Elements (as defined below), as well as associated opportunities and methodologies for addressing such issues; (3) development of short-term and long-term recommendations for improving the condition and functionality of the Streetscape Environment, including, where applicable, regulatory strategies, outreach plans, economic considerations, opportunities for collaboration, and conceptual designs for recommended physical changes or improvements.

The Streetscape Environment of the Project Area includes, but is not limited to, the following physical components located within 30 feet of the street edges (“Streetscape Elements”):

- Street beds;
- Sidewalks, cross walks, urban streetscapes, roadways and pedestrian ways;
- Public Spaces, parks and open spaces;
- Lighting and utilities;
- Street and public space furniture and furnishings;
- Public art;
- Signage; and
- Ground-floor and second-floor building/retail frontages.

BACKGROUND

The south residential neighborhood (the “South Neighborhood”) was developed as the first phase of Battery Park City, commencing in 1980 and constructed in accordance with the Battery Park City Master Plan and the Battery Place Residential Area Design Guidelines. Development of portions of the South Neighborhood, along with other segments of Battery Park City, continued through 2010, when build out of all Battery Park City parcels was completed. All streets and/or avenues in the South Neighborhood are owned by New York City (the “City”).

The Avenue serves as the access spine and “main street” of the South Neighborhood. The northern end point of the Avenue is situated adjacent to the World Financial Center where Kowsky Plaza and the Liberty Ramp converge with Liberty Street. The Avenue runs from this point south for four blocks and intersects with Albany Street, Rector Street (including Rector Park) and West Thames, before terminating in a cul-de-sac immediately north of South Cove. The Avenue is situated one block east of, and runs parallel to, the Hudson River waterfront esplanade (the “Esplanade”) which forms the western boundary of Battery Park City.

The westerly side of the Avenue has a sidewalk of typical width (ranging from 12 to 27 feet), which, in the three southernmost blocks, abuts a series of building arcade spaces. This side of the Avenue is occupied by various retail

facilities. In contrast, the easterly side of the Avenue has a significantly wider pedestrian walkway with two rows of staggered street trees, no arcades and, with the exception of the northernmost block, generally no commercial uses.

The point at which the Avenue and West Thames intersect with each other is a critical point of activity, with multiple types of vehicular and pedestrian movements occurring adjacent to a CitiBike station located in the median of West Thames. The Avenue terminates one block south of this intersection, while West Thames terminates one block west of the intersection.

West Thames utilizes a similar streetscape model as the Avenue; however, both sides of West Thames have sidewalks of typical width abutting building arcade spaces which contain retail/office uses. The western end of West Thames terminates at the Esplanade, while the eastern terminus forms an intersection with the southbound lanes of Route 9A, immediately to the east of West Thames Park and the Hudson River Greenway. Traffic flowing east on West Thames is diverted south onto Route 9A.

PURPOSE AND GOALS OF PROJECT

The Project Area has transformed over the past 35 years as a result of, among other things, the build out of the remainder of Battery Park City, the growth and evolution of Lower Manhattan (especially post 9/11), significant increases in vehicular, bicycle and pedestrian traffic, a shifting mix of Battery Park City residents and office/retail tenants, and enormous growth in tourism in the immediate area. In light of these conditions and influences, and in recognition of advances in professional thought (accompanied by developing technologies) on matters of urban design, pedestrian safety and amenities, street/parking/sidewalk hierarchies, the importance of street-level retail, and streetscape as a critical element of community public spaces, BPCA desires to evaluate the current condition of the Project Area and identify areas in which it may be improved or enhanced in support of the interests of the community, the City and the State.

Minority-Owned Business Enterprises (“MBE”) and Women-Owned Business Enterprises (“WBE”) are encouraged to submit Proposals.

This request for proposals, the attachments and any additional information submitted herewith, (collectively, the “RFP”) does not obligate BPCA to complete the selection and contract award process. BPCA reserves the right: 1) to accept or reject any and all Proposals; 2) to request additional information from any or all Proposers to assist BPCA in its evaluation process; 3) to amend or withdraw this RFP prior to the announcement of the selected firm; and 4) to award the proposed services, in whole or in part, to one or more firms. In case of an amendment to the RFP, all Proposers will be provided with a copy of any such amendment(s) and will be afforded the opportunity to revise their Proposals in response to the RFP amendment.

II. DESCRIPTION OF BPCA

BPCA is a public benefit corporation created in 1968 under the laws of the State of New York for the purpose of financing, developing, constructing, maintaining, and operating a planned community development of the Battery Park City site as a mixed commercial and residential community.

Under the Battery Park City Authority Act (the “Act”), BPCA has the following powers, among others: to borrow money and to issue negotiable bonds, notes or other obligations and to provide for the rights of the holders thereof; to acquire, lease, hold, mortgage and dispose of real property and personal property or any interest therein for its corporate purposes; to construct, improve, enlarge, operate and maintain Battery Park City; to make bylaws for the management and regulation of its affairs, and, subject to agreements with bondholders, for the regulation of Battery Park City; to make contracts and to execute all necessary or convenient instruments, including leases and subleases; to accept grants, loans and contributions from the United States, or the State of New York or the City, or any agency or instrumentality of any of them, or from any other source and to expend the proceeds for any corporate purpose; to

fix, establish and collect rates, rentals, fees and other charges; and to do all things necessary or convenient to carry out the powers expressly granted by the Act. BPCA has no taxing power.

Since its inception, BPCA has caused the staged development of Battery Park City, in individual parcels, creating a richly diversified mixed use community providing residential and commercial space, with related amenities such as parks, open spaces, plazas, recreational areas and a waterfront esplanade. Most individual parcels of land in Battery Park City were developed into residential and commercial buildings by tenants (“Ground Lease Tenants”) under long-term ground leases with BPCA. The Ground Lease Tenants are responsible for the maintenance, insurance and defense and indemnification of BPCA with regard to those leased parcels.

One of BPCA’s key responsibilities under the Act is to operate, maintain and repair the parks and opens spaces in and around Battery Park City’s residential and commercial areas. This function has been delegated by BPCA to the Battery Park City Parks Conservancy Corporation (“BPCPC”) through a written Management Agreement. BPCPC carries out its mission by maintaining 36 acres of parks, playgrounds and open spaces, including a mile-long waterfront esplanade. BPCPC also develops programs and manages public events for the Battery Park City community. BPCA owns and has built out a commercial condominium unit in a residential building in Battery Park City, which serves as the BPCPC headquarters.

To obtain a copy of BPCA’s most recently completed audited financial statements, please visit BPCA’s official website at www.bpca.ny.gov. The audited financial statements and related reports found on BPCA’s website will provide you with an overview of the operations for which BPCA is responsible and the areas of expertise in which the selected Proposer must be proficient. For an overview of BPCPC’s operations, please visit its website at www.bpcparks.org.

III. SERVICES REQUIRED

- A. If selected, Proposer will be responsible for the services delineated in **Exhibit A**, attached hereto.
- B. All work to be performed by the selected Proposer shall be performed under the supervision of a partner or senior project manager in charge of this engagement (the “Lead Principal”), who must ensure that the work completed for BPCA is performed competently and in a timely manner.
- C. If selected, Proposer shall provide BPCA with all deliverables (e.g., construction documents) and actions (e.g., submittal reviews of shop drawings, samples, etc.) necessary to provide the services delineated in **Exhibit A** hereof.

IV. KEY DATES, CONTRACT TERM AND MINIMUM QUALIFICATIONS

A. Key Dates

The following is a list of key dates, up to and including the date Proposals are due to be submitted, which is subject to change at BPCA’s discretion:

The following is a list of key dates, up to and including the date Proposals are due to be submitted, which is subject to change at BPCA’s discretion:

- Request for Proposals issued: Wednesday, February 18, 2015
- Pre-Proposal Meeting and Site Tour: Tuesday, March 10, 2015 at 10:30 a.m. at the offices of BPCA, 200 Liberty St., 24th Floor, New York NY 10281.
- Deadline to submit questions to BPCA: Tuesday, March 17, 2015 by 3:00 p.m. (by email only)

All questions regarding this RFP should be submitted in writing via email to the “Designated Contact”: Michael LaMancusa, Battery Park City Authority, at Michael.LaMancusa@bpca.ny.gov.

- Deadline for BPCA’s response to substantive questions: Tuesday, March 24, 2015 (by email)
- **DUE DATE FOR RESPONSES TO RFP: Tuesday, March 31, 2015 by 3:00 p.m. (the “Due Date”)**
- Selection and notification of successful Proposer: To be determined.
- Contract start date: To be determined.

B. Anticipated Contract Term

It is anticipated that the term of the contract awarded pursuant to this RFP (the “Contract”) is anticipated to be no longer than 12 months. BPCA reserves the right to terminate the Contract at any time, with or without cause, upon thirty (30) days’ written notice. BPCA reserves the right to terminate the Contract at any time, without prior notice, if the partner/senior project manager identified in the Proposal as the Lead Principal for this engagement ceases to be employed by the selected Proposer.

C. Minimum Qualification Requirements

The following are the Minimum Qualification Requirements for this RFP. **Proposals that fail to comply with these requirements will be rejected.**

- 1) The Proposer must have an office in New York State (a New York City office is preferred); and
- 2) The Proposer must be licensed in the State of New York to perform the Services Required.

V. GENERAL REQUIREMENTS

A. Questions regarding MBE/WBE participation, joint ventures and sub-contracting goals

Please see Exhibit B, attached hereto, for contractor requirements and procedures for business participation opportunities for New York State certified MBEs/WBEs and equal employment opportunities for minority group members and women.

For questions relating to MBE/WBE participation, joint ventures and sub-contracting goals ONLY, please contact “MBE/WBE Designated Contact” Mr. Anthony Peterson at 212.417.2337.

B. Restricted Period

Applicants are restricted from making contact with anyone other than the Designated Contact or MBE/WBE Designated Contact specified above during the period from the date of publication of the notice of this RFP in the New York State Contract Reporter through approval of the Contract by BPCA (the “Restricted Period”). Employees of BPCA are required to record certain contacts during the Restricted Period, including, but not limited to, any oral, written or electronic communication with a governmental entity under circumstances where a reasonable person would infer that the communication was intended to influence BPCA’s conduct or decision regarding the governmental procurement, and to make a determination of responsibility based, in part, upon any such contact. Failure to abide by this process may result in a finding that the firm is a non-responsive Proposer.

C. Submission of Proposals

Proposals are due no later than 3:00 p.m. on Tuesday, March 31, 2015.

Proposers must submit ten (10) paper copies of their Proposals and one (1) electronic CD-Rom copy in a sealed package clearly marked “**Proposal Enclosed - SOUTH END AVENUE & WEST THAMES STREET STREETSCAPE DESIGN SERVICES**” to the Designated Contact **by messenger, overnight courier or certified mail** to the following address:

Michael LaMancusa
Battery Park City Authority
200 Liberty Street, 24th Floor
New York, New York 10281

A separate, sealed, Cost Proposal containing the information set forth in Item VI.E. must be submitted with the Proposal.

BPCA is not responsible for any internal or external delivery delays which may cause any Proposal to arrive beyond the stated Due Date. To be considered, Proposals must arrive at the time and place specified herein and be time stamped by BPCA's time stamp prior to the Due Date. Please leave ample time for building security, as late Proposals will not be accepted. Proposals submitted by fax or electronic transmission will NOT be accepted. A Proposer may, after submitting a Proposal, amend its Proposal by submitting a second, amended Proposal, clearly labeled **"Amended Proposal Enclosed - SOUTH END AVENUE & WEST THAMES STREET STREETSCAPE DESIGN SERVICES"** as long as the amended Proposal is submitted by the Due Date.

Public access to Proposals shall be governed by the relevant provisions of the Freedom of Information Law, Article 6 of the New York State Public Officers Law, and regulations adopted pursuant thereto.

D. Mandatory Forms

Proposers must complete and include with their Proposal all "Mandatory Forms," which can be found at the following URL address: http://www.bpca.ny.gov/pdf_n/Mandatory_Forms_Packet.pdf, by the Due Date.

These Mandatory Forms include the following:

- 1) NYS Standard Vendor Responsibility Questionnaire – **Submit with the Cost Proposal (as described below), one (1) original unbound set of a completed NYS Standard Vendor Responsibility Questionnaire with original ink signatures. Do not include the Standard Vendor Responsibility Questionnaire in the bound copies of the Cost Proposal.** The NYS Standard Vendor Responsibility Questionnaire must be notarized and signed by the individual(s) authorized to bind the firm contractually. Indicate the title or position that the signer holds within the firm.
- 2) State Finance Law § 139 Form 1 – **one original unbound completed SFL 139 Form 1: Professional's Certifications Pursuant to SFL § 139-j and § 139-k with original signature.** State Finance Law § 139 Forms 1 must be signed by the individual(s) authorized to bind the firm contractually.
- 3) W-9 form.
- 4) Statement of Non-Collusion.
- 5) Diversity Forms.

VI. PROPOSAL FORMAT AND CONTENTS

A. Proposal Format

The Proposal must be printed on 8½" x 11" paper. Pages should be numbered. The Proposal will be evaluated on the basis of its content, not length and should be limited to no more than fifteen (15) pages, exclusive of the Transmittal Letter and the Appendices listed below. BPCA reserves the right to disqualify Proposals that fail to comply with any of these instructions.

B. Proposal Content

A Proposal in response to this RFP must include the following sections in the order listed:

1) Transmittal Letter, as follows:

The Proposal must include a signed Transmittal Letter from a person within the firm who is authorized to bind the firm, preferably the Lead Principal. **Transmittal Letters must be signed. Proposals with unsigned Transmittal Letters will be rejected.**

The Transmittal Letter must include a representation by the Proposer 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.

- 2) Executive Summary.
- 3) Firm's discussion of its understanding of the Services Required (see Section III).
- 4) Firm's Responses to the RFP Questions and RFP Additional Information Request, set forth below.
- 5) Firm's Cost Proposal, as described below.
- 6) Firm's response to the question regarding the use of New York State businesses set forth in Section X of the RFP.

C. RFP Questions

- 1) **Briefly** describe your firm's background, size, and history as it may be relevant to the Services Required, with an emphasis on urban streetscape, pedestrian way, roadway and public space planning, design and development. If your offices are located in more than one city, indicate which office will provide the services.
- 2) Describe the relevant special services your firm provides, particularly those that may not be offered by other firms.
- 3) Describe your experience and proposed methodology for performing the types of Services Required by this RFP, including Subject Area evaluation, determination of issues and opportunities, planning and design of recommended changes or improvements, and review and compliance with the regulations of all authorities having jurisdiction.
- 4) Please describe your experience handling urban streetscape, pedestrian way, roadway and public space planning, design and development.
- 5) Has your firm done work for BPCA in the past? If so, please provide the dates and briefly describe the scope of services.
- 6) Within the past three 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.
- 7) How does your firm identify and manage conflicts of interest?
- 8) Has your firm or any of the firm's partners/employees been disciplined or censured by any regulatory body within the last 5 years? If so, please describe the relevant facts.
- 9) Within the last five 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 streetscape design services? If so, please provide an explanation and the current status or disposition of the matter.
- 10) Are there any potential conflict of interest issues in representing BPCA?
- 11) List any professional or personal relationships your employees may have with BPCA's Board and/or staff members of BPCA or BPCPC, as listed on **Exhibit C**.
- 12) List all the partners and senior project managers you intend to assign to this engagement and the area(s) of specialization for each partner and senior project manager. Describe the role of each partner and senior project manager who will be assigned to this engagement, and how they will coordinate with the Lead Principal.
- 13) Identify the Lead Principal who will be the primary contact in providing services to BPCA, and who will be listed as a "key person" in any contract with BPCA.

- 14) Describe your proposed team's experience with similar work for other public agencies and authorities, with a particular emphasis on New York State agencies and authorities.
- 15) Describe your firm's "backup plan" in the event the Lead Principal or any other key person assigned to this engagement leave the firm.
- 16) In the past five 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 each such client's in-house counsel's name, address and telephone number.
- 17) Please provide any additional information which would serve to distinguish your firm from other firms and that you believe may be relevant to this RFP and your capability to perform the services requested.

D. RFP Additional Information Request

1) Insurance:

- a. Do you impose any limitations on liability through your contracts?
- b. Describe the levels of coverage for any insurance your firm carries. List the insurance carrier(s) or provide an insurance certificate showing your firm's coverage in accordance with the following:
 - Commercial General Liability Insurance limits shall not be less than \$1,000,000 per each occurrence and \$2,000,000 in the aggregate, with Products/Completed Operations limits of not less than \$2,000,000;
 - Umbrella Liability limits shall not be less than \$2,000,000;
 - Professional Liability limits shall not be less than \$5,000,000, each claim and \$5,000,000 in the aggregate;
 - Automobile liability (Combined Single Injury, Bodily Injury and Property Damage) limits shall not be less than \$1,000,000;
 - Workman's Compensation shall not be less than statutory limits;
 - Employers Liability shall not be less than \$1,000,000; and
 - Disability Benefits Insurance as required by applicable provisions of law.

The costs of the insurance shall be included in the Cost Proposal. BPCA, BPCPC and the State of New York shall be listed as Additional Insured on CG 2010 (11/85) or similar form and should be included as such on all subcontracts. Policies should contain no limitations/exclusions for Labor Law claims.

2) Appendices:

- a. Include professional biographies for all people listed in your proposal.

3) References:

Please provide at least three client (3) references for whom your firm has performed similar work to that requested in this RFP. For each client, please provide the name, address and telephone number for the client's Lead Principal.

4) Financial Statements:

Please provide a copy of your firm's most recently Audited Financial Statements (within the last year).

E. Cost Proposal

Six copies of the “Cost Proposal” must be provided in a separately sealed envelope that is included with the Proposal submission. Each “Cost Proposal” must include a not-to-exceed fee proposal, with a breakdown per task, as delineated in **Exhibit A**, for the services contemplated herein.

- 1) **Hourly Rates:** Should additional services be required, BPCA and the selected Proposer shall negotiate a lump sum cost for same or BPCA may elect to proceed on the basis of the hourly rates for specified categories of personnel within each represented firm and discipline. *To that end, please provide a schedule of applicable hourly rates for each listed personnel category in your Cost Proposal.*
- 2) **Reimbursable Expenses:** Expenses for items such as printing, messengers, copying, postage or other expenses directly relating to the Services Required (see Section III) shall be billed at cost as reimbursable expenses. Records of reimbursable expenses shall be available to BPCA upon request. *Provide a not-to-exceed estimate of reimbursable expenses in your Cost Proposal.*

VII. THE EVALUATION PROCESS

A. Objectives

The primary objective of the evaluation process is to select a firm:

- That demonstrates a thorough understanding of the Work and the specific responsibilities which it entails;
- Possesses adequate resources to handle assigned responsibilities and to handle unforeseen circumstances that may arise;
- Assigns highly skilled, experienced, diligent, responsible and professional personnel to perform the Services Required;
- Maintains high ethical standards and has an unblemished reputation; and
- Has no conflict of interest between its representation of BPCA and that of other clients.

The selection process will begin with the review and evaluation of each of the written Proposals. The purpose of this evaluation process is twofold: (1) to examine the responses for compliance with this RFP and (2) to identify the complying firms that have the highest probability of satisfactorily performing the Services Required at a reasonable cost to BPCA. The evaluation process will be conducted in a comprehensive and impartial manner. The evaluation process will be conducted by a committee of BPCA’s employees selected by BPCA (the “Committee”). **The Committee will evaluate the Proposals based upon the evaluation criteria for selection set forth below.**

BPCA reserves the right to reject and return unopened to the Proposer any Proposal received after the Due Date. All timely submitted Proposals will be reviewed to determine if they contain all required submittals specified herein. Incomplete Proposals may be rejected.

B. Interviews

BPCA reserves the right to determine whether interviews will be necessary for any or all of the Proposers. The purpose of the interview is to further document a Proposer’s ability to provide the Services Required, and to impart to the Committee an understanding of how specific services will be furnished. The proposed Lead Principal, as well all other key personnel proposed to provide the services must be present and participate in the interview. The firm will be evaluated on the basis of whether the interview substantiates the characteristics and attributes claimed by the Proposer in its written response to this RFP and any other information requested by the Committee prior to the interview.

C. Evaluation Criteria for Selection

Selection will be based upon the following criteria:

- 1) Technical evaluation factors:
 - a. Expertise and experience in the planning, design, evaluation and improvement of urban streetscapes, public spaces, roadways and pedestrian ways: **40%**
 - b. Integration of adequate expertise and experience in all disciplines necessary to adequately perform the Work, including but not limited to planning, design, regulatory, legal, economic, sustainability and consensus-building elements: **25%**
 - c. Approach to Project and staffing: **25%**
 - d. Proposed MBE/WBE utilization plan (the "Utilization Plan") and/or Firm MBE/WBE status: **10%**
- 2) Cost Proposal evaluation

D. 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 and reasonable and represents the best value for BPCA given the requirements of the Project.

VIII. NON-COLLUSION

By submitting a Proposal, Proposers hereby warrant and represent 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.

IX. IRAN DIVESTMENT ACT

By submitting a Proposal or by assuming the responsibility of any Contract awarded hereunder, Proposers hereby certify that they are 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 certify that they will not utilize any sub 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.

X. 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 need to be aware that all authorized users of this Contract will be 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:

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

If yes, identify New York State businesses that will be used and attach identifying information.

EXHIBIT A

GENERAL WORK DESCRIPTION

Task 1: Assessment

The assessment shall include a comprehensive investigation and evaluation of the Streetscape Elements (including strengths, weaknesses, problems and opportunities) as they individually and collectively contribute to and/or impact the following qualities and functions (“Streetscape QFs”):

1. Pedestrian movement, safety and appeal;
2. Automobile and bicycle traffic movement, safety and efficiency;
3. Automobile and bicycle parking;
4. Commercial vehicle loading/unloading;
5. Taxi and bus movement and passenger loading/unloading;
6. Appearance, aesthetics, vantage points and visibility;
7. Streetscape usage and activity, both formal and informal;
8. Economic vitality of street level commerce;
9. Service to community;
10. Environmental sustainability;
11. Compatibility with and connections to neighboring areas;
12. Wayfinding; and
13. Fostering of/facilitating access to points of interest/destinations.

As distinct from an assessment focused on the physical or operational condition of any single identified element, the Project’s objective is to assess how each of the Streetscape Elements and Streetscape QFs contribute to, and support each other in, the formulation and sustainability of an attractive, active, safe and economically vital streetscape environment. With respect to each Streetscape Element and Streetscape QF, the assessment shall include, but not be limited to, consideration of the following factors:

1. Current configuration and/or condition;
2. Linkages to, and interface with, other Streetscape Elements, QFs and/or other segments of Battery Park City;
3. Areas of existing or potential conflict;
4. Points of individual or collective strength and/or success;
5. Any functional problems, deficiencies or areas of underperformance;
6. Interests or concerns of property owners and/or responsible parties;
7. Regulatory decision-making and approval structures and related challenges or considerations;
8. Points of known or potential concern for area residents, visitors, workers and businesses; and
9. Other considerations deemed significant or pertinent by the selected Proposer, as approved by BPCA.

It is anticipated that, in order to complete Part 1 of the Project, the selected Proposer will need to become familiar with, among other things, surveys and as-built drawings of various Streetscape Elements, the BPCA Master Plan, state and local traffic studies and plans, relevant local ordinances, property leases within the Subject Area, community board resolutions, demographic information, visitor/tourism trends and projections, and pending development and infrastructure projects, including utilities, parking, traffic, and local road surface and sidewalk improvement plans. Meetings with BPCA and BPCPC staff are expected and meetings, as necessary, with other relevant entities and organizations are encouraged.

Task 2: Recommendations

The selected Proposer shall use the information gleaned through Task 1 of the Project to identify opportunities and methodologies to address pinpointed problems, deficiencies or areas of underperformance and/or to implement measures to improve or enhance the Streetscape Environment of the Project Area. The selected Proposer shall prepare recommendations, both short-term (< 2 years) and long-term (2 – 10 years), for pursuing and/or implementing the identified opportunities and methodologies. The selected Proposer's recommendations shall include options for:

1. Physical modifications, improvements, additions and/or reconfigurations related to the Streetscape Elements, including conceptual design alternatives;
2. Functional or operational changes or improvements;
3. Regulatory approaches and processes;
4. Economic and market strategies; and
5. Collaboration opportunities and outreach plans.

Task 3: Streetscape Improvement Conceptual Alternatives

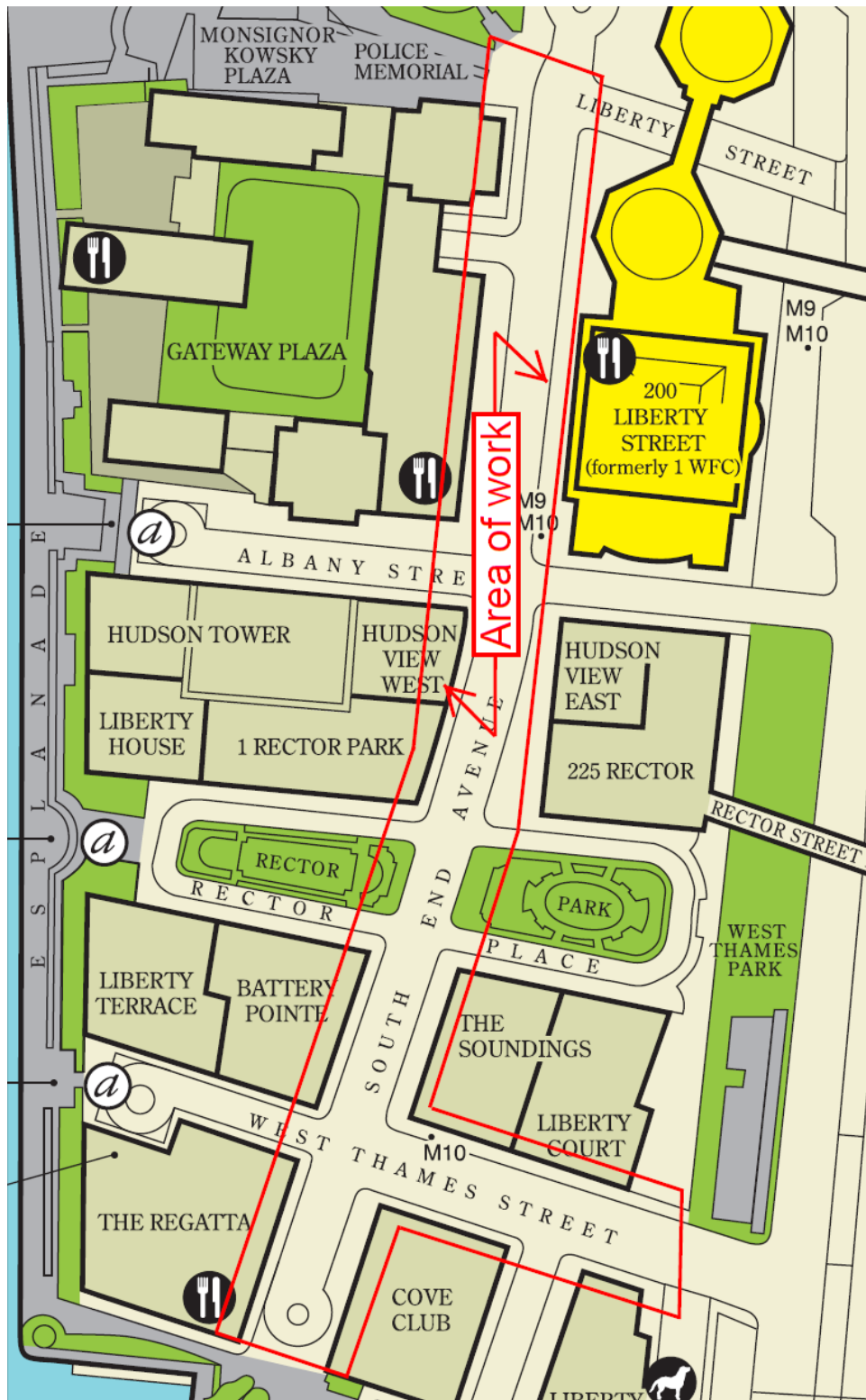
The selected Proposer shall:

1. Prepare a written report (the "Streetscape Report") reflecting the results of Tasks 1 and 2, including development of no less than two (2) conceptual design concepts incorporating recommended modifications of, and/or improvements to, the Streetscape Environment as identified in Task 2.
2. Present Draft Streetscape Improvement Conceptual Alternatives to BPCA.
3. Revise Draft Streetscape Improvement Conceptual Alternatives based on BPCA comments.
4. Attend and provide presentations at up to four additional post-Streetscape Report meetings, as requested by BPCA.
5. Revise Streetscape Improvement Conceptual Alternatives based on meeting comments and BPCA's direction.
6. Finalize Streetscape Improvement Conceptual Alternatives and incorporate into final Streetscape Report.

WORK PRODUCT

All draft and final work concepts and reports are the property of BPCA and shall be provided in both electronic and paper format. All electronic versions shall be provided in Adobe Reader format as well as AutoCAD format, as applicable. Additionally all photos, renderings, etc. shall be provided in high resolution JPG format.

Attachment 1
Map of Area



Attachment 2

South End Avenue & West Thames Street Existing Conditions



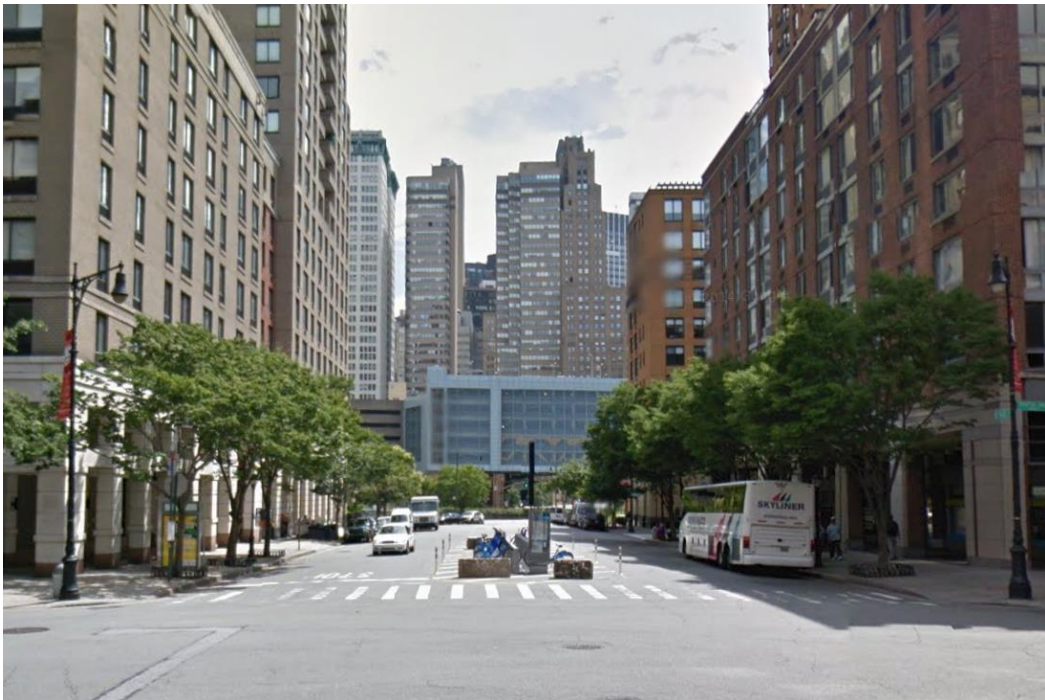
South End Avenue (facing south)



South End Avenue (facing north)



West Thames Street (facing west)



West Thames Street (facing east)



Existing Retail Arcades



Easterly side of South End Avenue

EXHIBIT B

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MBEs/WBEs AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

Pursuant to New York State Executive Law Article 15-A and 5 NYCRR §§140-145, BPCA recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified MBEs/WBEs and the employment of minority group members and women in the performance of BPCA contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether MBEs/WBEs had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title “The State of Minority and Women-Owned Business Enterprises: Evidence from New York” (the “Disparity Study”). The report found evidence of statistically significant disparities between the level of participation of MBEs/WBEs in state procurement contracting versus the number of MBEs/WBEs that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified MBEs/WBEs program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that BPCA establish goals for maximum feasible participation of New York State Certified MBEs/WBEs and the employment of minority groups members and women in the performance of New York State contracts.

Business Participation Opportunities for MBEs/WBEs

For purposes of this solicitation, BPCA hereby establishes an overall goal of **30%** for MBE/WBE participation, **15%** for MBE participation and **15%** for WBE participation (based on the current availability of qualified MBEs and WBEs). A contractor (“Contractor”) on the Contract must document good faith efforts to provide meaningful participation by MBEs/WBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that BPCA may withhold payment pending receipt of the required MBE/WBE documentation. The directory of New York State Certified MBEs/WBEs can be viewed at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=7562>. For guidance on how BPCA will determine a Contractor’s “good faith efforts,” refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MBE/WBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and BPCA may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MBEs/WBEs had Contractor achieved the contractual MBE/WBE goals; and (2) all sums actually paid to MBEs/WBEs 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 its goals for the utilization of MBEs/WBEs by submitting evidence thereof through the New York State Contract System (the “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 BPCA. 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.”

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

- B. BPCA will review the submitted Utilization Plan and advise the Proposer of BPCA's acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, Proposer agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to BPCA, at the address specified in this RFP, or by facsimile at 212-417-2279 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 MBE/WBE 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.

Contractors shall attempt to utilize, in good faith, any MBE/WBE 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.

Contractors are required to submit a Contractor's MBE/WBE Contractor Compliance & Payment Report to BPCA on a monthly basis over the term of the Contract documenting the progress made toward achievement of the MBE/WBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a bid or Proposal in response to this RFP, the Proposer/Contractor agrees with all of the terms and conditions of the attached M/WBE – Equal Employment Opportunity Policy Statement. The Contractor is required to ensure that it shall and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon, except where such work is for the beneficial use of the Contractor, 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 further agrees to submit a MBE/WBE and Equal Employment Opportunity Policy Statement, Form # 4, to BPCA with their Proposal.

To ensure compliance with Article 15-A, Proposer further agrees, where applicable, to submit with the Proposal, a staffing plan identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit to BPCA a workforce utilization report identifying the workforce actually utilized on the Contract, if known, through the NYSCS; provided, however, that a Proposer may arrange to provide such report via a non-electronic method by contacting BPCA.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other New York 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 are allowed by the Contract.

For questions on MBE/WBE participation, joint ventures and sub-contracting goals ONLY, please contact Mr. Anthony Peterson at 212.417.2337.



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

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

GETTING STARTED

To access the system, please login or create a user name and password at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=7562>. If you are uncertain whether you already have an account set up or still need to register, please send an email to the customer service contact listed on the Contact Us & Support page, or reach out to your contract’s project manager. For verification, in the email, include your business name and contact information.

VENDOR RESPONSIBILITIES

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

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

For more information, contact your project manager.

MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES – EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

MBE/WBE AND EEO POLICY STATEMENT

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

MBE/WBE

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

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

EEO

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

(b) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.

(c) At the request of BPCA, this organization shall request that each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization’s obligations herein.

(d) The Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. The Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

(e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.

Agreed to this _____ day of _____, 2015

By _____

Print: _____ Title: _____

_____ is designated as the Contractor'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: _____

EXHIBIT C

LIST OF BOARD MEMBERS

Dennis Mehiel
Frank Branchini
Don Capoccia
Martha Gallo
Lester Petracca

LIST OF BPCA and BPCPC EMPLOYEES

(Please see attached)