

BATTERY PARK CITY AUTHORITY

REQUEST FOR PROPOSALS

FOR

Wagner Park Public Restrooms Renovation and Construction Services

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I. SUMMARY

Battery Park City Authority d/b/a Hugh L. Carey Battery Park City Authority (“BPCA”) requests proposals (each individually, a “Proposal” or collectively, the “Proposals”) from General Contractors (GC) (each individually, a “Proposer” or collectively, the “Proposers”) to provide Wagner Park Public Restrooms Renovation and Construction Services to BPCA. The Wagner Park Public Restrooms Renovation and Construction Services shall include, but not be limited to: Demolition of existing doors, partitions, ceilings, floor and wall tile, restroom accessories and fixtures in men's and women's restrooms, furnishing and installation of new doors, new partitions, new ceiling, new floor and wall tile, and new restroom accessories and fixtures in men's and women's restrooms, and removal, relocation, and replacement of mechanical, electrical, lighting, controls, and plumbing equipments and fixtures in men's and women's restrooms as indicated in the Drawings and Specifications by Ensign Engineers dated December 13, 2013 and temporary bathrooms during construction.

Minority-Owned Business Enterprises (“MBE”) and Women-Owned Business Enterprises (“WBE”) are encouraged to submit Proposals.

This request for proposals, the attachments and any additional information submitted herewith, (collectively, the “RFP”) does not obligate BPCA to complete the selection and contract award process. BPCA reserves the right: 1) to accept or reject any and all Proposals; 2) to request additional information from any or all Proposers to assist BPCA in its evaluation process; 3) to amend or withdraw this RFP prior to the announcement of the selected firm; and 4) to award the proposed services, in whole or in part, to one or more firms. In case of an amendment to the RFP, all Proposers will be provided with a copy of any such amendment(s) and will be afforded the opportunity to revise their Proposals in response to the RFP amendment.

II. DESCRIPTION OF BPCA

BPCA is a public benefit corporation created in 1968 under the laws of the State of New York for the purpose of financing, developing, constructing, maintaining, and operating a planned community development of the Battery Park City site as a mixed commercial and residential community.

Under the Battery Park City Authority Act (the “Act”), BPCA has the following powers, among others: to borrow money and to issue negotiable bonds, notes or other obligations and to provide for the rights of the holders thereof; to acquire, lease, hold, mortgage and dispose of real property and personal property or any interest therein for its corporate purposes; to construct, improve, enlarge, operate and maintain Battery Park City; to make bylaws for the management and regulation of its affairs, and, subject to agreements with bondholders, for the regulation of Battery Park City; to make contracts and to execute all necessary or convenient instruments, including leases and subleases; to accept grants, loans and contributions from the United States, or the State of New York or the City of New York (the “City”), or any agency or instrumentality of any of them, or from any other source and to expend the proceeds for any corporate purpose; to fix, establish and collect rates, rentals, fees and other charges; and to do all things necessary or convenient to carry out the powers expressly granted by the Act. BPCA has no taxing power.

Since its inception, BPCA has caused the staged development of Battery Park City, in individual parcels, creating a richly diversified mixed use community providing residential and commercial space, with related amenities such as parks, plazas, recreational areas and a waterfront esplanade. Most individual parcels of land in Battery Park City were developed into residential and commercial buildings by tenants (“Ground Lease Tenants”) under long-term ground leases with BPCA. The Ground Lease Tenants are responsible for the maintenance, insurance and defense and indemnification of BPCA with regard to those leased parcels.

One of BPCA's key responsibilities under the Act is to operate, maintain and repair the parks and opens spaces in and around Battery Park City's residential and commercial areas. This function has been delegated by BPCA to the Battery Park City Parks Conservancy Corporation ("BPCPC") through a written Management Agreement. The BPCPC carries out its mission by maintaining 36 acres of parks, playgrounds and open spaces, including a mile-long waterfront esplanade. The BPCPC also develops programs and manages public events for the Battery Park City community. BPCA owns and has built out a commercial condominium unit in a residential building in Battery Park City, which serves as the BPCPC headquarters.

To obtain a copy of BPCA's most recently completed audited financial statements, please visit BPCA's official website at www.batteryparkcity.org. The audited financial statements and related reports found on BPCA's website will provide you with an overview of the operations for which BPCA is responsible and the areas of expertise in which the selected Proposer must be proficient. For an overview of BPCPC's operations, please visit its website at www.bpcpc.org.

III. SERVICES REQUIRED

- A.** All work to be performed by the selected Proposer shall be performed under the supervision of a Project Manager in charge of this engagement (the "Lead PM") who must ensure that the work completed for BPCA is performed competently and in a timely manner.
- B.** Proposer will be responsible for the services delineated in Exhibit A (the "General Description & Scope of Work"), attached hereto.
- C.** All work to be performed under the contract awarded pursuant to this RFP (the "Contract") shall be substantially complete so that restrooms can be made available for use by the public by April 30, 2014. If Proposer does not believe the work can be substantially complete by April 30, 2014, Proposer shall so indicate and provide the earliest feasible date by which substantial completion can be accomplished. The earliest credible completion date shall receive the highest "Approach to Work and Schedule" points.

IV. KEY DATES, CONTRACT TERM AND MINIMUM QUALIFICATIONS

A. Key Dates

The following is a list of key dates, up to and including the date Proposals are due to be submitted, which is subject to change at BPCA's discretion:

- Request for Proposals issued: Tuesday, December 24, 2013.
- Pre-proposal meeting: Friday, January 03, 2013 at 11 am. Meeting Location: Battery Park City Authority, 200 Liberty Street, 24th floor, New York, NY (attendance is highly recommended).
- Deadline to submit questions to BPCA: Tuesday, January 07, 2014 by 12:00 p.m. (by email only)

All questions regarding this RFP should be submitted in writing via email to the "Designated Contact": Della Lee, Battery Park City Authority, at Della.Lee@bpca.ny.gov.

- Deadline for BPCA's response to substantive questions: Thursday, January 09, 2014 (by email).
- **DUE DATE FOR RESPONSES TO RFP: Friday, January 15, 2014 by 3:00 p.m. (the "Due Date")**
- Selection and notification of successful Proposer: To be determined.
- Contract start date: February 5, 2014.
- Substantial completion date: April 30, 2014.

B. Anticipated Contract Term

It is anticipated that the term of the contract awarded pursuant to this RFP (the "Contract") will be a six (6) month contract. BPCA reserves the right to terminate the Contract at any time, with or without cause, upon thirty (30) days written notice. BPCA reserves the right to terminate the Contract at any time, without prior notice, if the Lead Person identified in the Proposal as the Lead Person for this engagement ceases to be employed by the selected Proposer.

C. Minimum Qualification Requirements

The following are the Minimum Qualification Requirements for this RFP. **Proposals that fail to comply with these requirements will be rejected.**

- 1) The firm must have an office in New York State (a New York City office is preferred);
- 2) The firm must be licensed to do business in the State of New York.

V. GENERAL REQUIREMENTS

A. Questions regarding MBE/WBE participation, joint ventures and sub-contracting goals

Please see **Exhibit B** (attached) for contractor requirements and procedures for business participation opportunities for New York State certified MBEs/WBEs and equal employment opportunities for minority group members and women.

For questions relating to MBE/WBE participation, joint ventures and sub-contracting goals ONLY, please contact "MBE/WBE Designated Contact" Mr. Anthony Peterson at 212.417.2337.

B. Restricted Period

Proposers are restricted from making contact with anyone other than the Designated Contact or MBE/WBE Designated Contact specified above during the period from the date of publication of the notice of this RFP in the New York State Contract Reporter through approval of the Contract by BPCA (the "Restricted Period"). Employees of BPCA are required to record certain contacts during the Restricted Period, including, but not limited to, any oral, written or electronic communication with a governmental entity under circumstances where a reasonable person would infer that the communication was intended to influence BPCA's conduct or decision regarding the governmental procurement, and to make a determination of responsibility based, in part, upon any such contact. Failure to abide by this process may result in a finding that the firm is a non-responsive Proposer.

C. Submission of Proposals

Proposals are due no later than 3:00 p.m. on Friday, January 10, 2014

Proposers must submit ten (10) paper copies of their Proposals and one (1) electronic CD-Rom copy in a sealed package clearly marked “**Proposal Enclosed - Wagner Park Public Restrooms Renovation and Construction Services**” to the Designated Contact **by messenger, overnight courier or certified mail** to the following address:

Della Lee

Battery Park City Authority
One World Financial Center, 24th Floor
New York, NY 10281

BPCA is not responsible for any internal or external delivery delays which may cause any Proposal to arrive beyond the stated Due Date. To be considered, Proposals must arrive at the time and place specified herein and be time stamped by BPCA’s time stamp prior to the Due Date. Please leave ample time for building security, as late Proposals will not be accepted. Proposals submitted by fax or electronic transmission will NOT be accepted. A Proposer may, after submitting a Proposal, amend its Proposal by submitting a second, amended Proposal, clearly labeled “**Amended Proposal Enclosed - Wagner Park Public Restrooms Renovation and Construction Services,**” as long as the amended Proposal is submitted by the Due Date.

Public access to Proposals shall be governed by the relevant provisions of the Freedom of Information Law, Article 6 of the New York State Public Officers Law, and regulations adopted pursuant thereto.

D. Mandatory Forms

Proposers must complete and include with their Proposal all “Mandatory Forms,” which can be found at the following URL address: http://www.batteryparkcity.org/pdf_n/Mandatory_Forms_Packet.pdf, by the Due Date.

These Mandatory Forms include the following:

- 1) NYS Standard Vendor Responsibility Questionnaire – **Submit with the Cost Proposal (as described below), one (1) original unbound set of a completed NYS Standard Vendor Responsibility Questionnaire with original ink signatures. Do not include the Standard Vendor Responsibility Questionnaire in the bound copies of the Cost Proposal.** The NYS Standard Vendor Responsibility Questionnaire must be notarized and signed by the individual(s) authorized to bind the firm contractually. Indicate the title or position that the signer holds within the firm.
- 2) State Finance Law § 139 Form 1 – **one (1) original unbound completed SFL 139 Form 1: Professional’s Certifications Pursuant to SFL § 139-j and § 139-k with original signature.** State Finance Law § 139 Forms 1 must be signed by the individual(s) authorized to bind the firm contractually.
- 3) W-9 form.
- 4) Statement of Non-Collusion.
- 5) Diversity Forms.

VI. PROPOSAL FORMAT AND CONTENTS

A. Proposal Format

The Proposal must be printed on 8½” x 11” or 8½” x 14” paper. The Proposal will be evaluated on the basis of its content, not length. BPCA reserves the right to disqualify Proposals that fail to comply with any of these instructions.

B. Proposal Content

A Proposal in response to this RFP must include the following sections in the order listed:

- 1) Transmittal Letter, as follows:

The Proposal must include a signed Transmittal Letter from a person within the firm who is authorized to bind the firm, preferably the Lead. **Transmittal Letters must be signed. Proposals with unsigned Transmittal Letters will be rejected.**

The Transmittal Letter must include a representation by the Proposer that, except as disclosed in the Proposal, no officer or employee of the Proposer is directly or indirectly a party to or in any other manner interested financially or otherwise in this RFP.

- 2) Corporate Overview
- 3) Firm’s discussion of its understanding of the Services Required (see Section III).
- 4) Firm’s Responses to the RFP Questions and RFP Additional Information Request, set forth below.
- 5) Firm’s Cost Proposal, as described below.
- 6) Statement of Qualifications in the form attached hereto as Exhibit B or C[if applicable]
- 7) Firm’s response to the New York State businesses questions in set forth in Section X of the RFP.

C. RFP Questions

- 1) Briefly describe your firm’s background, size, and history as it may be relevant to the Services Required, with an emphasis on public restrooms work and all related disciplines.
- 2) Describe your experience and methodology for the Project.
- 3) Describe your experience working in parks in New York City.
- 4) Within the past three years, have there been any significant developments in your firm such as changes in ownership or restructuring? Do you anticipate any significant changes in the near future? If so, please describe.
- 5) Are there any potential conflict of interest issues in representing BPCA?
- 6) How does your firm identify and manage conflicts of interest?
- 7) Has your firm or any of the firm’s partners/employees been disciplined or censured by any regulatory body within the last 5 years? If so, please describe the relevant facts.
- 8) Within the last five years, has your firm, or a partner or employee in your firm, been involved in litigation or other legal proceedings relating to the provision of general construction services? If so, please provide an explanation and the current status or disposition of the matter.
- 9) List any professional or personal relationships your firm’s employees may have with BPCA’s Board and/or staff members of BPCA.
- 10) List all the employees you intend to assign to this engagement and the area(s) of specialization for each employees. Describe the role of each employees who will be assigned to this engagement.
- 11) Identify the Lead Person who will be the primary contact in providing services to BPCA, and who will be listed as a “key person” in any contract with BPCA.

- 12) Submit a discussion of your approach to the work which shall briefly address your conceptual step-by-step approach towards completion of the work and outline the proposed procedures for executing the work including general logistical and staging analysis.
- 13) Submit a detailed Bar Chart Schedule for Completion of the Work with proposal.
- 14) Describe your proposed team's experience with similar work for other public agencies and authorities, with a particular emphasis on New York State agencies and authorities.
- 15) Describe your firm's "backup plan" in the event one or more of the employees assigned to this engagement leave the firm.
- 16) **Proposers shall identify any and all exceptions taken to BPCA's standard form of contract attached hereto as Exhibit C, detailing the reasons for such exceptions. No exceptions to the contract will be considered by BPCA after submission of the proposals. BPCA maintains the right to reject proposals based on non-conformance with the standard form of contract.**
- 17) In the past five years, have any public sector clients terminated their working relationship with your firm? If so, please provide a brief statement of the reasons. Provide the name of the client and each such client's in-house counsel's name, address and telephone number.
- 18) Please provide any additional information which would serve to distinguish your firm from other firms and that you believe may be relevant to this RFP and your capability to perform the services requested.

D. RFP Additional Information Request

1) Insurance:

- a. Do you impose any limitations on liability through your contracts?
- b. Describe the levels of coverage for any insurance your firm carries. List the insurance carrier(s) or provide an insurance certificate showing your firm's coverage in accordance with the following:
 - Commercial General Liability Insurance limits shall not be less than \$1,000,000 per each occurrence and \$2,000,000 in the aggregate
 - Excess Liability limits shall not be less than \$4,000,000 and Automobile liability limits shall not be less than \$1,000,000
 - Workman's Compensation shall not be less than Statutory Limits;
 - Employers Liability shall not be less than \$1,000,000
 - Contractors Pollution Liability shall not be less than \$1,000,000 with transportation coverage included.

The costs of the insurance shall be included in the Proposal. Battery Park City Authority and Battery Parks City Parks Conservancy shall be listed as Additional Insured on CG 2010 (11/85) or similar form and should be on all levels of Subs and also Hold Harmless in favor of BPCA. Policies should contain no limitations/exclusions for Labor Law claims.

2) Appendices:

- a. Include professional biographies for all employees listed in your proposal.
- b. Attach a sample contract or retainer agreement your firm uses for the provision of services to governmental clients.

3) References:

Please provide at least three (3) client references for whom your firm has performed similar work to that requested in this RFP. For each client, please provide the name, address and telephone number for the client's.

4) Financial Statements:

Please provide a copy of your firm's most recent Audited Financial Statements (within the last year).

E. Cost Proposal

Each "Cost Proposal" must state lump sum with an itemized schedule of values for the services contemplated herein. **To submit a complete Cost Proposal, Proposer must submit each of the following:**

- 1) Cost proposal in the form attached hereto as Exhibit D ("Cost Proposal").
- 2) Labor rates in the form attached hereto as Exhibit E ("Labor Rates").
- 3) An *itemized* breakdown of your Cost Proposal Form attached hereto as Exhibit F ("Schedule of Values").

VII. THE EVALUATION PROCESS

A. Objectives

The primary objective of the evaluation process is to select a firm that:

- Demonstrates a thorough understanding of the scope of the engagement and the specific responsibilities which it entails;
- Possesses adequate resources to handle assigned responsibilities and to handle unforeseen circumstances that may arise;
- Assigns highly skilled, experienced, diligent, responsible and professional personnel to perform the required services;
- Maintains high ethical standards and has an unblemished reputation;
- Has no conflict of interest between its representation of BPCA and that of other clients.

The selection process will begin with the review and evaluation of each of the written Proposals. The purpose of this evaluation process is twofold: (1) to examine the responses for compliance with this RFP and (2) to identify the complying firms that have the highest probability of satisfactorily performing the Services Required at a reasonable cost to BPCA. The evaluation process will be conducted in a comprehensive and impartial manner. The evaluation process will be conducted by a committee of BPCA's employees selected by BPCA (the "Committee"). **The Committee will evaluate the Proposals based upon the evaluation criteria for selection set forth below.**

BPCA reserves the right to reject and return unopened to the Proposer any Proposal received after the RFP Due Date. All timely submitted Proposals will be reviewed to determine if they contain all required submittals specified herein. Incomplete Proposals may be rejected.

B. Interviews

BPCA reserves the right to determine whether interviews will be necessary for any or all of the Proposers. The purpose of the interview is to further document a Proposer's ability to provide the Services Required, and to impart to the Committee an understanding of how specific services will be furnished. The proposed Lead PM, as well all

other key personnel proposed to provide the services must be present and participate in the interview. The firm will be evaluated on the basis of whether the interview substantiates the characteristics and attributes claimed by the Proposer in its written response to this RFP and any other information requested by the Committee prior to the interview.

C. Evaluation Criteria for Selection

Selection will be based upon the following criteria:

- | | |
|--|-----|
| 1) Cost Proposal: | 25% |
| 2) Demonstrated expertise, experience & staffing: | 30% |
| 3) Approach to work and schedule: | 30% |
| 4) Proposed MBE/WBE utilization plan ("Utilization Plan")
and/or Firm MBE/WBE status: | 15% |

D. Basis for Contract Award

The Contract will be awarded to the highest technically rated Proposer whose Proposal is determined to be responsive and in the best interests of BPCA, subject to a determination that the Cost Proposal is fair and reasonable.

VIII. NON-COLLUSION

By submitting a Proposal, Proposers hereby warrant and represent that any ensuing Contract has not been solicited or secured directly or indirectly in a manner contrary to the laws of the State of New York, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the Contract by any conduct, including the paying or giving of any fee, commission, compensation, gift, or gratuity or consideration of any kind, directly or indirectly, to any member of the board of directors, employee, officer or official of BPCA.

IX. IRAN DISINVESTMENT ACT

By submitting a Proposal or by assuming the responsibility of any Contract awarded hereunder, Proposers hereby certify that they are not on the "Entities Determined To Be Non-Responsive Bidders / Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certify that they will not utilize on this Contract any subconsultant that is identified on the Prohibited Entities List. The selected Proposer agrees that should it seek to renew or extend any Contract awarded hereunder, it must provide the same certification at the time the Contract is renewed or extended. The selected Proposer also agrees that any proposed assignee of the Contract will be required to certify that it is not on the Prohibited Entities List before BPCA may approve a request for assignment of the Contract.

During the Term of any Contract awarded hereunder, should BPCA receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, BPCA will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then BPCA shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the selected Proposer in default of the awarded Contract.

BPCA reserves the right to reject any request for renewal, extension, or assignment for an entity that appears on the

Prohibited Entities List prior to the renewal, extension, or assignment of the Contract, and to pursue a responsibility review with the selected Proposer should it appear on the Prohibited Entities List hereafter.

X. ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Proposers need to be aware that all authorized users of this contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, Proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its New York State business partners. New York State businesses will promote the contractor's optimal performance under the contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. The State therefore expects bidders/proposers to provide maximum assistance to New York businesses in their use of the contract. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Proposers can demonstrate their commitment to the use of New York State businesses by responding to the question below:

Will New York State businesses be used in the performance of this contract? ☐ Yes ☐ No

If yes, identify New York State businesses that will be used and attach identifying information.

EXHIBIT A

General Description & Scope of Work

The Wagner Park Public Restrooms are owned by the Battery Park City Authority. Wagner Park Public Restrooms are located in Robert F. Wagner, Jr. Park Pavilion at the southernmost tip of Battery Park City at 20 Battery Place between Historic Pier A and the Jewish Heritage Museum. The Pavilion was commissioned by Battery Park City Authority and designed by Machado and Silvetti Associates in 1989. The Pavilion consists of a pair of small pavilions. On ground level, the north pavilion houses public restrooms and maintenance spaces while the south pavilion is a restaurant space. The purpose of this project is to renovate and construct the public restrooms.

The following list of items generally describes the Services Required and the Drawings and Specifications by Ensign Engineering P.C. (Exhibits H & I) dated December 13, 2013. All labor, materials, equipment, removal of debris and safety precautions necessary to perform and complete the renovation and construction of the Wagner Park Public Restrooms must be provided by the contractor. All remaining work performed after substantial completion date, April 30, 2014, is required to be performed by gender specific personnel during operating hours of the public restrooms.

General Construction:

- GC shall Remove existing and install new restroom doors and frames;
- GC shall remove existing and install new toilet partitions;
- GC shall demolish existing ceilings and replace with new ceilings;
- GC shall remove existing and install new floor and wall tile assembly;
- GC shall remove and replace restroom accessories including, but not limited to, hand driers, trash receptacles, etc;
- GC shall furnish and install new access doors.

Mechanical (HVAC):

- GC shall relocate existing diffusers;
- GC shall clean the existing ventilation system including the make up air ducts and heating units;
- GC shall remove and replace the toilet exhaust fans and heating units;
- GC shall provide split system ductless AC's and dunnage.

Electrical:

- GC shall remove existing light fixtures;
- GC shall provide and install new light fixtures;
- GC shall remove existing receptacles and provide new GCFI receptacles as replacements;
- GC shall disconnect and remove existing electric dryers and connect new electric dryers to existing electrical circuits with provisions for replacement of damaged wiring;
- GC shall make provisions for supplying power to new flushometers and automatic faucets;
- GC shall disconnect and reconnect duct and ceiling mounted smoke detectors and remote LED indicators;
- GC shall provide new LPN for additional branch circuit and provide as required new branch circuit wires and conduits;
- GC shall furnish and install wiring as required for all new and replacement electrical, mechanical and plumbing devices.

Plumbing:

- GC shall remove existing lavatories, water closets, and urinals;
- GC shall provide new water closets with automatic flushometers, new lavatories with automatic faucets, and new waterless urinals.

Permits and closeout:

- GC shall pull all applicable permits to perform the work and obtain signs-offs for same and provide all required record documents including, but not limited to, as-built drawings, operation manuals and warranties to BPCA.

Work shall comply with all drawings and specifications as per Exhibits H and I.

EXHIBIT B

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MBEs/WBEs AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

Pursuant to New York State Executive Law Article 15-A, BPCA recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified MBE/WBEs and the employment of minority group members and women in the performance of BPCA contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title “The State of Minority and Women-Owned Business Enterprises: Evidence

from New York” (the “Disparity Study”). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that BPCA establish goals for maximum feasible participation of New York State Certified MBEs/WBEs and the employment of minority groups members and women in the performance of New York State contracts.

Business Participation Opportunities for MBE/WBEs

For purposes of this solicitation, BPCA hereby establishes an overall goal of 15% for MBE/WBE participation, 15% for MBE participation and 15% for WBE participation (based on the current availability of qualified MBEs and WBEs). A contractor (“Contractor”) on the Contract must document good faith efforts to provide meaningful participation by MBE/WBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that BPCA may withhold payment pending receipt of the required MBE/WBE documentation. The directory of New York State Certified MBE/WBEs can be viewed at: <http://www.esd.ny.gov/mwbe.html>.

For guidance on how BPCA will determine a Contractor’s “good faith efforts,” refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MBE/WBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and BPCA may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MBE/WBEs had the Contractor achieved the contractual MBE/WBE goals; and (2) all sums actually paid to MBEs/WBEs for work performed or materials supplied under the Contract.

By submitting a bid or Proposal, a Proposer agrees to submit the following documents and information as evidence of compliance with the foregoing:

- A. Proposers are required to submit a Utilization Plan with their bid or Proposal. Any modifications or changes to the Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised Utilization Plan and submitted to BPCA.
- B. BPCA will review the submitted Utilization Plan and advise the Proposer of BPCA’s acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, Proposer agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to BPCA, at the address specified in this RFP, or by facsimile at 212-417-2279 a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by BPCA to be inadequate, BPCA shall notify the Proposer and direct the Proposer to submit, within five (5) business days, a request for a partial or total waiver of MBE/WBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or Proposal.
- D. BPCA may disqualify a Proposer as being non-responsive under the following circumstances:
 - 1) If a Proposer fails to submit a Utilization Plan;

- 2) If a Proposer fails to submit a written remedy to a notice of deficiency;
- 3) If a Proposer fails to submit a request for waiver; or
- 4) If BPCA determines that the Proposer has failed to document good faith efforts.

Contractors shall attempt to utilize, in good faith, any MBE/WBE identified within its Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to the Contract award may be made at any time during the term of the Contract to BPCA, but must be made no later than prior to the submission of a request for final payment on the Contract.

Contractors are required to submit a Contractor's MBE/WBE Contractor Compliance & Payment Report to BPCA on a monthly basis over the term of the Contract documenting the progress made toward achievement of the MBE/WBE goals of the Contract.

Equal Employment Opportunity Requirements

The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor, shall undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract or (ii) employment outside New York State.

Proposer further agrees, where applicable, to submit with the Proposal, a staffing plan identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit to BPCA a workforce utilization report identifying the workforce actually utilized on the Contract, if known.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other New York State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as are allowed by the Contract.

For questions on MBE/WBE participation, joint ventures and sub-contracting goals ONLY, please contact Mr. Anthony Peterson at 212.417.2337.

EXHIBIT C

BPCA Standard Contract Form

EXHIBIT D
Cost Proposal Form

COST PROPOSAL

(Proposer to submit executed Cost Proposal on its letterhead)

Date:

Battery Park City Authority
One World Financial Center - 24th Floor
New York, New York 10281

Attention: Ms.Della Lee
Contract Administrator

Dear Ms. Lee:

The undersigned (the "Proposer") hereby proposes to provide all specified work necessary to perform the work for the **Wagner Park Public Restrooms Renovation and Construction Services**. The Proposer agrees to commence the Work immediately upon receipt of the Initial Letter of Intent in accordance with the terms stipulated in the following pages, for the sum written below.

A. Base Proposal

A total Lump sum amount of \$_____ (_____ Dollars and _____ Cents) to perform all associated work as described in the Authority's Request for Proposals for Section 1.

B. Itemized Proposal and Labor Rates

1. The Proposer has submitted with its proposal an itemized cost for the Work, according to the attached schedule of items, for the Scope of Work in Appendix V.
2. The Proposer has submitted with its proposal, labor rates for all trades, including all costs except overhead and profit. Prices shown include base hourly rate, overtime rate, insurance and benefits.

Name of Proposer:

By: _____

Title: _____

EXHIBIT E

Labor Rates Form

LABOR RATES

The following labor rates are to be listed by craft and classification (Foreman, Journeyman, etc.) and are to include base wages, benefits, taxes, insurance and payroll costs complete. Overhead and profit are not to be included:

<u>CRAFT</u>	<u>CLASSIFICATION</u>	<u>HOURLY RATES</u>	<u>OVERTIME</u>
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LABORER CONCRETE			
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CARPENTER			
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IRON WORKER			
-------------	--	--	--

LABORER			
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LABORERS LESS SKILLED			
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OPERATING ENGINEER			
-----------------------	--	--	--

FIELD SUPERVISOR			
---------------------	--	--	--

FOREMAN			
---------	--	--	--

TEAMSTER			
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ELECTRICAN			
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PLUMBER			
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<Name of Company>

<Name of Proposer>

Signed Date

By: <Printed Name>

EXHIBIT F

Schedule of Values Form

BID PRICING INSTRUCTIONS: Provide bid amounts as indicated, in the spaces provided below. The undersigned bidder (“Bidder”) proposes to furnish all labor, materials, tools, supplies, equipment, services, insurance, overhead and profit and to pay all applicable taxes and to perform all Work as provided in the Contract Documents for the complete performance of the above referenced Contract (“Contract”).

DESCRIPTION OF WORK	QTY	UNIT	COST	TOTAL
Mobilization				
De-Mobilization				
Provide and maintain temporary bathroom (8 units total-four per each sex)				
CONSTRUCTION	QTY	UNIT	COST	TOTAL
File and obtain all NYC Building Dept. work permits, sign-offs, and letter of completion				
Submittals, Shop Drawings, etc.				
Demolition of existing Wall tiles				
Demolition of existing Floor tiles				
Demolition of existing Ceiling				
Removal of Existing custom Stainless Steel countertop assembly Women's Toilet				
Removal of Existing custom Stainless Steel countertop assembly Men's Toilet				
Removal of existing Urinals				
Removal of existing Water closets				
Removal of existing Toilet accessories (toilet paper dispenser, grab bars, etc.)				
Removal of existing Janitors closet door				
Removal Of existing entry doors to Men's & Women's toilet. (2) Total				
Remove existing Antenna support at roof				
Demolition of existing interior partition Walls				
Create openings to accommodate new chase wall access door. (4) Total				
Prep floor & walls for new tiles				
Furnish and install new interior partition with access door for maintenance.				
Furnish and install new Floor tiles				
Furnish and Install new Wall tiles				

Provide & install Steel Frame support for new Ceiling Mounted Toilet partitions				
Furnish and Install new Ceiling Mounted Toilet Partitions				
Furnish and Install new Water closets				
Furnish and Install new ADA Water closets, one stall per bathroom with grab bars for ADA compliance				
Furnish and Install new Waterless Urinals				
Furnish and Install new ADA Waterless Urinal, one stall with grab bars for ADA compliance				
Furnish and Install new Hand dryers				
Furnish and Install Tampon dispenser at womens toilet				
Furnish and Install new recessed Waste Baskets				
Paint New Janitors closet door				
Paint new Gyp. Bd. Ceiling & Soffits				
Furnish and Install new Gyp Board Ceiling				
Provide & Install new Custom Stainless steel Countertop Assembly(Women)				
Provide & Install new Custom Stainless steel Countertop Assembly(Men)				
Sand and Poly Hardwood Veneer at Entry Vestibule.				
Furnish and Provide Antenna support at roof				
Provide new Steel Dunnage for New Condenser at roof				
SUBTOTAL				
PLUMBING				
PIPING WORK (SECTION 15410)	QTY	UNIT	COST	TOTAL
Demolition of existing Toilet fixture piping to accommodate New				
Furnishing and Installation of waste line for new Waterless Urinals				
Furnishing and Installation of piping for new Water closets				
Furnishing and Installation of piping to Custom Countertop Lavatory assembly with automatic Faucets				
Disconnect existing gas line & reconnect to new Heating & Ventilation Units				
Provide and install New Refrigeration lines to new Condenser at roof.				
SUBTOTAL				
MECHANICAL				
HVAC (SECTION 15501)	QTY	UNIT	COST	TOTAL
Removal Of (2) existing Heating & Ventilation units in Cat-walk				

Removal of existing Wall mounted AC unit in Elevator Machine Room				
Removal Of existing Condenser at roof				
Provide & install (4) Mitsubishi Ceiling Mounted AC units				
Provide & install (4) Cirrus Hugger Fans				
Provide & install (1) Mitsubishi Wall mounted AC Unit.				
Provide & install (1) new exhaust Fan				
Provide & install (2) new Heating & Ventilation Units				
Vacuum Clean Existing HVAC Ductwork				
Relocation of (4) existing Diffusers				
Provide & install Fittings to Connect (2) New 4" flues to existing 6" flue				
Provide & install flex duct to connect new hvac units to existing Ducts				
Demonstration, maintenance, and operation training				
SUBTOTAL				
ELECTRICAL WORK (SECTION 16010)	QTY	UNIT	COST	TOTAL
Remove all existing lighting fixtures				
Disconnection & Reconnection of existing Fire Alarm detectors & Indicators at ceiling				
Replacement of panel LP-N1 for additional branch circuit breakers				
Provide and install New panel Box LP-N3				
Provide and install new wiring, conduit & disconnect switches for new replacement Mech. Equipment				
Provide & install new Wall Sconces				
Provide & install New Ceiling Light fixtures as per Lighting Schedule				
Provide and install new GCFI Receptacles.				
Provisions for supplying the new Flushometers and Automatic Faucets				
Provide and install & connect new motor controllers serving new Mechanical equipment.				
SUBTOTAL				
PROJECT CLOSEOUT (SECTION G01700)	QTY	UNIT	COST	TOTAL
Record documents (SECTION G01720)				
As-Built Drawings				
Systems operation and maintenance manuals (SECTION S01730)				
Guarantees, warranties, and bonds (SECTION G01740)				
SUBTOTAL				

TOTAL				

EXHIBIT G

Submittal to Accompany Proposal

The Proposer must submit 4 complete double sided printed copies of the Proposal and one CD, including the material set forth below. The printed proposal must be submitted in a bound book and tabbed indicating the sections outlined below. All sections must be included for proposal to be considered.

1. Letter of Surety for 100% of Contract price
2. MBE/WBE Required Participation form
3. MBE/WBE Utilization Plan Form from
4. Statement of Non-Collusion form
5. Certification sheet from
6. Prevailing Wage Rates from
7. All enclosed forms
8. References
9. Current (within 12 months) Audited Financial Statement
10. Addenda and Signed acknowledgment of Addenda (if issued for the Project).
11. Cost Proposal
12. List of all Subcontractors including non- MBE/WBE
13. List of Manufacturers and/or Suppliers
14. Approach to the Work: This should briefly address the Proposer's conceptual step-by-step approach towards completion of the work and outline the proposed procedures for the executing the work.
15. Bar Chart Schedule for Completion of the Work: This should include sequencing of the Work, manpower staffing level, work shifts, and show all project milestones and successful overall completion.
16. List of Equipment: This list to include all equipment, storage facilities, temporary facilities, etc. that pertain to this project.
17. Encouraging Use of New York State Businesses in Contract Performance

EXHIBIT H

Drawings

Drawings Access:

Address: <ftp://02ea011.netsolhost.com>
UserName: bpca15_drawing
Password: EEPCbpca01

List Of Drawings:

1. T001.00- TITLE SHEET
2. T002.00- SYMBOLS, NOTES, ABBREVIATIONS & LIST OF DRAWINGS
3. EN001.00- ENERGY CODE ANALYSIS AND NYCECC PROGRESS INSPECTION- ELECTRIC
4. EN002.00- ENERGY CODE COMPLIANCE PROGRESS INSPECTIONS- MECHANICAL
5. A051.00- DEMOLITION PLAN
6. A101.00- CONSTRUCTION PLAN
7. A102.00- REFLECTED CEILING PLAN
8. A201.00- BATHROOM ELEVATIONS
9. A500.00- TOILET COMPARTMENT DETAILS & MOUNTING HEIGHTS
10. A600.00- DOOR SCHEDULE & DETAILS
11. E001.00- ELECTRICAL SYMBOLS, NOTES & ABBREVIATIONS
12. E051.00- ELECTRICAL LIGHTING & APPLIANCE DEMOLITION PLAN
13. E052.00- ELECTRICAL POWER DEMOLITION PLAN
14. E101.00- ELECTRICAL LIGHTING PLAN- NEW
15. E201.00- ELECTRICAL POWER PLAN- NEW
16. E202.00- ELECTRICAL POWER PLAN- NEW
17. E600.00- ELECTRICAL PANEL SCHEDULE, LIGHT FIXTURE SCHEDULE & DETAILS
18. M001.00- MECHANICAL SYMBOLS, ABBREVIATIONS & SCHEDULES
19. M051.00- HVAC DEMOLITION PLAN
20. M101.00- HVAC PLAN
21. M601.00- HVAC DETAIL SHEET
22. P001.00- PLUMBING LEGEND, ABBREVIATIONS, NOTES & SCHEDULES
23. P051.00- PLUMBING DEMOLITION PLANS
24. P101.00- SANITARY PLUMBING PLAN
25. P201.00- COLD & HOT WATER PLUMBING PLAN
26. P301.00- PLUMBING RISER DIAGRAMS
27. P601.00 PLUMBING DETAILS

EXHIBIT I

Technical Specifications

Technical Specification Access:

Address: <ftp://02ea011.netsolhost.com>
UserName: bpcal5_spec
Password: &nsign02

List Of Specifications:

DIVISION 2 – SITEWORK

02070 – SELECTIVE REMOVALS & DEMOLITION

02085 - EXTERIOR PAINT REMOVAL

DIVISION 3 - CONCRETE

03610 - GROUTING

03733 - CONCRETE REPAIR WORK

DIVISION 4 - MASONRY

04200 - UNIT MASONRY

04520 - MASONRY RESTORATION

DIVISION 5 - METALS

05121 - STRUCTURAL STEEL

05170 - SUPPORT SYSTEM FOR SUSPENDED CEILINGS

05580 - SHEET METAL FABRICATIONS

DIVISION 6 - WOOD AND PLASTICS-Not Used

DIVISION 7 - THERMAL AND MOISTURE PROTECTION

07110 - SHEET MEMBRANE WATERPROOFING

07212 - MISCELLANEOUS BUILDING INSULATION

07270 - FIRESTOPPING/SMOKE SEALS

07520 - ROOF FLASHING AND RELATED ROOF REPAIR WORK

DIVISION 8 - DOORS AND WINDOWS

08110 - STEEL DOORS AND FRAMES

08305 - ACCESS DOORS

08730 - THRESHOLDS, WEATHERSTRIPPING AND SEALS

DIVISION 9 - FINISHES

09205 - FURRING AND LATHING

09210 - PLASTER

09260 - GYPSUM BOARD ASSEMBLIES

09310 - CERAMIC TILE

09900 - PAINTING

DIVISION 10 - SPECIALTIES

10151 - TOILET COMPARTMENTS
10810 - TOILET AND BATH ACCESSORIES
10830 - MIRRORS
10840 - GRAB BARS

DIVISION 11 – EQUIPMENT (Not Used)

DIVISION 12 – FURNISHINGS-(Not used)

DIVISION 13 - SPECIAL CONSTRUCTION (Not Used)

DIVISION 14 - CONVEYING SYSTEMS (Not Used)

DIVISION 15 PLUMBING AND DRAINAGE

15401 – GENERAL PROVISIONS FOR PLUMBING AND DRAINAGE WORK
15410 - PLUMBING PIPING
15411 - HANGERS AND SUPPORTS
15412 - VALVES
15413 - INSULATION (P & D)
15414 - TESTS
15415 - DRAINAGE
15416 - GAS PIPING SYSTEM
15417 - COLD WATER SUPPLY
15418 - HOT WATER SUPPLY
15431 - TAGS, CHARTS AND IDENTIFICATION
15432 - MISCELLANEOUS
15440 - PLUMBING FIXTURES

HEATING, VENTILATING AND AIR CONDITIONING

15501 – GENERAL PROVISIONS FOR HEATING, VENTILATING AND AIR CONDITIONING WORK
15502 - HVAC IDENTIFICATION
15610 - GAS-FIRED DUCT FURNACES
15783 - SPLIT HEAT PUMP SYSTEM
15885 - AIR FILTERS
15891 - METAL DUCTWORK
15910 - DUCT ACCESSORIES
15915 - DAMPERS
15980 - THERMOMETERS AND GAUGES
15985 - SEQUENCE OF OPERATIONS
15992 - CLEANING AND TESTING
15993 - BALANCING OF SYSTEMS

DIVISION 16 – ELECTRICAL

16010 - GENERAL PROVISIONS FOR ELECTRICAL WORK
16120 - WIRING SYSTEMS
16130 - RACEWAYS, FITTINGS, SUPPORTING DEVICES, BOXES AND ACCESSORIES
16140 - WIRING DEVICES
16145 - LIGHTING CONTROL DEVICES
16289 - TRANSIENT VOLTAGE SURGE SUPPRESSION
16470 - PANELBOARDS
16475 - OVERCURRENT PROTECTIVE DEVICES, CIRCUIT BREAKERS AND FUSES
16480 - MOTORS, MOTOR CONTROL CENTERS, STARTERS AND CONTROL EQUIPMENT
16500 - INTERIOR BUILDING LIGHTING
16501 - LAMPS, BALLASTS AND ACCESSORIES

16520 - ILLUMINATED EXIT SIGN AND EMERGENCY LIGHTING FIXTURES