

DATE: 01/03/2022

CONTRACT SOLICITATION NOTICE/PROJECT OVERVIEW

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

SSE EVENT#: 0000379908

OPENING/DUE DATE: 02/28/2022

TYPE OF SOLICITATION: RFP

DOCUMENT AVAILABILITY DATE: 01/03/2022

SOLICITATION TITLE: A37140 Design-Build-Finance-Maintain (DBFM) Services for Rapid MTA Station Accessibility Upgrade Project (Package 3)

DESCRIPTION: MTA seeks to retain the services of a qualified developer team (the "Developer") to design, construct and maintain station accessibility improvements that will satisfy the requirements of the Americans with Disabilities Act (the "ADA"), including (a) for eight (8) New York City Transit Authority ("NYCT") subway stations in New York City ("Stations") identified in Appendix C to the RFQ (the "Installation Stations") designing and constructing the improvements for such compliance, including installation of twenty-one (21) new elevators, path-of-travel improvements, and associated state of good repair work, (b) for five (5) Stations, fourteen (14) elevator replacements and associated state of good repair work at additional Stations identified in Appendix C (the "Replacement Stations", together with the Installation Stations, the "Improved Stations"; the elevators, and related equipment, for the Improved Stations being the "New Elevators"), and (c) maintenance of the New Elevators, including major maintenance and lifecycle improvements, handback requirements and related duties and services throughout the term of the Project Agreement, all as set forth more fully in the scope of Work. MTA C&D intends to award the project agreement (the "Project Agreement") at the conclusion of the RFP process.

Funding: TBD Goals: TBD Est \$ Range: Over \$10M Contract Term: 48 Months

Information relating to funding and affirmative action goals will be made available to shortlisted Respondents

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

| | | |
|---|------------------|------------------|
| (X) PRE-BID CONFERENCE LOCATION: | DATE: TBD | TIME: TBD |
| Virtual via Microsoft Teams | | |

| | | |
|--------------------------------|------------------|------------------|
| (X) SITE TOUR LOCATION: | DATE: TBD | TIME: TBD |
| During Step 2 | | |

FOR MORE INFORMATION, PLEASE CONTACT:

PROCUREMENT REPRESENTATIVE: Alexander Wanless

EMAIL: alexander.wanless@mtacd.org

REQUIREMENTS TO PARTICIPATE

DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER: ALL VENDORS MUST HAVE A DUN & BRADSTREET DUNS NUMBER IF THEY WISHTO PARTICIPATE IN THIS PROCUREMENT. VENDORS WHO DO NOT HAVE A DUNS NUMBER CAN REGISTER ONLINE AT WWW.MYDNCB.COM. TO OBTAIN ONE FREE OF CHARGE. YOU MUST STATE THAT THE NUMBER IS REQUIRED FOR SAM (SYSTEM FOR AWARD MANAGEMENT)

SYSTEM FOR AWARD MANAGEMENT (SAM): VENDORS ARE ALSO 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 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, TO REGISTER AS A BIDDER*****

**Contract No. A37140
Project Overview**

1. Introduction to Design-Build-Finance-Maintain Services for Rapid MTA Station Accessibility Upgrade Project (Package 3)

MTA seeks to retain the services of a qualified developer team (the “Developer”) to design, construct and maintain station accessibility improvements that will satisfy the requirements of the Americans with Disabilities Act (the “ADA”), including (a) for eight (8) New York City Transit Authority (“NYCT”) subway stations in New York City (“Stations”) identified in Appendix C to the RFQ (the “Installation Stations”) designing and constructing the improvements for such compliance, including installation of twenty-one (21) new elevators, path-of-travel improvements, and associated state of good repair work, (b) for five (5) Stations, fourteen (14) elevator replacements and associated state of good repair work at additional Stations identified in Appendix C (the “Replacement Stations”, together with the Installation Stations, the “Improved Stations”; the elevators, and related equipment, for the Improved Stations being the “New Elevators”), and (c) maintenance of the New Elevators, including major maintenance and lifecycle improvements, handback requirements and related duties and services throughout the term of the Project Agreement, all as set forth more fully in the scope of Work. MTA C&D intends to award the project agreement (the “Project Agreement”) at the conclusion of the RFP process.

2. Contracting Methodology

The Project Agreement will be awarded to the shortlisted respondent in its capacity as a proposer under the RFP that submits the Proposal that MTA C&D determines, in its discretion, to offer the best value to the MTA based on an evaluation of qualitative factors, including cost and schedule, following the two-step solicitation process. MTA C&D has determined to use private sector technical innovation and private resources through a design-build-finance-maintain (“DBFM”) structure in order to achieve timely completion of the ADA improvements and ensure reliable ongoing maintenance services and value for money over the term of the Project Agreement. The Developer will be responsible for constructing and delivering the project on a fixed-price, lump sum basis with a guaranteed longstop completion date, as well as interim milestones that will be set forth in the Project Agreement. In addition, the Developer will be required, throughout the maintenance period, for providing maintenance services at a fixed price, subject to inflation. MTA C&D’s primary objective for purposes of this procurement are to (i) optimize pricing and risk allocation related to the Work, (ii) encourage development of innovative designs, planning, and logistics, and (iii) ensure efficient Project and service delivery, including in respect of long-term maintenance of the New Elevators and life-cycle factors.

3. Project Scope/Description

The work under this Contract (the “Work” or the “Project”) includes the design and construction of ADA-compliant station accessibility improvements in the Improved Stations, including installation of twenty-one (21) new heavy-duty transit elevators, suitable for 24-hour continuous operation at the Installation Stations and replacement of fourteen (14) existing elevators at the Replacement Stations with new heavy-duty transit elevators, suitable for 24-hour continuous operation. The Work will also include electrical power upgrades and station communications upgrades, where necessary; relocation of existing utilities; replacement, relocation and/or addition of staircases; installation of ADA-compliant boarding areas at each platform; and reconstruction of the remainder of the platform, where necessary.

4. 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. Pursuant to the Request for Qualifications (“RFQ”), MTA C&D will invite entities or groups of entities (“Respondents”) interested in competing to perform the Work to submit statements of qualifications (“SOQs”) that detail, among other things, Respondent’s preparedness to formally submit a proposal (“Proposal”) for the Project Agreement and such Respondent’s qualifications to perform the Work.
- B. MTA C&D will evaluate all SOQs received in accordance with the criteria set out in this RFQ. Based on its evaluation, MTA C&D will select Respondents (the “Shortlisted Respondents”) that it has

**Contract No. A37140
Project Overview**

deemed, in its discretion, to possess the capability (financial as well as technical), capacity, and experience necessary to successfully undertake and complete the Work. Only the Shortlisted Respondents will be eligible to participate in the second step of the procurement process, the RFP.

- C. In Step 2, MTA C&D will issue the RFP to invite the Shortlisted Respondents as proposers (“Proposers”) to submit Proposals. MTA C&D will evaluate each Proposal received in accordance with the RFP requirements and select the Proposal that, in MTA C&D’s discretion, represents the best value to MTA C&D. While price will be a factor in the evaluation, other qualitative factors such as design, technical approach and maintenance experience will also be considered. Additionally, schedule and scheduling construction and maintenance services to minimize station downtime or outages will be major determinative elements in awarding the Project Agreement.
- D. The RFP will provide specific instructions on the submission requirements, the evaluation factors, and rating guidelines.
- E. Prior to issuing the RFP, MTA C&D may, in its discretion, issue a draft of the RFP to the Shortlisted Respondents to solicit feedback. MTA C&D reserves the right to conduct one-on-one discussions with each Shortlisted Respondent to obtain such feedback.
- F. During Step 2, MTA C&D will offer a stipend to Shortlisted Respondents that submit Proposals that are responsive to the RFP requirements but are **not** awarded the Project Agreement.

5. RFQ Availability

The RFQ documents will be made available to all prospective Respondents on or about **January 3, 2022**. In order to obtain the RFQ documents, prospective Respondents need to complete and submit the order form available on the MTA’s website by clicking the “Document Order Form” link.

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.

6. Evaluation of SOQs

As described in more detail in the RFQ, SOQs will be evaluated utilizing a two-step process. The first step will be a pass/fail evaluation of threshold criteria (“Threshold Evaluation”) followed by a qualitative evaluation based on technical factors (“Substantive Evaluation”).

MTA C&D will first 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 Respondent has presented evidence that it has the legal capacity to enter into and perform the Project Agreement to design, build, finance and maintain the Project and comply with New York licensing requirements;
- D. **Responsibility**: Neither the Respondent, nor any Major Participant (as defined in the RFQ) 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

**Contract No. A37140
Project Overview**

government; and demonstrates responsibility based on information submitted in that SOQ, federal, State, and local lists of debarment and suspension, and any publicly available reports and filings, reference checks as applicable, and company or court records or other internal MTA documents that are available to MTA C&D; and

- E. **Financial Capability**: Respondent has demonstrated financial strength sufficient to complete the Project and has provided all financial statements and other documentation necessary to satisfy the requirements set forth in the RFQ, including, with respect to each of the Lead Contractor and the Elevator Maintainer (each, as defined in the RFQ), delivery of a letter from an eligible surety and, with respect to each Equity Member, delivery of an Equity Funding Letter (each, as defined in the RFQ).

SOQs must satisfy each of the pass/fail criterion, subject to MTA C&D's reserved rights set forth in the RFQ, to advance to the Substantive Evaluation. SOQs not satisfying each pass/fail criterion will be excluded from further consideration and those Respondents will be so notified. SOQs not satisfying the pass/fail criteria may be excluded from further consideration and the applicable Respondent(s) will be so notified that they have not been shortlisted.

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

A. **Team, Key Personnel, and Organization**:

- a. the demonstrated qualifications and experience of the proposed Key Personnel (as defined in the RFQ);
- b. the demonstrated capability and experience of the proposed management team, including the ability to manage all aspects of the Project Agreement and successfully integrate the various Major Participants; and
- c. organizational capacity to ensure sufficient staffing to perform the Work; successful working relationships of Major Participants on previous projects;

- B. **Prior Experience**: The extent and depth of each Major Participant's experience with projects of a similar size, type, and complexity, including the Reference Projects;

C. **Past Performance**: Demonstrated record of performance of all Major Participants including:

- a. completion of contracts and projects on schedule;
- b. quality of work product;
- c. completion within budget;
- d. good standing and adequate progression of work;
- e. 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);
- f. record of terminations for cause and defaults;
- g. disciplinary action, including suspension;
- h. safety record;
- i. client references; and
- j. awards, citations and commendations, including with respect to the Reference Projects;

**Contract No. A37140
Project Overview**

- D. **Project Approach**: The extent to which a Respondent demonstrates an understanding of, and approach to, the development, design and construction of the Project and maintenance of the New Elevators including unique issues, specific risks, and any challenges associated with the Project; and
- E. **Diversity Compliance**: Respondent's record of successful MWBE, DBE, or SDVOB usage on past and current projects, and organizational commitment as demonstrated by policies, internal structures, and practices.

Exercise of Discretion in Evaluation Process

- A. The evaluation of SOQs will be conducted at the discretion of MTA C&D, with assistance from such professional and other advisors as MTA C&D may designate from time to time.
- B. Notwithstanding the criteria identified above, MTA C&D may, in its discretion, select Shortlisted Respondents based on its assessment of the best interests of the Project Agreement, the MTA and its stakeholders.
- C. MTA C&D may, in its discretion, waive technical irregularities in the form of the SOQ that do not, in MTA C&D's discretion, alter the quality or quantity of the information provided.
- D. MTA C&D may, in its discretion, conduct interviews during the RFQ process. If MTA C&D elects to conduct interviews, Respondents shall be notified in writing. MTA C&D may also verify information presented in the SOQ with other parties, such as other parties to design-build, DBFM or P3 projects in which a Respondent participated, and contact the firm and personnel references supplied by the Respondent as well as any other professional references not listed.
- E. Unless expressly permitted by this RFQ:
 - a. any failure to fully disclose requested information;
 - b. any incomplete, inaccurate, materially misleading or non-responsive submissions; or
 - c. any conditional or qualified submissions (i.e., "to our knowledge," "to the extent of available information," "such information is not readily available," "such information is not maintained in the manner requested," etc.) to requests or questions posed, may, in the discretion of MTA C&D, lead to: (1) a determination that the SOQ has "failed" the Threshold Evaluation; (2) disqualification of a Respondent and/or a relevant Major Participant from the procurement process; and/or (3) a reduced rating for the Substantive Evaluation.

7. Experience and Performance of Respondent Teams

- A. During the RFQ process, MTA C&D will identify Respondents that include Lead Contractors and Designers (as defined in the RFQ) with:
 - a. Experience in successfully managing, designing and constructing projects of similar size, type and complexity as reflected in the scope of Work and anticipated for the Project (whether such projects have been completed or are ongoing);
 - b. A record of completing projects on time and within budget;
 - c. Technical and management experience and expertise to plan, organize and execute the design and construction and assure the quality and safety of the Work, as well as minimize disruption;
 - d. Organizational capacity to perform the Work, including required utility relocation work; and
 - e. Qualified key personnel with experience managing and performing work in environments similar to those reflected in the scope of Work, including active rail and transit station environments, including without limitation, project managers, construction managers, design consultants, safety managers, quality managers and schedulers.
- B. During the RFQ process, MTA C&D will identify Respondents that include an Elevator Manufacturer, Elevator Installer (each, as defined in the RFQ) and Elevator Maintainer with:

**Contract No. A37140
Project Overview**

- a. Experience in successfully manufacturing, installing, and maintaining elevators in the quantities, with such performance and technical specifications, for such purposes, and in the environments similar to those reflected in the scope of Work and anticipated for the Project, including in heavy-duty transportation system, airport or equivalent elevators;
 - b. Experience in achieving expected levels of maintainability and life cycle performance and satisfaction of handback requirements in similar projects;
 - c. A record of completing projects (including, as applicable, as prime or subcontractors) on time and within budget;
 - d. Experience in and a record of providing long term original equipment manufacturer ("OEM") and installation warranties, maintenance, and support to project owners;
 - e. Technical and management experience and expertise to plan, organize and execute the relevant parts of the Work and assure the quality and safety of the Work; and
 - f. Qualified key personnel with experience managing and performing work in environments similar to those reflected in the scope of Work, including active rail and transit station environments.
- C. During the RFQ process, MTA C&D will identify Respondents that include Equity Members with:
- a. Experience in successfully structuring and achieving financial close on a diverse range of financing structures for projects of a similar scope and complexity;
 - b. Experience as an equity member of a developer in successfully managing projects of a similar scope and complexity through completion of construction and post-construction;
 - c. A consistent track record of submitting proposals on projects for which it has been shortlisted; and
 - d. Qualified key personnel with experience managing DBFM (or equivalent), public private partnership ("P3") and related structures.
- D. The background and experience for the Lead Contractor and Lead Designer (as defined in the RFQ) shall be demonstrated on at least two (2), but no more than four (4), Reference Projects (as defined in the RFQ) of similar size, type, and complexity with:
- a. Project delivery using design-build, DBFM or P3 contracting; and
 - b. With respect to the Lead Contractor, experience in rail or transit infrastructure construction, including any such experience adjacent to a live rail operating environment (if applicable) and, with respect to the Designer, experience in rail or transit infrastructure design and in ADA compliance or elevator design; or
 - c. Project delivery on a severely constrained project site in a major metropolitan area within North America.
- E. The background and experience for the Elevator Manufacturer shall be demonstrated on at least two (2) (and, with respect to design-build, DBFM or P3 contracting experience, at least one (1)) but no more than four (4) Reference Projects) demonstrating experience in manufacturing heavy-duty transportation system, airport or equivalent elevators.
- F. The background and experience for the Elevator Installer and/or Elevator Maintainer shall be demonstrated on at least two (2) (and, with respect to key performance indicator or other performance-based contracts with respect to the level of service at such Reference Projects, at least one (1)) but no more than four (4) Reference Projects, involving each of the following:
- a. experience installing and maintaining heavy-duty transportation-system, airport or equivalent elevators (as applicable);
 - b. experience providing long term OEM and installation warranties and support to project owners; and
 - c. experience providing maintenance services that include services equivalent to OEM and installation warranties and ongoing installer and/or manufacturer support to project owners

Contract No. A37140
Project Overview

8. General Limitations on Respondent Team Membership

- A. Subject to the RFQ, and in addition to any other restriction or qualification on Respondent team membership and on the inclusion of Major Participants and Key Personnel:
- a. with the exception of the Designer, Elevator Manufacturer, Elevator Installer and Elevator Maintainer:
- i. no Major Participant shall participate on more than one (1) Respondent team;
 - ii. no Affiliate of any Major Participant shall participate on another Respondent's team;
 - iii. Affiliated entities shall not participate on separate Respondent teams;
 - iv. no firm that employs one or more of the individuals named as Key Personnel on one (1) Respondent team may serve any role on another Respondent team; and
 - v. no individuals serving a Key Personnel role on one (1) Respondent team may serve any role on another Respondent team.
- B. Respondents and Major Participants that are not selected as a Shortlisted Respondent are not restricted under Section **Error! Reference source not found.** of the RFQ, solely on the basis of having been a member of an unsuccessful Respondent team. Following the public announcement identifying the Shortlisted Respondents, members of each unsuccessful Respondent team (including Major Participants) may seek to join the team of a Shortlisted Respondent, subject to the restrictions set forth herein.

9. Limitations on Exclusivity

Designers, Elevator Manufacturers, Elevator Installers, Elevator Maintainers, or their Affiliates, which are not prohibited from participating on more than one (1) Respondent team under Section **Error! Reference source not found.** of the RFQ, may participate on more than one (1) Respondent team subject to compliance with the following requirements in order to protect the integrity of the procurement process:

- A. Respondents may not team with or engage any Elevator Manufacturer, Elevator Installer or Elevator Maintainer during this procurement if such teaming is conditioned on that entity or its Affiliates being on a Respondent's team on an exclusive basis.
- B. The engagement of a Designer, Elevator Manufacturer, Elevator Installer or Elevator Maintainer, or any of their Affiliates, by two (2) or more Respondent teams shall be subject to: (i) the disclosure to all relevant Respondent teams that such entities and personnel are engaged by another Respondent team (or teams); (ii) the institution of Information Barriers (as defined in the RFQ) acceptable to MTA C&D; and (iii) the prohibition of any such entity and their personnel sharing information (or being asked by a Respondent team to share information) regarding the procurement and/or the Project Agreement between or among Respondent teams.
- C. If a Respondent elects to non-exclusively engage two (2) Designers for its SOQ, MTA C&D will treat such Designers as a Joint Venture (as defined in the RFQ) in accordance with Paragraph **Error! Reference source not found.** However, if MTA C&D determines that such arrangement does not represent a true Joint Venture and is not in the best interests of the RFQ and/or performance of the Work, MTA C&D may, in its discretion, require the Respondent to: (i) demonstrate that such arrangement reflects a true Joint Venture arrangement appropriate for the Project Agreement; and/or (ii) finalize the engagement of one (1) but not both Designers with the revised engagement documented as an Organizational Change either under the terms of this RFQ or the equivalent terms of the RFP. In addition, Shortlisted Respondents and Proposers will be permitted, at their own initiative, to finalize the engagement of one (1) Designer, but not both

**Contract No. A37140
Project Overview**

Designers with the revised engagement documented as an Organizational Change either under the terms of this RFQ or the equivalent terms of the RFP.

- D. If a Respondent elects to non-exclusively engage up to four (4) Elevator Manufacturers, Elevator Installers or Elevator Maintainers for its SOQ, MTA C&D will evaluate each independently and may approve any or all of the proposed Elevator Manufacturers, Elevator Installers or Elevator Maintainers that meet the requirements set forth herein to qualify as Major Participants for purposes of the RFP. If a Shortlisted Respondent has more than one (1) approved Elevator Manufacturer, Elevator Installer or Elevator Maintainer as a Major Participant, pursuant to Section 6.5.c, after shortlisting, such Shortlisted Respondent or Proposer must finalize the engagement of one (1), but not more than one (1), Elevator Manufacturer, Elevator Installer and/or Elevator Maintainer prior to submission of a Proposal in response to the RFP as an Organizational Change either under the terms of this RFQ or the equivalent terms of the RFP.