

BATTERY PARK CITY AUTHORITY

REQUEST FOR PROPOSALS

FOR

Irish Hunger Memorial – Accident Repair

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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 contractors (each individually, a “Proposer” or collectively, the “Proposers”) for the purpose of repairing portions of the north-west side of the Irish Hunger Memorial that was damaged during a motor vehicle accident.

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 Proposer; and 4) to award the proposed contract, in whole or in part, to one or more Proposers. 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 "Scope of Work"), attached hereto.

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: Friday June 7, 2013
- Pre-proposal meeting: Friday July 14, 2013 at 10:30 AM. Meeting Location: BPCA Offices, 1 World Financial Center 24th Fl, New York, NY 10281 (attendance is highly recommended).
- Deadline to submit questions to BPCA: Tuesday June 18, 2013 by 5:00 p.m. (by email only).
All questions regarding this RFP should be submitted in writing via email to the "Designated Contact": Venus Callender, Battery Park City Authority, at Venus.Callender@batteryparkcity.org.
- Deadline for BPCA's response to substantive questions: Monday June 24, 2013 (Via BPCA Website).
- **DUE DATE FOR RESPONSES TO RFP: Monday July 1, 2013 by 3:00 p.m. (the "Due Date").**
- Selection and notification of successful Proposer: To be determined.
- Contract start date: On or about July 8, 2013.

B. Anticipated Contract Term

It is anticipated that the term of the contract awarded pursuant to this RFP (the "Contract") will be for a period of six (6) months. BPCA reserves the right to terminate the Contract at any time, with or without cause, upon fifteen (15) days written notice.

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 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) (“Diversity Exhibit”) 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

Applicants 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 July 1 2013.

Proposers must submit four (4) paper copies of their Proposals and one (1) electronic CD-Rom copy in a sealed package clearly marked “**Proposal Enclosed – Irish Hunger Memorial – Accident Repair**” to the Designated Contact by messenger, overnight courier or certified mail to the following address:

Venus Callender
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 – Irish Hunger Memorial – Accident Repair**,” 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 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 either 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) A cover letter, which must include the following:

A) The signature of a person within the firm, such as an officer, who is authorized to bind the firm.
Proposals with unsigned cover letters will be rejected; and

B) **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) Proposer's discussion of its understanding of the Services Required (see Section III).
- 4) Proposer's Responses to the RFP Questions and RFP Additional Information Request, set forth below.
- 5) Proposer's Cost Proposal, as described below.
- 6) Schedule of Values for the project.
- 7) A cost and time schedule for each scenario set forth in Exhibit A.

C. RFP Questions

1. Briefly describe the Proposer's background, staff, and history as they may be relevant to the services required, with an emphasis on vertical stone work in New York City.
2. Describe the Proposer's experience and expertise relevant to the project, especially any memorials, monuments, high end vertical stone treatments
3. Please describe the Proposer's experience working in parks in New York City
4. Has the Proposer or any of the Proposer's partners/employees been disciplined or censured by any regulatory body or filed for bankruptcy or reorganization or has had bankruptcy proceedings initiated against it/them within the last 5 years? If so, please describe the relevant facts.
5. Are there any potential conflict of interest issues in representing BPCA?
6. Are any of the Proposer's employees or principal's former employees of BPCA? If so, please list their names, current titles, and dates of employment with BPCA.
7. List any professional or personal relationships Proposer's employees may have with the Board members and/or employees of BPCA.
8. Identify the person who will be the primary contact and lead person in providing repair services to BPCA, and who will be listed as a "key person" in any contract with BPCA.
9. Describe your proposed team's experience (including both direct contract work and work performed under subcontracts) with similar work for other public agencies and authorities, with a particular emphasis on New York State and City agencies and authorities or Federal government agencies or authorities. Include contract dates, the nature of the work performed, the contracting agency, the contract number (if known) and the agency supervisor for each.
10. Submit a discussion of your approach to the repair services which shall briefly address your conceptual step-by-step approach towards completion of the repair services and outline the proposed procedures for the executing such services.
11. Itemize the repair services you intend to perform with the Proposer's resources and/or workforce as well as the repair services for which you propose to utilize subcontractors.
12. Provide a list of all proposed subcontractors for the completion of the repair services.
13. Provide a list of all proposed suppliers for the completion of the repair services.
14. Provide a Schedule of Values with your proposal for each scenario in Exhibit A.
15. Submit a **bar chart schedule** for completion of the repair services. This should include sequencing of the project, manpower staffing level, work shifts, and show all project milestones and successful overall completion.
16. Discuss your ability to take stringent safety measures into account as to any work performed on public streets and in public parks.
17. 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.
18. Please provide any additional information which would serve to distinguish the Proposer from other Proposers 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/Bonding:

- a. Do you impose any limitations on liability through your contracts?
- b. Describe the levels of coverage for any insurance the Proposer carries. List the insurance carrier(s) or provide an insurance certificate showing the Proposer's coverage in accordance with the following:

- Commercial General Liability Insurance limits shall not be less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate. Excess Liability limits shall not be less than \$2,000,000 and Automobile liability limits shall not be less than \$1,000,000, Workman's Compensation not less than Statutory Limits/\$1,000,000 Employers Liability, Contractors Pollution Liability \$1,000,000 with transportation coverage included. **The costs of the insurance shall be included in the Proposal.** The State of New York, Battery Park City Authority and Battery Parks City Parks Conservancy ("BPCPC") shall be listed as Additional Insured parties on CG 2010 (11/85) or similar forms and shall be on all levels of Subs and also Hold Harmless in favor of the State of New York, BPCA and BPCPC. Policies should contain no limitations/exclusions for Labor Law claims.
 - All subcontractors shall provide a certificate of insurance naming the Proposer/general contractor, the State of New York, Battery Park City Authority and Battery Park City Parks Conservancy as additional insured parties for all coverage at a minimum of \$2,000,000.
- c. State whether or not the Proposer can provide payment and performance bonds, the amounts thereof (both single and aggregate) and the name of the Proposer's bonding company. Provide a letter from the Proposer's surety stating that Proposer is able to provide 100% bonding for this project.

2) References:

Please provide at least three (3) client references for whom the Proposer has performed similar work to that requested in this RFP. Please provide the name, address and telephone number for the each client listed.

3) Appendices:

- a. Include resumes for all key management personnel listed in your Proposal.
- b. Provide a copy of each addenda submitted by BPCA with regard to this Proposal (if applicable) and a signed acknowledgment of receipt of each addenda.

4) Financial Statements: Please provide a copy of the Proposer's most recent Audited Financial Statements (within the last year).

5) Insurance Certificates: Certificate of Liability Insurance

E. Cost Proposal

Each "Cost Proposal" must be a 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* cost proposal in the 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 Proposer:

- 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.

C. 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.

D. Evaluation Criteria for Selection

Selection will be based upon the following criteria:

- | | | |
|---|--|-----|
| 1 | Cost Proposal: | 30% |
| 2 | Expertise & Experience in Vertical/Monuments Stone Setting: | 40% |
| 3 | Schedule and Approach to Work: | 15% |
| 4 | Proposed MBE/WBE utilization plan (the "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.

EXHIBIT A

Scope of Work

The purpose of this project is to repair portions of the north-west side of the Irish Hunger Memorial that were damaged during a motor vehicle accident.

The selected Proposer shall, at its sole cost and expense, (i) perform all repairs in accordance with the drawings of Ensign Engineering (the “Drawings”), and (ii) provide any and all labor, materials and equipment, debris removal and safety precautions, in accordance with the following list of Services Required and Drawings:

1. Identify/Mark area of work and location of any utilities affected by the repairs.
2. Remove stone and glass wall area in accordance with the relevant Drawings.
3. Provide temporary shoring for area of work.
4. Rebuild stone and glass wall consistent with existing structure.

In addition, two alternate work scopes are provided below as Scenarios A and B. Please provide alternate cost proposals and schedules for each of Scenario.

Scenario A

- Travel to Red Hook Storage Facility to identify stones required for use in the repair project.
- Cut damaged stones for reuse in the project.
- Remove and clean existing stone and mortar.
- Install stone salvaged from the memorial and new 72mm stone provided by BPCA.

Scenario B

- Supply 2 pallets of 36mm Irish Limestone.
- Install new stone.
- Clean and reuse any remaining stone required to complete the project.

Materials

Limestone Material:

Irish Limestone
Irish Natural Stone Products Ltd.
County Clare, Ireland
091 933071 T
091 633250 F

Limestone Sealer:

STONETECH PROFESSIONAL ENHANCER PRO
Color Enhancing Impregnator/Sealer

Stonetech
29500 Kohoutek Way
Union City, CA 94587
510-477-6888 T
510-477-6886 F
info@stonetechpro.com
Or Approved Equal

Grout Material
Glen-Gery Brick Mortar

Glass Inserts:
¾" Clear Float Glass
Standard Module 3"Hx41"L

Amses Cosma Studio
165 7th St.
Brooklyn, NY 11215
718 625 3646 T
718-625 6505 F

EXHIBIT B

PROPOSER 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 and minorities and women

For purposes of this solicitation, BPCA hereby establishes an overall goal of 20% for MBE/WBE participation, 10% for MBE participation and 10% 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 that is deemed 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.

Proposers 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 under the Contract.

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

Equal Employment Opportunity Requirements

The Proposer is required to ensure that it and any person or entity awarded a subcontract valued over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements in Battery Park City (the "Work") except where the Work is for the beneficial use of the Proposer, shall undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without unlawful 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 of New York State.

Proposer shall submit with the Proposal a staffing plan identifying the anticipated work force to be utilized on the Contract, and if awarded a Contract, will submit to BPCA a workforce utilization report identifying the workforce actually utilized on the Contract. The selected Proposer will be required to make good faith efforts to achieve a participation goal of 30% of the total number of employees required for the work who are minority group members and a participation goal of 5% of the total number of employees required for the work who are women to perform the Work.

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 Proposer and its subcontractors shall 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 subcontracting goals ONLY, please contact Mr. Anthony Peterson at 212.417.2337.

EXHIBIT C

(BPCA's standard form of contract attached)

EXHIBIT D

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. Venus Callendar
Contract Administrator

Dear Ms. Callendar:

The undersigned (the "Proposer") hereby proposes to provide all specified work necessary to perform the repair services for the **Irish Hunger Memorial – Accident Repair (the "Work")**. 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

SCENARIO A

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

SCENARIO B

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

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 of the Request for Proposal.
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

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>
<u>LABORER</u> <u>CONCRETE</u>	_____	_____	_____
<u>CARPENTER</u>	_____	_____	_____
<u>IRON WORKER</u>	_____	_____	_____
<u>LABORER</u>	_____	_____	_____
<u>LABORERS - LESS</u> <u>SKILLED</u>	_____	_____	_____
<u>OPERATING</u> <u>ENGINEER</u>	_____	_____	_____
<u>FIELD</u> <u>SUPERVISOR</u>	_____	_____	_____
<u>FOREMAN</u>	_____	_____	_____
<u>TEAMSTER</u>	_____	_____	_____
<u>ELECTRICIAN</u>	_____	_____	_____
<u>PLUMBER</u>	_____	_____	_____

Battery Park City Authority Request For Proposals



