

Contract Nos. C-31392 and C-31393

1. Introduction to the Contract

MTA C&D seeks to identify and engage from among the proposers up to four (4) qualified Design-Builders to design and construct structural repairs at various locations throughout New York City Transit's ("NYCT") and Staten Island Rapid Transit Operating Authority's ("SIRTOA") subway systems within the five boroughs of New York City. The locations where Work will be performed include, but are not limited to: (i) the Right-of-Way ("ROW") at subway and elevated stations; (ii) subway tunnels; (iii) elevated viaduct structures between stations; and (iv) subway and elevated facilities.

The Work comprises all survey, testing, design, construction and installation required to repair structural defects as specified in Work Orders issued under the Contracts and consists primarily of Structural Work, including but not limited to: (i) the repair or replacement of steel beams, columns, girders, trusses, struts, bracings and connections; (ii) repair of concrete spalls and cracks; (iii) repair or replacement of concrete slabs, walls, beams, toppings and encasements; (iv) repair of wood element, including canopy timber boards, rafters and mezzanine floor boards; and (v) repair of concrete masonry unit (CMU) walls and brick walls. The Work also comprises non-structural elements, including but not limited to, Civil and Utility Work and Architectural Work. The Work may also include Environmental Work, including but not limited to, surveying, testing, abatement, transportation and disposal of asbestos containing material, naturally occurring asbestos, polychlorinated biphenyl containing material, mercury containing lamps and equipment, and bird droppings as required to allow for the safe performance of all Work.

2. Contracting Methodology

The Contracts will be zero-dollar, indefinite quantity, design-build contracts awarded to the Design-Builders that submit proposals that MTA C&D determines, in its sole discretion, to offer the best value to the MTA following a one-step solicitation process. After Contract award, Design-Builders' services shall be retained by Work Order. When MTA C&D elects to have a defined scope of work performed pursuant to the Contract, MTA C&D will notify, in its own discretion, one or more Design-Builders, in writing, by sending a Request for Work Order Proposal. The Request for Work Order Proposals will inform the Design-Builders of the Work Order solicitation requirements, provide the necessary forms for responding to the solicitation and set forth the deadline for submission of Work Order Proposals. The Request for Work Order Proposals will identify and provide the Contract Documents that define the scope, requirements and conditions for the Work Order.

Upon receipt of such Request for Work Order Proposals, the Design-Builders shall submit proposals as specified for the Work Order. Except as otherwise set forth in the Request for Work Order Proposals or the Contract Documents, the proposed cost of each Work Order Proposal shall be based on the Unit Price Pay Items applicable to the Contract. The Design-Builders that receive a Request for Work Order Proposal from MTA C&D must submit their proposals by the date and time and at the location specified in the Request for Work Order Proposals. A Design-Builder's proposal may not be conditioned on a proposed revision to any terms of the Work Order or any requirement set forth in the applicable Request for Work Order Proposal.

Each Work Order will be awarded to the Design-Builder whose proposal, as determined by MTA C&D in its sole discretion, represents the best value to MTA C&D. MTA C&D also reserves the right to reject any or all bids or proposals as it may determine in its sole and absolute discretion.

The maximum value of each Work Order shall not exceed \$25,000,000. The total value of all Work Orders issued for the performance and completion of Work is estimated at \$300,000,000, approximately \$200,000,000 under the State funded Contract (C-31392) and \$100,000,000 under the Federal funded

Contract (C-31393), which is the maximum total amount payable under the Contracts and the aggregate amount of all Contracts awarded.

3. Procurement Process

This Request for Proposals (“RFP”) is a one-step procurement process for up to four (4) zero-dollar, indefinite quantity, design-build Contracts. Pursuant to this RFP, MTA C&D invites entities or groups of entities (“Proposers”) interested in competing to perform the Work to submit Proposals detailing, among other things, their qualifications and approach to performing the Work pursuant to Work Orders and the specified Unit Price Pay Items for performing such categories of Work. MTA C&D will evaluate all Proposals in accordance with the evaluation criteria set forth herein.

The Contracts will only be awarded to responsible Proposers. To be considered responsible, a Proposer must demonstrate to the satisfaction of MTA C&D that, in all respects, the Proposer is a responsible party. This determination encompasses consideration of the Proposer’s integrity, skill, experience, necessary resources, and financial and other resources to perform the Work in accordance with the Contract Documents. Prospective Proposers with current contracts to perform work on MTA projects must be in good standing and satisfactorily progressing that work to be deemed qualified to participate in the procurement of this Contract.

The RFP will provide specific instructions on the submission requirements and evaluation criteria.

4. Evaluation Criteria

A. Pass/Fail Evaluation

MTA C&D will evaluate each Proposal on a pass/fail basis for responsiveness of the Proposal to the RFP requirements. The initial pass/fail review will include the following:

- the Proposal was submitted at the required location on or before the Proposal Due Date;
- each Volume of the Proposal fully meets the applicable requirements of the RFP;
- verification that the Proposer is qualified and is responsible, including satisfaction of MTA C&D that the Proposer has the integrity, skill, experience, facilities, financial resources and stability to successfully and faithfully perform the Contract; and
- the Proposal is otherwise responsive, including compliance of the Technical Proposal with all relevant established codes and criteria.

B. Substantive Evaluation Criteria

Proposals that satisfy the initial pass-fail review for responsiveness will be evaluated further using the Evaluation Criteria set forth below in order of importance.

- **Survey, Design & Construction:** The Proposer shall be evaluated on its strategies for efficient scope delivery. The Proposer’s understanding of the Project objectives, scope of Work, design deliverables, the requirements of the Project Requirements and Design Criteria, and the required construction elements, project constraints and site restrictions. The Proposer’s understanding of and approach to performing surveys for the purpose of assessing existing conditions as well as Proposer’s identification of potential design and construction risks and strategies to mitigate these risks will be evaluated. The Proposer’s strategy to maximizing the efficient use of Railroad-Support Services will also be evaluated.
- **Schedule:** The Proposer will be evaluated on its approach and strategies mitigating and managing schedule risks, including its plans for maintaining a steady ongoing schedule and maximizing the efficient use of Railroad-Support Services given Work Site constraints and restrictions.
- **Management Plan:** The Proposer will be evaluated on the details of their approach to the management of all phases of a Work Order, including survey, design, construction and close out. The Proposer’s approach to the management of safety, quality, environmental compliance and

Railroad-Support Services, as well as schedule risks will be evaluated. Descriptions of prior similar projects, including those with other MTA agencies may be documented. Experience profiles for key management personnel will be evaluated. The completeness of the Organization Chart will be evaluated as it relates to communication protocols and covering all aspects of the Work. The Proposer and its team members must demonstrate that other commitments and contractual obligations will not impair or adversely impact its performance of Work Orders. Staffing levels will also be evaluated to ensure that the Proposer will have sufficient personnel available to perform Work Orders throughout the Contract term.

- **Relevant Experience:** Experience, qualifications and organizational structure of the Proposer's team including Key Personnel and key Subcontractors. The Proposer will also be evaluated on its general business experience and stability, including organizational structure, management expertise, and extent and length of time in business.
- **Record of Performance:** Current record of performance on other contracts of the NYCT, C&D, MTA, other governmental and non-governmental entities, including the delivery of similar projects on time and within budget.
- **Safety and Quality:** The Proposer shall be evaluated on their safety record for previous projects including lost-time incidents, recordable injuries and fatalities, and safety or quality violations. The evaluation shall also include the Proposer's safety, quality control and quality assurance plan for the Work.
- **Diversity Practices:** The Proposer shall be evaluated on its plans to meet the DBE/MWBE/SDVOB goal for the Design-Build Contract and its past compliance with subcontracting provisions for DBEs/MWBEs/SDVOB.
- **Other Relevant Matters:** The Proposer will be evaluated on all matters deemed relevant by MTA C&D, in its sole discretion, including issues that might be raised after the release of the RFP and overall adherence to the requirements of the RFP.

C. Cost

In addition to the dollar amount of the Unit Price Pay Items, individually and collectively, evaluation of the cost will consider, among other things, net cost savings and/or additions resulting from innovations with respect to schedule, sequencing, and proposed exceptions. The Proposer shall include a value for each proposed exception.

5. **Site Tours**

Site Tours will be held on September 2, 2021 at 9:00am. Proposers shall meet at Delancey St – Essex (Jamaica Line). Proposers must notify the Contracts Representative by e-mail at Everett.McIndoe@mtacd.org no later than 12:00 p.m. on September 30, 2021 with the names of proposed attendees. **Note: Prospective Proposers are limited to two (2) attendees per firm.**

The MTA may perform background checks on all Site Tour attendees. Accordingly, attendance requests must include the following:

- i. the attendee's full legal name;
- ii. the attendee's firm's name, address and phone number; and
- iii. a clear and legible copy of a valid government-issued form of photo identification (e.g. driver's license or passport) with date of birth.

No Person will be permitted on a Site Tour without a valid reservation and their original form photo identification that was provided with the reservation request. Failure to bring a form of original photo identification shall exclude a Person from the Site Tour.

Attendees shall bring their own personal protective equipment. This includes a hard hat, heavy-soled safety work shoes, safety glasses, non-metallic flashlight and an orange reflective safety vest. Persons who do not bring the required personal protective equipment will not be permitted to participate in the Site Tour. All Persons attending the Site Tour must have taken the NYCT Contractor Safety Course training.

No Person shall be permitted to participate in the Site Tour or enter upon any other MTA Group property unless they agree to comply with all conditions imposed by the MTA in connection therewith, including signing a waiver on behalf of themselves, and the entity which they represents, of all claims against the MTA, MTA C&D, NYCT and any of their agents or employees, arising on account of any personal injury (including death) or property damage occurring while on the Site Tour or other MTA Group property arising out of their entrance.

Where authorized by MTA C&D, Site Tour attendees may use hand-held cameras and cell phones to photograph or record areas of the Work Site that are made available for inspection. Cameras and cell phones must be carried in a manner to eliminate any potential for injuries. MTA C&D will be the final arbiter for the use of photographic/video equipment during the Site Tour or at any other time. Attendees are not permitted to photograph any personnel/employees of the MTA, MTA C&D, or NYCT. Any photos or video taken by an attendee shall be used solely for the purpose of preparing the Proposal and shall not be published or disseminated beyond those involved in preparation or presentation of the Proposal.

6. Pre-Proposal Information Presentation

A Pre-Proposal Information Presentation for this RFP will be held on September 9, 2021 at 10:00 a.m. via Microsoft Teams. Prospective Proposers must notify the Contracts Representative by e-mail at Everett.McIndoe@mtacd.org no later than 12:00 p.m. on September 8, 2021 with the names, phone numbers and email addresses of proposed attendees.

7. RFP Availability

The RFP documents will be made available to all Prospective Proposers on or about **August 20, 2021**. In order to obtain the RFP documents, Prospective Proposers need to complete and submit the order form available on the MTA's website submitting the Document Order Form.

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

8. General Limitations on Proposer's Team Membership

- A. Subject to the Limitations on Exclusivity set forth in Section 9 below, and in addition to any other restriction or qualification on Proposer team membership and on the inclusion of Major Participants and Key Personnel:
1. No Major Participant may participate on more than one Proposer team;
 2. No Affiliate of any Major Participant may participate on another Proposer's team;
 3. Affiliated entities may not otherwise participate on separate Proposer teams;
 4. No individuals serving a Key Personnel role on one Proposer team may serve any role on another Proposer team; and
 5. No firm that employs one or more of the individuals named as Key Personnel on one Proposer team may serve any role on another Proposer team.

9. Limitations on Exclusivity

- A. Designers or their Affiliates, non Major Participant Subcontractors, and other Persons which are not prohibited from participating on more than one (1) Proposer team as set forth in Paragraph 8 above are subject to compliance with the following requirements to protect the integrity of the procurement process:

1. Proposers may not team with or engage any Designer during this procurement if such teaming is conditioned on that entity and/or its Affiliates being on a Proposer's team on an exclusive basis; and
2. any otherwise permitted engagement of a Designer or any of its Affiliates by two (2) or more Proposer teams shall 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 MTA C&D, and (iii) the prohibition of any such entity and their personnel sharing information (or being asked by a Proposer team to share information) regarding the procurement or the Contract between or among Proposer teams.