

**DATE: 11/01/2022**

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

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

**SSE EVENT#:** 0000416799

**OPENING/DUE DATE:** 01/06/2023

**TYPE OF SOLICITATION:** RFP

**DOCUMENT AVAILABILITY DATE:** 11/01/2022

**SOLICITATION TITLE:** A37130 ADA Upgrades and Circulation Improvements at Broadway Junction Complex

**DESCRIPTION:** The MTA Construction & Development Company ("MTA C&D"), acting as an agent of and on behalf of the Metropolitan Transportation Authority ("MTA"), invites interested design-build teams to submit statements of qualifications ("SOQs") for Contract A37130, ADA Upgrades and Circulation Improvements at Broadway Junction Complex. Respondents that are selected by MTA C&D in the RFQ process will be eligible to participate in the upcoming Request for Proposals ("RFP"). MTA C&D intends to award a design-build contract (the "Design-Build Contract") at the conclusion of the RFP process.

Funding:100% FTA      Goals:22.5% DBE      Est \$ Range: Over \$100M      Contract Term: 60 Months

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

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

**DATE:** 11/10/2022

**TIME:**10:00AM

Virtual via Microsoft Teams- Please contact the assigned procurement representative at [alexander.wanless@mtacd.org](mailto:alexander.wanless@mtacd.org) to register

**( ) SITE TOUR LOCATION:**

**DATE:**

**TIME:**

**FOR MORE INFORMATION, PLEASE CONTACT:**

**PROCUREMENT REPRESENTATIVE:** Alexander Wanless

**EMAIL:** alexander.wanless@mtacd.org

### **REQUIREMENTS TO PARTICIPATE**

**SYSTEM FOR AWARD MANAGEMENT (SAM):** VENDORS ARE REQUIRED TO REGISTER WITH SAM, A FEDERAL VENDOR DATABASE USED TO VALIDATE VENDOR 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\*\*\*\*\*

**Contract No. A37130**  
**Project Overview**

## **1. Introduction to ADA Upgrades and Circulation Improvements at Broadway Junction Complex**

MTA Construction & Development Company ("MTA C&D"), acting as an agent of and on behalf of the Metropolitan Transportation Authority ("MTA"), invites interested design-build teams to submit statements of qualifications ("SOQs") for Contract A37130, ADA Upgrades and Circulation Improvements at Broadway Junction Complex. Respondents that are selected by MTA C&D in the RFQ process will be eligible to participate in the upcoming Request for Proposals ("RFP"). MTA C&D intends to award a design-build contract (the "Design-Build Contract") at the conclusion of the RFP process.

## **2. Contracting Methodology**

The Design-Build Contract will be awarded as a lump sum price design-build contract with certain components of the Work to be paid on a fixed unit price to the Shortlisted Respondent, in its capacity as a Proposer under the RFP, 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, including cost and schedule, following the two-step solicitation process described in the RFQ. Contracting on a design-build basis is intended to encourage development of innovative designs, planning, and logistics while also optimizing the sharing of risk related to the Work.

## **3. Project Scope/Description**

The Scope includes, but is not limited to the following:

- Work at the Station is to result in an Americans with Disabilities Act (ADA)-compliant Station;
- Leveling any uneven floor surfaces and paths to ensure an ADA-compliant path of travel to the elevators;
- Provide all the necessary ADA upgrades for the traveling public and MTA at the Station in accordance with the ADA Accessibility Guidelines ;
- Provide ADA-compliant Path Redundancy between all the MTA Subway Lines in the Station, namely the IND Fulton Street Line ("A/C Station"), BMT Jamaica Line ("J/Z Station") and BMT Canarsie Line ("L Station"), connecting at the MTA Broadway Junction Station complex,
  - o directly between the A/C Station and the J/Z Station,
  - o directly between the J/Z Station and the L Station, and
  - o directly between the L Station and the A/C Station
- Provide ADA platform boarding areas on the A/C Station, J/Z Station and L Station platforms.
- Install new elevators with corresponding elevator machine rooms (EMRs) on the A/C Station, J/Z Station and L Station
- Install new stairs on the A/C Station, J/Z Station and L Station

Additional project scope can be found in Appendix B of the RFQ.

## **4. Procurement Process**

The procurement process for Contract A37130 consists of two steps: (i) the Request for Qualifications and (ii) the Request for Proposals, as described in further detail below:

- a. This Step 1, the RFQ, invites interested teams (each, a "Respondent") to submit SOQs that detail, among other things, preparedness to formally submit a proposal ("Proposal") for the Contracts and qualifications to perform the Work.
- b. MTA C&D will evaluate all SOQs received in accordance with the criteria set out in the RFQ. Based on its evaluation, MTA C&D will select Respondents (the "Shortlisted Respondents") that it has deemed, in its sole discretion, to possess the capability, capacity, and experience necessary to undertake and successfully complete the Work. Only the Shortlisted Respondents will be eligible to participate in the second step of the procurement process, the Request for Proposals ("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 sole discretion, represents the best value to

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MTA C&D. While price will be a factor in the evaluation, design, technical approach, and other qualitative factors will also be considered. Additionally, schedule will be a major determinative element in awarding the Design-Build Contract.

- 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.

All SOQs shall be submitted electronically to MTA C&D by the SOQ deadline set forth in the RFQ in accordance with the instructions for electronic submittals set forth in the RFQ.

## **5. RFQ Availability**

The RFQ documents will be made available to all prospective Respondents on or about **November 1, 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.

- A. 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. MTA C&D will create a shortlist of qualified Respondents ("Shortlisted Respondents") with the general capability (technical, financial and management), capacity and experience necessary to undertake and successfully complete the Work. Only those Shortlisted Respondents 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 to be corrected through clarifications as described in Section in the RFQ, or otherwise through its exercise of its reserved rights under this RFQ, but it will have no obligation to do so.

### **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 Respondent has presented evidence that its organization has the legal capacity to enter into and perform the Design-Build Contract and 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

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to MTA C&D.

- E. **Bonding Capacity**: Respondent has provided a letter from an eligible Surety to satisfy the requirements set forth in the RFQ that demonstrates that the Respondent has available bonding capacity at least commensurate with the Work.

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 MTA C&D's reserved rights under Section 10.5, 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.

MTA C&D may also exclude from consideration any Respondent whose SOQ contains a material misrepresentation.

**The Substantive Evaluation**

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

**Substantive Evaluation Criteria.**

- A. **Team, Key Personnel, and Organization**:
- a. the demonstrated qualifications and experience of the proposed Key Personnel;
  - b. the demonstrated capability and experience of the proposed management team, including the ability to manage all aspects of the Design-Build Contract and successfully integrate the various Major Participants;
  - c. organizational capacity to ensure sufficient staffing to perform the design and construction work;
  - d. successful working relationships of Key Personnel and Major Participants on previous projects.
- B. **Project Approach**: The extent to which a Respondent demonstrates an understanding of, and approach to, the development, design, and construction of the Project including unique issues, specific risks, and any challenges associated with the Project, and maintenance of the new Elevators.
- C. **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.
- D. **Past Performance**: Demonstrated record of performance of all Major Participants including:
- a. completion of contracts 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

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- j. 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.

**7. 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.
- B. Notwithstanding the criteria identified above, MTA C&D may, in its sole discretion, select Shortlisted Respondents based on its assessment of the best interests of the Contract, the MTA, and its stakeholders.
- C. MTA C&D may, in its sole 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. Interviews are not anticipated at this time. Notwithstanding, MTA C&D may, in its sole discretion, conduct interviews during the RFQ phase. 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 construction 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 sole discretion of MTA C&D, lead to: (1) a "fail" determination for 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.

**8. Experience and Performance of Respondent Teams**

**A. Objectives**

- a. To identify the best responsible Respondent teams, comprised of design and construction firms, elevator manufacturers, elevator installers, and elevator maintainers available with demonstrated experience, expertise, capacity, skill, and integrity, and record of successfully designing, completing, and maintaining projects similar in nature to the Project.
- b. To identify Respondents that include a Lead Contractor and Designer with:
  - i. 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 (for such projects that have been completed);
  - 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;
  - iv. organizational capacity to perform the Work; and

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- v. qualified key personnel with experience managing and performing work in active rail and transit station environments, including without limitation, project managers, construction managers, design consultants, safety managers, quality managers and schedulers.
  - c. To identify Respondents that include an Elevator Manufacturer, Elevator Installer, and affiliated Elevator Maintainer, with:
    - i. 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 active rail and transit stations;
    - ii. experience in achieving expected levels of maintainability and life cycle performance and satisfaction of handback requirements in similar projects;
    - iii. a record of completing contracts (including, as applicable, as prime or subcontractors) on time and within budget;
    - iv. experience in and a record of providing long term OEM and installation warranties, maintenance, and support to project owners;
    - v. 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
    - vi. qualified key personnel with experience managing and performing work in the environments similar to those reflected in the scope of Work, including active rail stations
- B. Requirements and information to be submitted in Section 3 of the SOQ:
  - a. Provide a brief narrative of the relevant background and experience for the Lead Contractor, the Designer, the Elevator Manufacturer(s), the Elevator Installer(s), and Elevator Maintainer(s) (limit two pages per entity (with Joint Ventures treated as a single entity in this instance)). If the Respondent elects to engage more than one (1) Designer, Elevator Manufacturer, Elevator Installer, or Elevator Maintainer, such Respondent shall submit one (1) page per entity (with Joint Ventures treated as a single entity in this instance). Highlight the following in each narrative (as applicable):
    - i. relevant experience of successfully performing as a prime or key subcontractor on multiple elevator manufacturing, installation and maintenance projects or engagements of similar size, type and complexity to the Project (which may include current as well as recently completed projects or engagements;
    - ii. relevant resources and experience to provide long term OEM and installation warranties, maintenance, and support to project owners; and
    - iii. sufficient organizational structure, management resources, equipment and labor.
- C. Attach completed Form 2 and other relevant documentation (additional pages may be added if necessary) for:
  - a. the Lead Contractor and the Designer (if a joint venture, for both of the entities separately and together, if the joint venture has worked together previously), experience on at least two (2) but no more than four (4) Reference Projects demonstrating:
    - i. project delivery using design-build contracting or project delivery in a major metropolitan area within North America;
    - ii. experience in ADA compliance, vertical transportation, or elevator design or experience in railroad and transit infrastructure construction; and
    - iii. experience with design-build contracting and with ADA, vertical transportation, or elevator projects is preferred.



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- b. each Elevator Manufacturer, experience on at least two (2) (but no more than four (4) Reference Projects) demonstrating experience in manufacturing heavy-duty transportation system, airport, or equivalent elevators.
- c. each Elevator Installer and/or Elevator Maintainer, experience on at least two (2) (and, with respect to KPI 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.
  - i. experience installing and maintaining heavy-duty transportation-system, airport or equivalent elevators (as applicable);
  - ii. experience providing long term OEM and installation warranties and support to project owners; and
  - iii. experience providing maintenance services that include services equivalent to OEM and installation warranties and ongoing installer and/or manufacturer support to project owners
- D. Attach completed Form 3, Safety Questionnaire, for the Lead Contractor and each Elevator Installer with respect to the Reference Projects listed on Form 2, and a completed Form 3 for the Project Manager, the Construction Manager, and the Safety Manager, whose positions are set forth in the RFQ.
- E. If a conflict of interest or potential conflict of interest requires disclosure under the terms of the RFQ and was not disclosed in or prior to submission of the RFQ, the Respondent shall specifically describe such conflict or potential conflict in accordance with the requirements in the RFQ and, if applicable, submit a copy of MTA C&D's response in regard to the same.

**9. 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 of the Elevator Manufacturer, the Elevator Installer, the Elevator Maintainer, and the Designer:
    - 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 the RFQ solely on the basis of having been a member of such 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 Respondents, subject to the restrictions set forth herein.

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**10. Limitations on Exclusivity**

- A. Designers, Elevator Installers, Elevator Manufacturers, Elevator Maintainers, or their Affiliates, which are not prohibited from participating on more than one (1) Respondent team under Section 6.2, 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:
- B. The engagement of an Elevator Installer, Elevator Manufacturer, Elevator Maintainer, Designer, or any of their Affiliates by two (2) or more Respondent teams shall be subject:
  - a. the disclosure to all relevant Respondent teams that such entities and personnel are engaged by another Respondent team;
  - b. the institution of Information Barriers acceptable to MTA C&D; and
  - c. 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.
- C. The engagement of an Elevator Installer, Elevator Manufacturer, Elevator Maintainer, Designer 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; (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, the Design-Build Contract, and the Maintenance Contract between or among Respondent teams.
- D. If a Respondent elects to non-exclusively engage multiple Elevator Manufacturers, Elevator Installers, or Elevator Maintainers, such Shortlisted Respondent or Proposer must finalize the engagement of one (1), but not more than one (1), of each entity and identify the selected entity in its Proposal.