



**Battery Park
City Authority**

REQUEST FOR PROPOSALS

FOR

New York City Police Memorial Expansion

General Contractor Services

Table of Contents

I. SUMMARY..... 3

II. GENERAL PROVISIONS 4

III. TIMETABLE & DESIGNATED CONTACT 4

 A. Key Dates 4

 B. Anticipated Contract Term..... 5

IV. GENERAL REQUIREMENTS..... 5

 A. Minimum Qualification Requirements..... 5

 B. MBE/WBE/SDVOB Participation, Joint Ventures, and Sub-contracting Goals 5

 C. Restricted Period 5

 D. Submission of Proposals 6

V. PROPOSAL FORMAT AND CONTENTS..... 6

 A. Proposal Format 6

 B. Proposal Content 7

VI. INFORMATION REQUIRED 7

 A. Questions and Information Sought Relating to the Work 7

 B. Questions and Information Sought Relating to Proposer’s Firm & Eligibility 8

 C. Required Attachments 9

VII. INSURANCE AND BONDS REQUIREMENTS 10

 A. General Requirements 10

 B. Insurance Requirements for the Selected Proposer 10

 C. Insurance Requirements for all Subcontractors..... 11

 D. Payment and Performance Bonds 12

VIII. COST PROPOSAL: FORMAT AND REQUIRED INCLUSIONS 12

IX. SELECTION PROCESS 12

 A. Evaluation 12

 B. Interviews 12

 C. Evaluation Criteria for Selection..... 13

 D. Basis for Contract Award..... 13

X. NON-COLLUSION..... 13

XI. IRAN DIVESTMENT ACT 13

XII. ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE.. 14

EXHIBIT A – SCOPE OF WORK

EXHIBIT B – MBE/WBE/SDVOB REQUIREMENTS, MBE/WBE AND EEO POLICY STATEMENT & DIVERSITY PRACTICES QUESTIONNAIRE

EXHIBIT C – BPCA’S STANDARD FORM OF CONTRACT

EXHIBIT D – FORM OF COST PROPOSAL

EXHIBIT E – FORM OF BID BREAKDOWN

EXHIBIT F – FORM OF LABOR RATES

EXHIBIT G – DRAWINGS & SPECIFICATIONS

EXHIBIT H – ACKNOWLEDGEMENT OF ADDENDA
EXHIBIT I – LIST OF BPCA & BPCPC BOARD MEMBERS AND EMPLOYEES

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 general contractor work associated with this project (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 August 15, 2021 to ensure that all ensuing punch list items can be performed and final acceptance (as that term is defined in the Standard Form of Contract) of the Project can be achieved well in advance of all subsequent 2021 Memorial services and ceremonies. Memorial services and ceremonies typically occur on or around September 11 and again in early October.

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 to occur in February 2021. 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. Public information regarding BPCA’s finances, budget, internal controls, guidelines, and policies may be viewed at: 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.

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 19, 2020
- Pre-proposal meeting and subsequent site visit (attendance is highly recommended):
 - Date: November 24, 2020 starting at 10:00 a.m.
 - Locations:
 - The pre-proposal meeting will be held via [GoToMeeting](#). (Please RSVP to Michael.LaMancusa@bpca.ny.gov by Monday, November 23, 2020 at 12:00 p.m.)
 - The subsequent site visit will be held at the Police Memorial Site (Liberty Street and South End Ave, New York, NY) at 1:00 p.m.
- Deadline to submit questions to BPCA: December 2, 2020 (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 (the “Designated Contact”).

- BPCA’s response to substantive questions: December 10, 2020 (via posting on the BPCA website)

- PROPOSAL DUE DATE: December 22, 2020 at 3:00 p.m. (the “Due Date”)
- **INTERVIEWS (IF DEEMED NECESSARY BY BPCA): January 5 and/or 6, 2021.**
- CONTRACT START DATE: mid-February 2021 (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 August 15, 2021. 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 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 December 22, 2020.

Each Proposer must e-mail its Technical Proposal to the following e-mail address:
technicalproposals@bpca.ny.gov

The Technical Proposal must be clearly labeled as "Proposal Enclosed – New York City Police Memorial Expansion General Contractor Services."

Each Proposer must also e-mail its Cost Proposal to the following e-mail address:
costproposals@bpca.ny.gov

The Cost Proposal must be separately attached and clearly labeled as "Cost Proposal – New York City Police Memorial Expansion General Contractor Services."

Each Proposer is responsible for the successful delivery and receipt of their Proposal. BPCA is not accepting Proposals sent via messenger, overnight courier, or certified mail to BPCA offices. If a Proposer has already sent a Proposal via one of these methods, please e-mail the Proposal to the above e-mail address by the Due Date. If a Technical Proposal's file size is too large to submit by e-mail, the Proposer must make alternate electronic accommodations (e.g., linking to a file sharing website), which shall also be transmitted through technicalproposals@bpca.ny.gov. Please contact the Designated Contact prior to the Due Date in order to ensure successful transmission of the documents prior to the Due Date.

Proposals *must* arrive at the time and place specified herein. Please leave ample time for submission. Late Proposals, no matter the cause of their lateness, will NOT be accepted. Hard copy or faxed Proposals will NOT be accepted. A Proposer may, after submitting a Proposal, amend its Proposal by submitting an amended Proposal, clearly labeled "Amended Proposal – New York City Police Memorial Expansion General Contractor Services," as long as the amended Proposal is submitted by the Due Date.

This likewise applies to any and all additional references to the Proposal submission method contained within the New York City Police Memorial Expansion General Contractor Services Request for Proposals document.

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: <https://bpcanyc.org/wp-content/uploads/2020/03/Vendor-Responsibility-Questionnaire-3-27-20.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.

*Proposers must provide a clear electronic copy of the completed and signed NYS Standard Vendor Responsibility Questionnaire and SFL 139 Form 1 as part of the Proposal. Proposers must also retain the completed originals of the forms, with ink signatures, and provide such forms to BPCA upon request.

- 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. 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. Payment and Performance Bonds

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. As stated in Section IV. D. above, each Proposer must e-mail its Cost Proposal to the following e-mail address: costproposals@bpca.ny.gov. The Cost Proposal must be clearly labeled as "Cost Proposal – New York City Police Memorial Expansion General Contractor Services."

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: www.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.....25%
 - b) Experience performing exterior electrical and lighting work and LED conversions in public spaces.....15%
 - c) Approach to Work, including staffing, subcontractors, and methodology.....25%
 - d) Phasing and schedule, including credible plan for Project’s substantial completion by August 15, 2021.....25%
 - 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