



**Battery Park  
City Authority**

**REQUEST FOR PROPOSALS**

**FOR**

**New York City Police Memorial Expansion**

**General Contractor Services**

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## I. SUMMARY

Battery Park City Authority d/b/a Hugh L. Carey Battery Park City Authority (“BPCA”) requests proposals (individually a “Proposal” and collectively the “Proposals”) from general construction contractors or stone/concrete/masonry contractors (individually a “Proposer” and collectively the “Proposers”) to provide BPCA with general site construction and stonework for the expansion of the New York City Police Memorial (the “Memorial”). The Memorial is located in Battery Park City immediately east of Monsignor Kowsky Plaza, southeast of the North Cove Marina, and immediately west of the intersection of Liberty Street and South End Avenue (the “Project Site”). The project work (the “Project”) includes, but is not limited to: (1) Removal of the existing granite panels that comprise the Memorial’s west wall containing the engraved names of deceased NYPD officers; (2) Installation of a new concrete wall on the north end of the Memorial; (3) Installation of a new horizontal concrete slab at the base of the new wall; (4) Fabrication, furnishing, and installation of new granite panels with NYPD officers’ names engraved in chronological order to replace the removed panels on the west wall and to clad the newly constructed north wall of the Memorial; (5) Removal of the existing stone stair treads, and demolition of the existing concrete steps and planting bed, with landscaping, at the north end of the Project Site; (6) Installation of new concrete stairs on the east end of the Memorial’s new north wall; (7) Removal of all existing conventional light fixtures, receptacles, and associated circuiting and wiring within the Project Site; and, (8) Installation of new LED fixtures and associated wiring within the Project Site (all raceway and conduits shall be kept in place and reused for new circuiting to the maximum extent practicable).

A detailed scope of work for which the selected Proposer will be responsible is attached as Exhibit A (the “Work”). It is crucial that the Project be substantially completed, as that term is defined in BPCA’s standard form of contract (the “Standard Form of Contract,” annexed to this RFP as Exhibit C), no later than July 31, 2020 to ensure that all ensuing punch list items can be performed and final acceptance (as that term is defined in BPCA’s standard form of contract) of the Project can be achieved well in advance of all subsequent 2020 Memorial services and ceremonies. Memorial services and ceremonies typically occur on or around September 11 and again in early October; however, one or more rededication ceremonies in recognition of the newly expanded Memorial may be scheduled to occur earlier than September 11, 2020.

It is expected that the Project Site will be available to the selected Proposer for Project commencement within five (5) business days of full execution of a construction contract, anticipated in early 2020. It is important that all required materials are secured and all pre-construction shop drawings/submittals are completed and approved as early as possible in order to allow for prompt mobilization to the Project Site.

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

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

## II. GENERAL PROVISIONS

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

- withdraw and/or cancel this RFP at any time before final award of the contract;
- request clarification and/or additional information from any or all Proposers;
- amend any term or requirement of this RFP at any time before award of a contract (Proposers may amend their Proposals, as directed by BPCA, if BPCA materially alters or amends the RFP after submission of Proposals);
- alter any key dates or deadlines related to this RFP;
- award the Work, in whole or in part, to one or more Proposers with or without interviews or negotiations;
- reject any Proposal that does not strictly conform to the requirements of this RFP;
- conduct an interview with any or all of the Proposers to aid the evaluation process; and,
- negotiate potential contract terms with any Proposer.

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

## III. TIMETABLE & DESIGNATED CONTACT

### A. *Key Dates*

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

- RFP issued: November 1, 2019.
- Pre-proposal meeting and subsequent site visit (attendance is highly recommended):
  - Date: November 6, 2019 at 11:00 A.M.
  - Location: BPCA Offices – 200 Liberty Street, New York, NY
- Deadline to submit questions to BPCA: November 11, 2019 (by email only)

All questions regarding this RFP should be submitted in writing via email to **Michael LaMancusa**, BPCA’s Assistant Contracting Officer, at [michael.lamancusa@bpca.ny.gov](mailto:michael.lamancusa@bpca.ny.gov) (the “Designated Contact”).

- BPCA’s response to substantive questions: November 18, 2019 (via posting on the BPCA website)
- PROPOSAL DUE DATE: November 25, 2019 at 3:00pm (the “Due Date”)
- **INTERVIEWS (IF DEEMED NECESSARY BY BPCA): December 5 and/or 6, 2019.**
- CONTRACT START DATE: Early February 2020 (approximate)

***B. Anticipated Contract Term***

The anticipated term of the contract award pursuant to this RFP (the “Contract”) will be ten (10) months, inclusive of any pre-construction and Project closeout tasks. The necessary construction work is required to be substantially completed no later than July 31, 2020. BPCA reserves the right to terminate the contract awarded pursuant to this RFP (the “Contract”) at any time, with or without cause, in accordance with the terms of the Contract. BPCA’s Standard Form of Contract is hereto attached as Exhibit C.

**IV. GENERAL REQUIREMENTS**

***A. Minimum Qualification Requirements***

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

- 1) Proposer must have an office in New York State (a New York City office is preferred);
- 2) Proposer must be lawfully authorized to perform general contractor services in the State of New York and City of New York; and,
- 3) Proposer, or at least one of Proposer’s principals or team members, must have at least 5 (five) years of experience in providing general contracting, masonry, and stone work services.

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

Contractor requirements and procedures for business participation opportunities for New York State certified MBEs/WBEs/SDVOBs and equal employment opportunity requirements relating to minority group members and women are attached as Exhibit B. For questions relating to MBE/WBE/SDVOB participation, joint ventures and sub-contracting goals *only*, please contact the “MBE/WBE/SDVOB Designated Contact” Mr. Justin McLaughlin-Williams at [justin.mclaughlin-williams@bpca.ny.gov](mailto:justin.mclaughlin-williams@bpca.ny.gov) or 212-417-2337 (the “MBE/WBE/SDVOB Designated Contact”).

***C. Restricted Period***

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

***D. Submission of Proposals***

**Proposals must be received by BPCA no later than 3:00 p.m. on November 25, 2019.**

Each Proposer must submit eight (8) paper copies and a PDF version (via CD-ROM or flash drive) in a sealed package clearly marked "Proposal Enclosed – NYC Police Memorial Expansion General Contractor Services" to the Designated Contact by messenger, overnight courier or certified mail to the following address:

Michael LaMancusa  
Battery Park City Authority  
75 Battery Place  
New York, NY 10280

BPCA is not responsible for late Proposals, no matter the cause. Proposals *must* arrive at the time and place specified herein and be time stamped by BPCA by the Due Date. Please leave ample time for building security. 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 an amended Proposal, clearly labeled "Amended Proposal – NYC Police Memorial Expansion General Contractor Services," as long as the amended Proposal is submitted by the Due Date.

**V. PROPOSAL FORMAT AND CONTENTS**

***A. Proposal Format***

The Proposal must:

- Be printed on 8½" x 11" paper;
- Have numbered pages; and,
- Be no longer than ten (10) single-sided pages, exclusive of the Cover Letter, Cost Proposal, and Required Attachments.

***B. Proposal Content***

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

- 1) Cover Letter, signed by a person within the firm who is authorized to bind the Proposer, which includes representations that:
  - (a) Except as disclosed in the Proposal, no officer or employee of the Proposer is directly or indirectly a party to or in any other manner interested financially or otherwise in this RFP;
  - (b) Proposer satisfies all of the minimum qualification requirements in Section IV.A; and,
  - (c) Proposer has reviewed BPCA's Standard Form of Contract, attached as Exhibit C to this RFP, and either has no objections or has detailed their objections in an appendix to their Proposal.

- 2) Executive Summary.
- 3) Responses to the Questions as well as all of the Information Required (Sections VI.A. and B.).
- 4) Required Attachments (Section VI. C.).

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

## **VI. INFORMATION REQUIRED**

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

- 1) Describe your firm's background, services, size, and history as these factors are relevant to the Work, with an emphasis on general contracting services provided in connection with high-profile public monument and/or memorial projects involving stone work and masonry. Please make note of any such projects performed in New York City.
- 2) Please describe your team's overall experience performing the fabrication and installation of stone work and specialized masonry elements, along with concrete placement work.
- 3) Please describe your team's experience with exterior electrical and lighting work and LED conversions in public spaces.
- 4) Describe your firm's proposed approach and methodology for: a) the removal and salvaging of the Project Site's existing granite panels; b) the fabrication and etching of new granite panels; and, c) the installation of these new granite panels. As part of this description, explain your firm's conceptual step-by-step approach to completing all elements of the Project.
- 5) Provide a detailed Project schedule with durations for each task, and explain how your approach to the performance and sequencing of the Project will enable you to perform the Project within the schedule constraints specified in this RFP.
- 6) List each key member of the team you intend to assign to this engagement, especially the on-site foreman, and include for each listed individual: (a) area(s) of specialization; (b) title and/or position within your firm; and, (c) the services to be performed.
- 7) 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.
- 8) Identify any subcontractors you intend to use for this engagement, and describe the services to be performed by each subcontractor.
- 9) Describe your proposed team's experience with similar work for other public entities, with an emphasis on New York State public entities.

- 10) 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.
- 11) Identify any and all exceptions taken to BPCA's Standard Form of Contract, attached as Exhibit C, explaining the reasons for such exceptions. Such exceptions must be detailed in an appendix to your Proposal labeled, "Appendix: Objections to BPCA Form of Contract." No exceptions to the Contract will be considered by BPCA after submission of the Proposals. BPCA maintains the right to reject Proposals based on non-conformance with the standard form of Contract.
- 12) Provide at least five (5) 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.

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

- 13) Within the past three (3) years, have there been any significant changes in your firm such as changes in ownership or restructuring? Do you anticipate any significant changes in the near future? If so, please describe.
- 14) How does your firm identify and manage conflicts of interest?
- 15) Are there any potential conflict of interest issues posed by your firm's performance of the Work on behalf of BPCA?
- 16) 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.
- 17) 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.
- 18) 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 I.
- 19) If selected, will your firm assign any person to this engagement who was previously an employee of BPCA or 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.
- 20) In the past five (5) years, have any public sector clients terminated their working relationship with your firm? If so, please provide a brief statement of the reasons. Provide the name of the client and provide a contact person, address and telephone number.

### **C. Required Attachments**

1) Mandatory Forms:

Each Proposal must include a completed copy of all “Mandatory Forms” found at: [www.bpca.ny.gov/wp-content/uploads/2015/03/Mandatory-Forms.pdf](http://www.bpca.ny.gov/wp-content/uploads/2015/03/Mandatory-Forms.pdf).

The Mandatory Forms include the following:

- a) NYS Standard Vendor Responsibility Questionnaire, notarized and signed by the individual(s) authorized to contractually bind the Proposer, indicating the signer’s title/position within the firm.\*
- b) State Finance Law § 139 Form 1, signed by the individual(s) authorized to contractually bind the Proposer.\*
- c) W-9 form.
- d) Statement of Non-Collusion.
- e) MBE/WBE/SDVOB Utilization Plans. Please note that all such plans must be submitted even if Proposer is a MBE/WBE/SDVOB.

\*In addition to the copy required to be included in each bound Proposal, Proposers must additionally provide one (1) unbound, completed original, with ink signatures, of the NYS Standard Vendor Responsibility Questionnaire and SFL 139 Form 1.

- 2) Response to the question regarding the use of New York State businesses set forth in Section XII.
- 3) Completed MBE/WBE and EEO Policy Statement and Diversity Practices Questionnaire (attached as part of Exhibit B).
- 4) Financial Statements:

Provide a copy of your firm’s most recent Audited Financial Statements (within the last year). In the event you do not have audited financials you must provide a statement to that effect with your proposal, and summary financial information for the calendar year most recently ended.

5) Acknowledgement of Addenda:

Attach a completed and signed Acknowledgement of Addenda Form, attached as Exhibit H, acknowledging receipt of all addenda to this RFP, if any, issued by BPCA before the Due Date. Addenda are posted by BPCA as necessary and can be found on the BPCA website at [www.bpca.ny.gov](http://www.bpca.ny.gov). It is the responsibility of each Proposer to check the BPCA website for addenda and to review addenda prior to submitting any proposal in response to this RFP.

6) Appendices:

- a) Attach professional biographies for all identified in your Proposal.

- b) Attach a project bar chart schedule showing completion dates for key tasks, milestones, etc. and final completion of all Work.
- c) Identify any and all exceptions taken to BPCA's Standard Form of Contract.

## VII. INSURANCE AND BONDS REQUIREMENTS

### A. *General Requirements*

The total cost of the required insurance listed in Sections B. and C. 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.

### B. *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 insureds.
- **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.
- **Builder's Risk / Installation Floater Insurance** in an amount not less than 100% of the full contract price. Coverage must be written on ISO Special Form CP 10 30 04 02 or its equivalent on a completed value non-reporting basis and provide coverage for the Proposer, all subcontractors, BPCA, BPCPC, and the State of New York. Coverage must apply to property while on site, off site, and in transit, include an agreed amount provision which eliminates any coinsurance provision, and include BPCA as a loss payee. Coverage must include the insurable interests of all subcontractors retained by the Proposer.

**C. Insurance Requirements for all Subcontractors**

Any subcontractor(s) utilized by the selected Proposer will be required to obtain the types and amounts of insurance listed below: (i) as a condition of commencing any Work; and (ii) continuing throughout the duration of such 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 as Exhibit C.

- **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.

- **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 insureds.
- **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 VII(B) unless otherwise approved in writing by BPCA prior to commencement of any subcontractor's work.**

- D. **Bonding:** A payment bond and a performance bond will both be required for this Project. Please provide a letter from your surety(ies) stating that you are able to provide both such bonds, as required in this RFP's Standard Form of Contract (Exhibit C).

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

Each Cost Proposal must state a lump-sum cost for the performance of all Work and include each of the following:

- 1) Proposer must submit with its Cost Proposal (the form of which is attached to this RFP as Exhibit D) an itemized cost for the Work, according to the Form of Bid Breakdown (attached to this RFP as Exhibit E). The total sum of these items will be equivalent to the Base Proposal.
- 2) Proposer must submit with its Cost Proposal a completed Form of Labor Rates, showing labor rates for all trades, including all costs except overhead and profit. Prices shown should include base hourly rates, overtime rates, insurance and benefits. The Form of Labor Rates is attached to this RFP as Exhibit F.

The Cost Proposal must be submitted in its own separate, sealed envelope within the sealed package containing all other Proposal documents. Please provide eight (8) copies of the Cost Proposal.

### **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://bpca.ny.gov/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 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:
  - a) Experience performing general construction services for projects involving fabrication and installation of stone work and construction of specialized masonry elements, especially projects involving monuments and memorials in public spaces and projects performed in New York

- City.....30%
  - b) Experience performing exterior electrical and lighting work and LED conversions in public spaces .....20%
  - c) Approach to Work, including staffing, subcontractors, and methodology.....20%
  - d) Phasing and schedule, including credible plan for Project’s substantial completion by July 31, 2020.....20%
  - e) Response to Diversity Practices Questionnaire.....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, reasonable, and provides the best value to BPCA given the requirements of the project.

**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/Offerors 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. 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 supplies that are of equal quality and functionality and in utilizing services and technology provided by New York State businesses. Furthermore, Proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

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

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

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

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

## EXHIBIT A

### SCOPE OF WORK

#### **I. Background and Context**

The New York City Police Memorial (the “Memorial”) is located at a site in Battery Park City within the larger Battery Park City pedestrian esplanade (the “Esplanade”) immediately east of Monsignor Kowsky Plaza, southeast of the North Cove Marina, and west of the intersection of Liberty Street and South End Avenue (the “Project Site”). Opened in October 1997, the Memorial commemorates officers of the New York Police Department who have lost their lives in the line of duty. The Memorial consists of a fountain, a flume, and a pool positioned within a chamber or exterior “room” that is depressed thirty (30) inches below the elevation of the Esplanade. Adjacent to the pool is the Memorial’s 11.5’ high x 50’ long western wall (the “Western Wall”), comprised of a polished granite façade that bears the names and dates of death for the deceased officers.

Due in part to the large number of NYPD officer deaths that have resulted (and continue to result) from first responder duties associated with the recovery efforts following the September 11, 2001 terrorist attacks at the World Trade Center, the Memorial’s capacity to accommodate additional names has been rapidly depleted, and the Memorial needs to be modified and expanded. In 2019 alone, the names of forty-eight (48) additional NYPD officers have been added to the Western Wall. In anticipation of the needed expansion of the Memorial, BPCA has retained the Memorial’s original designer, Stuart Crawford, now with Page Southerland Page, Inc., whose design for the modification of the Memorial is the subject of the Project (the “Architect”). The Architect will, or may be requested by BPCA to, respond to RFI’s, review and approve construction shop drawings, submittals, requests for substitutions, requests for change orders, payment requisitions. The Architect will provide general design guidance during the course of the Project’s construction, monitor construction to ensure adherence to the Project design, verify the selected Proposer’s statements of substantial completions and final completion, and prepare construction punch lists along with verification of completion of delineated punch list items.

BPCA will also assign a construction manager (the “CM”) to the Project. The CM will provide direct oversight and direction to the selected Proposer on behalf of BPCA on all construction matters and will serve as liaison and coordinator between the selected Proposer and the Architect on all design-related matters.

#### **II. Scope Elements**

The selected Proposer will perform the Project in strict compliance with the drawings and specifications attached to the RFP as Exhibit G (the “Construction Documents”). In summary, the selected Proposer will, among other things:

- Remove the existing granite panels that provide the facing for the Memorial’s West Wall and that contain the engraved names of the deceased NYPD officers. Dismantled/demolished elements of the wall are to be salvaged for repurposing or other suitably respectful disposition in a manner to be determined by BPCA in consultation with NYPD. The selected Proposer should assume that the salvaged materials will be crushed or pulverized and transferred by truck to, and offloaded at, a specified destination within five (5) miles of the Project Site;
- Remove the existing stone stair treads, and demolish the existing concrete steps and planter (including removal of all plantings) at the northern end of the Project Site, properly disposing of all resulting material and debris;

- Remove and properly dispose of all existing conventional light fixtures, receptacles, and associated circuiting and wiring within the Project Site;
- Construct new 12' wide x 7' tall concrete wall on the north end of the Memorial (the "North Wall");
- Install new 15' long x 1'6" tall horizontal concrete slab at the base of the North Wall;
- Fabricate, furnish, and install new granite panels with NYPD officers' names engraved in chronological order, in accordance with the directives of the Construction Documents, for the West Wall and the newly-constructed North Wall;
- Construct 5' wide x 2'6" tall new concrete stairs at the east end of the North Wall;
- Install new LED fixtures and associated wiring (all raceway and conduits shall be kept in place and reused for new circuiting to the maximum extent practicable); and,
- Perform all punch-list work expeditiously and completely; remove and properly dispose of all Project-related debris, equipment and materials; and demobilize from the Project Site.

### III. Schedule Constraints

**It is crucial that the Project be substantially completed, as that term is defined in BPCA's standard form of contract (annexed to this RFP as Exhibit C), no later than July 31, 2020 to ensure that all ensuing punch list items can be performed and final acceptance (as that term is defined in BPCA's standard form of contract) of the Project can be achieved well in advance of all subsequent 2020 Memorial services and ceremonies.** Memorial services and ceremonies typically occur on or around September 11 and again in early October; however, one or more rededication ceremonies in recognition of the newly expanded Memorial may be scheduled to occur earlier than September 11, 2020.

It is expected that the Project Site will be available to the selected Proposer for Project commencement within five (5) business days of full execution of a construction contract, anticipated in early 2020. It is important that all required materials are secured and all pre-construction shop drawings/submittals are completed and approved as early as possible in order to allow for prompt mobilization to the Project Site.

**EXHIBIT B**

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

**NEW YORK STATE LAW**

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

**Business Participation Opportunities for MWBEs**

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

**Overall goal for total MWBE participation: 30%**

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

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

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

The Proposer understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE. 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 25 percent of the total value of the contract.

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

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

By submitting a bid or proposal, a Proposer agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a Proposer may arrange to provide

such evidence via a non-electronic method by contacting Justin McLaughlin-Williams at [justin.mclaughlin-williams@bpca.ny.gov](mailto:justin.mclaughlin-williams@bpca.ny.gov) or 212-417-4337. Please note that the NYSCS is a one-stop solution for all of your MBE/WBE and Article 15-A contract requirements. For additional information on the use of the NYSCS to meet the Proposer's MBE/WBE requirements, please see the attached MBE/WBE guidance from the New York State Division of Minority and Women's Business Development, "Your MWBE Utilization and Reporting Responsibilities Under Article 15-A."

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

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

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

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

### **Business Participation Opportunities for SDVOBs**

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

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

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

- A. Additionally, a Proposer agrees to submit a Utilization Plan with their bid or Proposal as evidence of compliance with the foregoing. Any modifications or changes to the Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised Utilization Plan and submitted to BPCA.
- B. BPCA will review the submitted Utilization Plan and advise the Proposer of BPCA's acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, Proposer agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to Michael LaMancusa at BPCA, by email at michael.lamancusa@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 Requirements**

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

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

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

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

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, and applicable local laws the Contractor and sub-contractors will not discriminate against any employee, or applicant for employment, or any non-employee covered by the Human Rights Law because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, pregnancy, predisposing genetic characteristic, marital status or domestic violence victim status, or any other legally protected characteristic or quality, 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. The Contractor and sub-contractors shall comply with all of the requirements of New York State, New York City, and any other applicable local laws regarding workplace sexual harassment prevention, including but not limited to providing annual training that meets or exceeds legal requirements, disseminate a sexual harassment training policy that satisfies applicable legal requirements, and provide legally compliant notices, posters, and fact sheets.

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

### **VENDOR RESPONSIBILITIES**

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

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

For more information, contact Justin McLaughlin-Williams at [justin.mclaughlin-williams@bpca.ny.gov](mailto:justin.mclaughlin-williams@bpca.ny.gov) or 212-417-4337.

**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.

Battery Park City Authority Request For Proposals

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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: \_\_\_\_\_

**Diversity Practices Questionnaire**

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

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

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

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

3. What percentage of your Company’s overhead (i.e. those expenditures that are not directly related to the provision of goods or services to your Company’s clients or customers) or non-contract-related expenses (from your prior fiscal year) was paid to New York State certified MBEs/WBEs as suppliers/contractors?<sup>1</sup>

4. Does your Company provide technical training<sup>2</sup> to MBEs/WBEs? Yes or No

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

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

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

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

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

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

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

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

If Yes, complete the attached Utilization Plan

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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.

Battery Park City Authority Request For Proposals

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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.

Signature of  
Owner/Official  
Printed Name of  
Signatory  
Title

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Name of Business

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Address

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City, State, Zip

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STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_ ) ss:

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

\_\_\_\_\_  
Notary Public

**EXHIBIT C**

**BPCA STANDARD FORM OF CONTRACT**

(attached)

[NO FURTHER TEXT ON THIS PAGE]

**EXHIBIT D**

**FORM OF COST PROPOSAL**

**Cost Proposal**

(Proposer to submit executed Cost Proposal on its letterhead)

Date:

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

Attention: Mr. Michael LaMancusa  
Contract Administrator

Dear Mr. LaMancusa:

The undersigned (the "Proposer") hereby proposes to perform the work set forth in Exhibit A ("Scope of Work") attached to the Request for Proposal for the **New York City Police Memorial Expansion- General Contractor Services** (the "RFP"). The Proposer agrees to commence the Work immediately upon execution of the Contract in accordance with the terms stipulated in the following pages, for the lump-sum amount written below.

**A. Base Proposal**

A total lump sum amount of \$ \_\_\_\_\_ ( \_\_\_\_\_ Dollars and \_\_\_\_\_ Cents) to perform all work as described in Exhibit A of this RFP.

**B. Bid Breakdown and Labor Rates**

1. The Proposer has submitted with its Cost Proposal an itemized cost for the Work, according to the Bid Breakdown, attached to this RFP as Exhibit E. The total sum of these items should be equivalent to the Base Proposal.
2. Enclosed with its Cost Proposal, Proposer has submitted a completed Form of Labor Rates (Exhibit F), showing labor rates for all trades, including all costs except overhead and profit. Prices shown include base hourly rates, overtime rates, insurance and benefits. The Form of Labor Rates is attached to this RFP as Exhibit F.

Name of Proposer:

\_\_\_\_\_

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

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

**EXHIBIT E**

**FORM OF BID BREAKDOWN**

GENERAL REQUIREMENTS INCLUDING CLOSE OUT MATERIALS.....	\$ _____
EXISTING CONDITIONS.....	\$ _____
CONCRETE.....	\$ _____
MASONRY.....	\$ _____
METALS .....	\$ _____
WOODS, PLASTICS AND COMPOSITES.....	\$ _____
THERMAL AND MOISTURE PROTECTION.....	\$ _____
ELECTRICAL.....	\$ _____
EARTHWORK.....	\$ _____
EXTERIOR IMPROVEMENTS.....	\$ _____
UTILITIES.....	\$ _____
CRUSHING EXISTING GRANITE SLABS, TRUCKING WITHIN 5 MILES AND UNLOADING.....	\$ _____

**EXHIBIT F**

**FORM OF LABOR RATES**

Project Manager - per hour	\$ _____	O/T \$ _____
Superintendent - per hour	\$ _____	O/T \$ _____
Mason - per hour	\$ _____	O/T \$ _____
Welder - per hour	\$ _____	O/T \$ _____
Carpenter - per hour	\$ _____	O/T \$ _____
Laborer - per hour	\$ _____	O/T \$ _____
Plumber - per hour	\$ _____	O/T \$ _____
Painter Caulker Cleaner – per hour	\$ _____	O/T \$ _____
Operating Engineer	\$ _____	O/T \$ _____
Electrician – per hour	\$ _____	O/T \$ _____
Iron Worker – per hour	\$ _____	O/T \$ _____