

**Contract No. C33942
Project Overview**

1. Introduction to the Project

The Metropolitan Transportation Authority (“MTA”), by and through the MTA Construction and Development Company (“MTA C&D”), will be issuing a two-step Request for Proposals (“RFP”), in order to identify and engage a qualified Design-BUILDER to develop, design, and construct a new Railcar Acceptance and Testing Facility located on the South Brooklyn Railway property at 3rd Avenue between 38th and 39th Streets and 38th Street Yard in the Borough of Brooklyn. The new facility shall be designed and constructed to give the utmost importance to operational efficiency and in compliance with all applicable NYCT, City, State and Federal codes, regulations and standards and has features, systems and equipment needed to meet the maintenance requirements of the current, and future railcar fleet.

2. Contracting Methodology

The Design-Build Contract will be awarded as a fixed lump sum price contract to the proposer that submits the proposal that MTA C&D determines, in its sole discretion, to offer the best value based on an evaluation of qualitative factors, as well as cost and schedule, following the two-step solicitation process. This method of procurement is intended to encourage development of innovative designs, planning and logistics while also optimizing schedule and the sharing of risks related to the work.

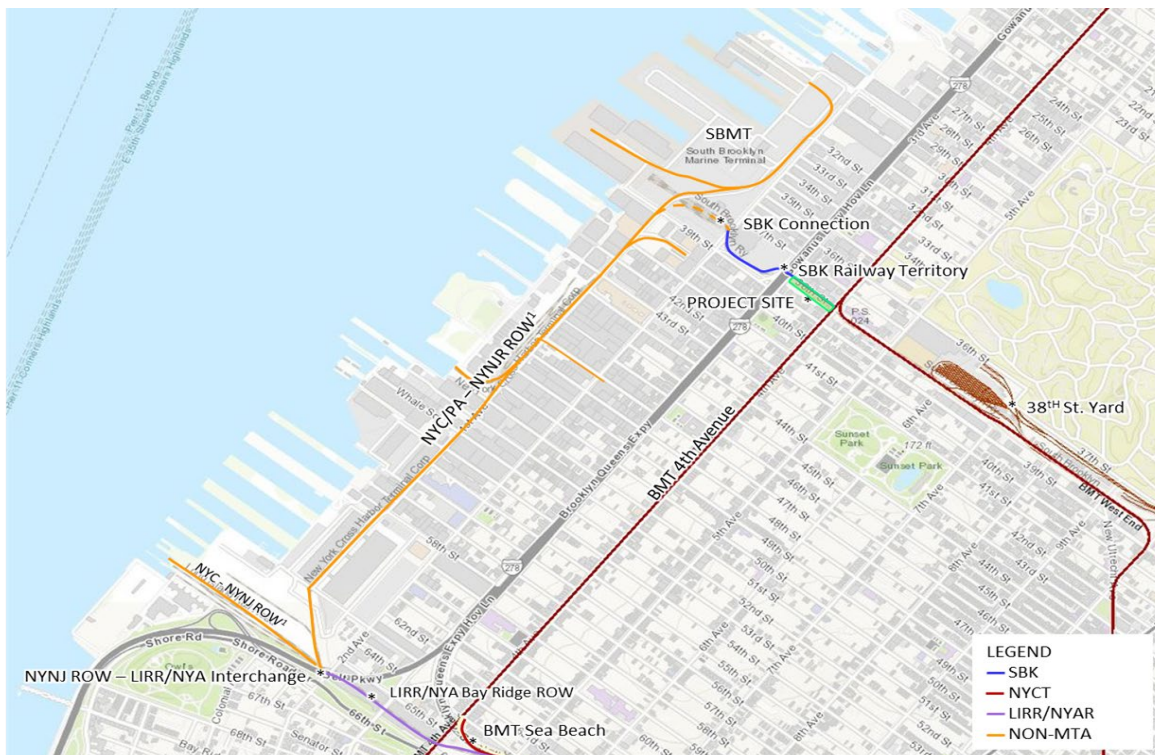
3. Work Elements

The Work for Contract C33942 is for design-build services to develop, design, and construct a new Railcar Acceptance and Testing Facility located on the South Brooklyn Railway property at 3rd Avenue between 38th and 39th Streets and 38th Street Yard in the Borough of Brooklyn.

4. Background Information

The MTA requires additional facilities to receive, inspect, test and accept NYCT railcars and to support ancillary administrative functions. To facilitate both the delivery of the new railcars by boat and barge, and the deployment of the railcars once tested and accepted, the site for the new facility is near the Bay Ridge Channel of Upper New York Bay and is also connected to New York City Transit’s BMT line.

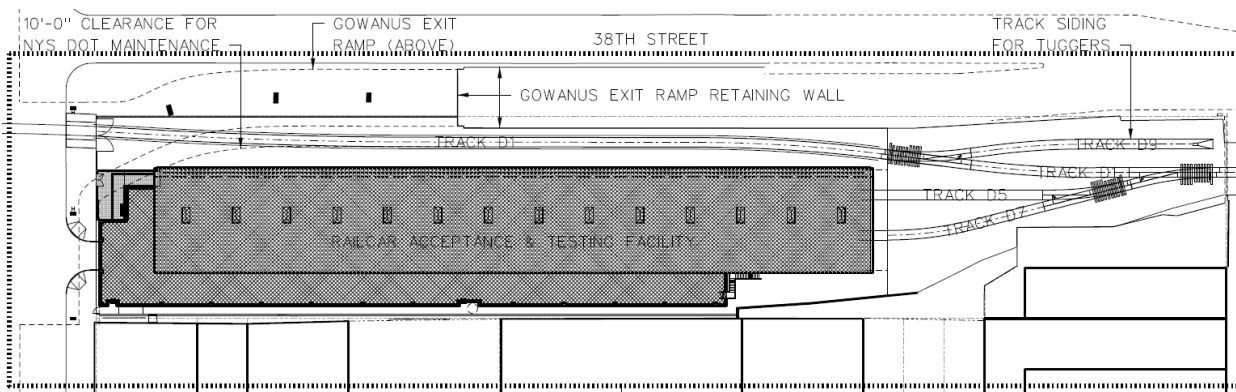
The images below depict the relevant area where the Work is to be performed.



¹ Ownership and ROW agreements in non-MTA areas are purported. Neither MTA, LIRR, or NYCT are parties to these arrangements, thus their precise nature is currently unknown.

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Proposed Site Plan



5. Project Scope/Description

The Work includes design-build services for the following:

- Demolition, removal and disposal of existing tracks, site systems (including fencing and lighting);
- Relocation and/or removal of utilities as necessary;
- Construction of a new Railcar Acceptance and Testing Shop consisting of a 350'x50' pre-engineered structure, outdoor tugger track for siding, delivery track(s), outdoor tracks, pitted/floor tracks inside the shop, foundation slab and footings to support the installation of concrete and/or CMU exterior walls, 2-ton overhead bridge crane(s) serving the full length of both tracks, DC stinger system, material handling and other shop equipment, furniture, sprinkler and standpipe systems including new water services, HVAC systems, entrance roadways and walkways;
- Construction of an adjacent L-shaped masonry-structure annex building for ancillary administrative support services, consisting of two sections, approximately 311' x 16' and 44' x 30';
- Installation of perimeter fencing, site lighting, storm drainage, communications systems, and all necessary utility services and connections;
- Installation of new tracks, rails and ties and signal equipment that will connect to the BMT mainline.

6. 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, their qualifications and preparedness to formally submit proposals for the Contract.
- B. MTA C&D will evaluate all SOQs received in accordance with evaluation criteria set out in the RFQ. Based on the results of the evaluation, and at its discretion, MTA C&D then expects to select up to four (4) Respondents (the "Shortlisted Respondents") with the capability, capacity, and experience

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necessary to undertake and successfully complete the Work as the Design-Builder, 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, MTA C&D may, at its discretion, issue a draft RFP to the Shortlisted Respondents and carry out a series of one-on-one discussions with the Shortlisted Respondents in order to solicit feedback on the draft RFP. This draft RFP would include a draft form of Contract.
- D. With or without issuance of a draft RFP, the second step in the procurement process will involve inviting the Shortlisted Respondents to respond to the RFP. Through the evaluation of the Proposals submitted in response to the RFP, MTA C&D intends to ultimately select the Shortlisted Respondent whose Proposal, in MTA C&D’s discretion, represents the best value to MTA C&D based on an evaluation of pricing and qualitative factors. While price will be a factor in the evaluation, design, technical approach and other qualitative factors will also be considered in determining best value. In particular, schedule will be a major determinative element in awarding the Contracts.
- E. The purpose of the RFP will be to allow MTA C&D to select the Design-Builder for award of the Contracts. The RFP will provide specific instructions on required submittals, the evaluation factors, the objectives and requirements for evaluation, and the evaluation criteria for the RFP step of the procurement.
- F. During Step 2, MTA C&D will offer a stipend to Shortlisted Respondents that submit Proposals responsive to the RFP requirements but are not awarded a contract.

7. RFQ Availability

The RFQ documents will be made available to all prospective Respondents on or about **February 18, 2022**. In order to obtain the RFQ documents, prospective Respondents need to complete and submit the Contract Document Order Form to SolicitationDocs@mtacd.org. After the order form is processed, prospective Respondents will be notified and instructed to log in the MTA Vendor Portal, www.mymta.info, and download the RFQ documents.

IMPORTANT:

- 1. **Vendors’ contact information must be updated in the Supplier Portal in order to receive notifications regarding this solicitation.**
- 2. **New Vendors must first complete the registration process in order to obtain the RFQ documents. To register log in the MTA Vendor Portal, www.mymta.info, selecting Vendor Sign-in & Registration, select New Bidder Registration and then follow the on-screen instructions.**

8. Evaluation of SOQs

As described in more detail in the RFQ, SOQs will be evaluated to establish a shortlist of qualified Respondents. MTA C&D anticipates using a pass/fail process that incorporates qualitative assessments to evaluate the SOQs. Each Respondent’s SOQ will be evaluated utilizing the following Threshold Evaluation criteria (pass/fail criteria) and Substantive Evaluation criteria for compliance with the SOQ submittal requirements:

- i. **Threshold Evaluation Criteria**

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- 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 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 Respondent 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 MTA C&D.
- e. **Financial Capability**: Respondent 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 RFQ.

ii. Substantive Evaluation Criteria

- 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 Work**: The extent to which a Respondent 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**: 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.

9. Experience and Performance of Respondent Teams

- A. During the RFQ process, MTA C&D will identify Respondents that include Lead Contractors and Designers with:
 - i. experience in successfully managing, designing and constructing projects of size, type and complexity as anticipated for the Project;
 - ii. a record of completing contracts on time and within budget;
 - iii. technical and management experience and expertise to plan, organize and execute the design and construction and assure the quality and safety of the Work; and

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- iv. qualified key personnel with experience managing and performing work in active rail and transit stations environment, including without limitation, project managers, construction managers, designers, safety managers, quality managers and schedulers.
- B. The background and experience for the Lead Contractors and Designers are expected to be as follows:
- i. relevant experience of successfully performing as a prime or general contractor or Designer on multiple construction projects of size, type and complexity similar to the Project. Any identified project shall be in excess of \$40 million;
 - ii. relevant experience of performing work as the prime or general contractor or as a Designer on rail or transit construction projects; and
 - iii. sufficient organizational structure, management resources, equipment and labor, including an appropriate construction/design management team to be assigned to the Contract, to assure MTA C&D that the Project will be properly coordinated and managed and will be completed on schedule.

10. General Limitations on Respondent Team Membership

- A. Subject to the Limitations on Exclusivity set forth in Section 10 below and in addition to any other restriction or qualification on Respondent team membership and on the inclusion of Major Participants and Key Personnel as set forth in the RFQ:
- i. no Major Participant may participate on more than one (1) Respondent team;
 - ii. no Affiliate of any Major Participant may participate on another Respondent's team;
 - iii. Non-Major Participant Subcontractors and their Affiliates may participate on more than one (1) respondent team, subject to compliance with Sections 5.3, 6.2, and 6.4 of the RFQ;
 - iv. no individuals serving a Key Personnel role on one Respondent team may serve any role on another Respondent team; and
 - v. 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.
- B. 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 Respondents.

11. Proposed Engagements with Duplicate Major Participants

- 1. Each Respondent may only identify and propose a single entity for each category of Major Participant in its SOQ, for which purposes a Joint Venture will be considered to be a single entity.
- 2. Notwithstanding the foregoing restriction, a Respondent may include in its SOQ two (2) proposed Designers as alternatives, subject to the restrictions set forth in Section 12.B below.

12. Limitations on Exclusivity

- A. Non-Major Participants, Subcontractors, and other Persons that are not prohibited from participating on more than one (1) respondent team under Section 8A above, 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:
- i. Respondents may not team with or engage an entity if such teaming is conditioned on that entity or its Affiliates being on a Respondent's team on an exclusive basis.

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- II. Any otherwise permitted engagement of a Person 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; (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 Respondent team to share information) regarding the procurement, and the Design-Build Contract between or among Respondent teams
- B. 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. 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 Contract C34872; 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 entitled, on their own initiative, to finalize the engagement of one (1) Designer, 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.