

**DATE: 11/30/2023**

## **CONTRACT SOLICITATION NOTICE/PROJECT OVERVIEW**

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

**SSE EVENT#: 0000454919**

**OPENING/DUE DATE: 02/02/2024**

**TYPE OF SOLICITATION:**

**DOCUMENT AVAILABILITY DATE: 12/01/2023**

**SOLICITATION TITLE: CH057A2 Design Build Services for Westbound Bypass Part 2**

**DESCRIPTION:** The Metropolitan Transportation Authority (“MTA”), by and through its agent MTA Construction & Development Company (“MTACD”), both of which are public benefit corporations existing by virtue of Article 5, Title 11 of the Public Authorities Law, are soliciting Statements of Qualifications (SOQs) from entities interested in providing design-build services for Contract CH057A2 – Design Build Services for Westbound Bypass Part 2, as part of the Harold Regional Investments Project. MTACD seeks respondents who are qualified and prepared in all respects to design and construct the work of Contract CH057A2 in its entirety, on schedule and within budget. Respondents with current contracts to perform work on MTA projects must be in good standing and satisfactorily progressing the work on such contracts to be deemed qualified to participate in this pre-qualification process and the subsequent Request for Proposal (RFP) process with the pre-qualified firms. The Work of Contract CH057A2 consists of final design and construction of a new grade-separated track together with the associated approach structures, construction of a new pump house and communication hut and associated mechanical and systems infrastructure, demolition of existing track work and installation of new track, including special track work, and demolition of existing structures and installation of new traction power elements, including, but not limited to, the cabling, contact & messenger wires, feeder cables and their supporting structures. The Work will be performed in an active railroad interlocking and will require close coordination with the ongoing train operations and force account work performed by Amtrak, LIRR and other Harold contractors. It is anticipated that the construction of the structure beneath the existing tracks will occur under track outage(s) for ERT Line 2 and ERT Line 4. The track outages may be limited to weekends only.

Funding: 100% FTA    Goals:22.5% DBE    Est \$ Range: Over \$100M    Contract Term: 34 Months

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

**(X) PRE-BID CONFERENCE LOCATION:**

**DATE: 12/12/2023**

**TIME: 10:00AM**

Virtual via Microsoft Teams- please email [contracts@mtacd.org](mailto:contracts@mtacd.org) attention Eduardo Leanez, identifying the name of the firm, the name(s) of the representative(s) from the firm who will be attending along with their e-mail address(es) and telephone number(s), no later than 12:00PM on December 8, 2023

**( ) SITE TOUR LOCATION:**

**DATE:**

**TIME:**

**FOR MORE INFORMATION, PLEASE CONTACT:**

**PROCUREMENT REPRESENTATIVE:** Eduardo Leanez

**EMAIL:** [eduardo.leanez@mtacd.org](mailto:eduardo.leanez@mtacd.org)

**REQUIREMENTS TO PARTICIPATE**

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

**\*\*\*\*\*WE CANNOT PROCESS DOCUMENT REQUESTS WITHOUT A MTA BIDDER/SUPPLIER NUMBER. PLEASE ACCESS THE MTA VENDOR PORTAL, [WWW.MYMTA.INFO](http://WWW.MYMTA.INFO), TO REGISTER AS A BIDDER\*\*\*\*\***

**Request for Qualification  
Contract No. CH057A2  
Project Overview**

## **1. Introduction**

The Harold Regional Investments Project (the “Harold Project”) is constructing several work improvements to reduce congestion between Amtrak and the Long Island Railroad by creating conflict-free, direct, grade-separated routes through Harold Interlocking.

The Westbound Bypass (“WBBY”) element of the Harold Regional Investments Project will enable Amtrak trains entering the Harold Interlocking within Sunnyside Yard to be routed to and from Penn Station through the East River Tunnel without conflicting with other trains in the Interlocking. The WBBY is located within the southwest portion of Sunnyside Yard, in Long Island City. Most, but not all, of the remaining work is located between the Queens Boulevard Bridge and the Honeywell Street Bridge and under the mainline tracks at F Interlocking and Harold Interlocking (ERT Line 2 and ERT Line 4).

The Work of Contract CH057A2 consists of final design and construction of a new grade-separated track together with the associated approach structures, construction of a new pump house and communication hut and associated mechanical and systems infrastructure, demolition of existing track work and installation of new track, including special track work, and demolition of existing structures and installation of new traction power elements, including, but not limited to, the cabling, contact & messenger wires, feeder cables and their supporting structures. The Work will be performed in an active railroad interlocking and will require close coordination with the ongoing train operations and force account work performed by Amtrak, LIRR and other Harold contractors. It is anticipated that the construction of the structure beneath the existing tracks will occur under track outage(s) for ERT Line 2 and ERT Line 4. The track outages may be limited to weekends only.

## **2. Contracting Methodology**

Contract CH057A2 will be a fixed price, lump sum design-build contract. Procurement on a design-build basis is intended to encourage development of innovative designs, planning and logistics while also optimizing the sharing of risks related to the Work.

## **3. Procurement Process**

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

- A. This Request for Qualification (“RFQ”) is the first step of a two-step procurement process for Contract CH057A2. Pursuant to this RFQ, MTACD invites entities or groups of entities (“Respondents”) interested in competing to perform the Work to submit Statements of Qualifications (“SOQ”) detailing, among other things, their qualifications and preparedness to formally submit proposals for Contract CH057A2.
- B. MTACD will evaluate all SOQs received in accordance with evaluation criteria set out in this RFQ. Based on the results of the evaluation, and at its sole discretion, MTACD then expects to select no more than four (4) Respondents (“Shortlisted Proposers”) with the capability, capacity, and experience necessary to undertake and successfully complete the Work as Design-Builder. Shortlisted Proposers will be invited to participate in the second step of the process, the Request for Proposals (“RFP”).
- C. After shortlisting but prior to issuance of a Final RFP, MTACD, may at its discretion issue a Draft RFP to the Shortlisted Proposers and carry out a series of one-on-one discussions with them in order to solicit feedback on the Draft RFP. This Draft RFP would include a draft form of Contract CH057A2.
- D. With or without issuance of a Draft RFP, the second step in the procurement process will involve inviting Shortlisted Proposers to respond to the RFP. Through the evaluation of the Proposals submitted in response to the RFP, MTACD intends to ultimately select a Proposer whose proposal, in MTACD’s sole discretion, represents the best value to MTACD based on an evaluation of pricing and

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qualitative factors. While price will be a factor in the evaluation, design, technical approach, schedule, and other qualitative factors will also be considered in determining best value.

- E. The purpose of the RFP will be to allow MTACD to select the Design-Builder. The RFP will provide specific instructions on what to submit, the evaluation factors, the objectives and requirements for evaluation and the evaluation rating guidelines for the RFP step of the procurement.

#### **4. Evaluation of SOQs**

- A. MTACD is using a two-step process to evaluate SOQs submitted in response to this RFQ. The first step is a pass/fail evaluation of threshold criteria (the “Threshold Evaluation”). The second step is a qualitative evaluation based on technical factors (“the Substantive Evaluation”).
- B. MTACD will create a shortlist of qualified Proposers (“Shortlisted Proposers”) with the general capability (technical, financial and management), capacity and experience necessary to undertake and successfully complete the Contract Work. Only those Shortlisted Proposers will be eligible to submit a Proposal in response to the RFP.
- C. MTA C&D may allow certain deficiencies in the SOQs relating to the factors set out in the RFQ documents to be corrected through clarifications or otherwise through its exercise of its reserved rights under this RFQ, but it will have no obligation to do so.

##### **4.1. The Threshold Evaluation**

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

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

Each SOQ received will be reviewed for each of the criterion set forth above. SOQs must satisfy each of the pass/fail criterion, subject to MTACD’s reserved rights, to advance to the Substantive Evaluation.

SOQs not satisfying each pass/fail criterion will be excluded from further consideration and those Proposers will be so notified.

MTACD may also exclude from consideration any Proposer whose SOQ contains a material misrepresentation.

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#### **4.2. The Substantive Evaluation**

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

- A. **Team, Key Personnel, and Organization**: The demonstrated qualifications and experience of the proposed Key Personnel; the demonstrated capability and experience of the proposed management team, including the ability to manage all aspects of the Contract and successfully integrate the various Major Participants; organizational capacity to ensure sufficient staffing to perform the design and construction work; successful working relationships of Major Participants on previous projects.
- B. **Understanding of the Work**: The extent to which a Proposer demonstrates an understanding of, and experience with the development, design, and construction of similar projects and is able to identify issues, risks, and any challenges associated with the Project.
- C. **Prior Experience**: The extent and depth of each Major Participant's experience with comparable design-build projects.
- D. **Past Performance**: Demonstrated record of performance of all Major Participants including: completion of contracts on schedule; quality of work product; completion within budget; good standing and adequate progression of work; claims history including number of claims submitted that were ultimately disallowed or significantly reduced, number of disputes submitted to formal dispute resolution and disposition of such actions, claims brought against the firm under the False Claims Act); record of terminations for cause and defaults; disciplinary action, including suspension; safety record; client references; and awards, citations and commendations.
- E. **Diversity Compliance**: Proposer's record of successful DBE, M/WBE and/or SDVOB usage on past and current projects, and organizational commitment as demonstrated by policies, internal structures, and practices.

#### **4.3. Shortlisting**

Subject to MTACD's reservation of rights, MTACD anticipates selecting as Shortlisted Proposers those Proposers that have submitted SOQs that (i) have satisfied all pass/fail criteria; and (ii) are determined to be the most technically qualified based on the Substantive Evaluation.

MTACD will make the final determinations of the Shortlisted Proposers, as it deems appropriate, in its sole discretion, and in the best interests of the Project. Each Proposer will be notified in writing whether or not it has been selected for the shortlist.

#### **5. Experience and Performance of Proposer Team**

- A. In this RFQ MTACD intends to identify proposers that include Lead Contractor and Lead Designer with:
  - i. experience in successfully managing, designing and constructing publicly-funded heavy civil projects and design-build projects with the scope and complexity similar to Contract CH057A2;
  - ii. a record of completing contracts on time and within budget;
  - iii. experience of working with Class 1 railroads and interface with their Force Account groups;
  - iv. experience in mining in soft ground;
  - v. experience in successfully performing work in a passenger rail environment, on congested, limited-access worksites, in close proximity to active railroad tracks;



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- vi. experience in the design and construction of LIRR and/or Amtrak projects involving line structures, mainline tracks, catenary, 3rd rail, communications, signal systems, and special trackwork;
- vii. experience in Amtrak design and construction of catenary systems;
- viii. experience in the design, installation, operation and maintenance of ground improvement techniques for construction;
- ix. experience in the design, installation, operation and maintenance of dewatering systems for construction;
- x. experience with handling excavated soils and materials;
- xi. experience in protecting and utilizing highway bridge structures for project access;
- xii. technical and management expertise to effectively plan, organize, and execute the necessary design and construction work, while ensuring the quality of the Project; and
- xiii. with respect to the Lead Contractor, demonstrated experience performing in a consistently safe manner construction work similar to the Work of Contract CH057A2.

- B. The background and experience for the Lead Contractor and Designer are expected to be as follows:
- i. Experience within the last five years of successfully performing as a prime or general contractor or lead designer on not less than two projects of size, type and complexity comparable to this Contract.
  - ii. Experience of at least three years within the last ten performing as a prime or general contractor or lead designer on railroad projects involving heavy civil construction in an active railroad interlocking environment requiring coordination with one or more active railroads.
  - iii. Sufficient management resources, equipment and labor, including an appropriate construction and design management team to be assigned to this Contract, and the ability to assure the MTA that Contract CH057A2 will be properly coordinated and managed and will be completed on schedule.

**6. General Limitations on Proposer Team Membership**

- A. Subject to Limitations on Exclusivity set forth below as to Designers, and in addition to any other restriction or qualification on proposer team membership and on the inclusion of Major Participants and Key Personnel:
- i. no Major Participant will participate on more than one Proposer team;
  - ii. no Affiliate of any Major Participant will participate on another Proposer's team;
  - iii. Affiliate entities will not be on separate Proposer teams;
  - iv. no individuals serving a Key Personnel role on one Proposer team will serve any role on another Proposer team; and
  - v. no firm that employs one or more of the individuals named as Key Personnel on one Proposer team will serve any role on another Proposer team.
- B. If a Proposer is not short-listed as part of the RFQ evaluation process, then following public announcement of the identity of the Shortlisted Proposers the members of each unsuccessful Proposer team (including Major Participants) will not be restricted solely on the basis of having been a member of such unsuccessful Proposer team.

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**7. Limitations on Exclusivity**

- A. Designers or their Affiliates which are also providing design services may participate on more than one Proposer team, provided that any engagement of such an entity by two or more Proposer teams, including the engagement of such firm's personnel as Key Personnel, will be subject to (i) the disclosure to all relevant Proposer teams that such entities and personnel are engaged by another Proposer team, (ii) the institution of Information Barriers acceptable to MTACD, and (iii) the prohibition on any such entity and their personnel sharing information (or being asked by a Proposer team to share information) regarding the procurement and Contract CH057A2 between or among Proposer teams.
- B. If a Proposer elects to non-exclusively engage two firms as its Designer for purposes of its SOQ, MTACD will treat such firms as a Joint Venture and the Proposer may submit alternative personnel for certain Key Personnel positions as permitted by this RFQ. However, if the MTACD determines that such arrangement does not represent a true Joint Venture and is not in the best interests of the procurement and the Work, MTACD may, in its discretion require as a condition precedent to such Proposer being selected as a Shortlisted Proposer that it: (i) demonstrate that such arrangement reflects a true Joint Venture arrangement appropriate for Contract CH057A2; and/or (ii) finalize the engagement of one but not both firms as its Designer with such revised engagement to be documented as a Proposer requested Organizational Change.