

BATTERY PARK CITY PARKS CONSERVANCY CORPORATION

REQUEST FOR PROPOSALS

FOR

BRONZE SCULPTURE MAINTENANCE AND CONSERVATION SERVICES

Table of Contents

Table of Contents.....	2
I. SUMMARY	3
II. DESCRIPTION OF BPCPC	3
III. SERVICES REQUIRED	4
A. Key Dates	4
B. Anticipated Contract Term	4
C. Minimum Qualification Requirements	4
A. Questions regarding MBE/WBE participation, joint ventures and sub-contracting goals.....	4
B. Restricted Period.....	5
C. Submission of Proposals	5
D. Mandatory Forms.....	5
VI. PROPOSAL FORMAT AND CONTENTS.....	6
A. Proposal Format.....	6
B. Proposal Content.....	6
C. RFP Questions	6
D. RFP Additional Information Request	7
E. Cost Proposal	7
VII. THE EVALUATION PROCESS	8
A. Objectives	8
B. Interviews.....	8
C. Evaluation Criteria for Selection	8
D. Basis for Contract Award	9
VIII. NON-COLLUSION.....	9
EXHIBIT A	10
EXHIBIT B.....	11
Business Participation Opportunities for MBE/WBEs.....	11
Equal Employment Opportunity Requirements.....	12
EXHIBIT C.....	14

I. SUMMARY

The Battery Park City Parks Conservancy Corporation (“BPCPC”) requests proposals (each individually, a “Proposal” or collectively, the “Proposals”) from sculpture conservation firms, with a minimum of five years experience in bronze sculpture maintenance and conservation (each individually, a “Proposer” or collectively, the “Proposers”), to provide bronze sculpture maintenance and conservation services to BPCPC. All maintenance and conservation methods must meet accepted principles of conservation as identified by the American Institute for the Conservation of Historic Objects. In addition, the work must meet BPCPC’s standards of sustainable cleaning practices by using only non-toxic cleaning products. Bronze sculpture maintenance and conservation services shall include, but not be limited to: (1) An understanding of the variety of sculptures to be cleaned as well as the complexity and sizes of the sculptures; (2) Maintenance and conservation of sculptures two times per year, for three consecutive years (once in early spring and the second in late fall) and; (3) All work and/or services must be performed while the public is present.

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 BPCPC to complete the selection and contract award process. BPCPC reserves the right: 1) to accept or reject any and all Proposals; 2) to request additional information from any or all Proposers to assist BPCPC 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 BPCPC

BPCPC is a non-profit organization whose main purpose is to manage, operate, and repair the parks and open spaces in and around Battery Park City’s residential and commercial areas. These responsibilities have been delegated to BPCPC by Battery Park City Authority d/b/a Hugh L. Carey Battery Park City Authority (“BPCA”) through a written Management Agreement.

Created in 1988, BPCPC has a mandate to maintain and operate the parks in a first class manner. The BPCPC carries out its mission by maintaining 36 acres of parks, playgrounds and open spaces, including a mile-long waterfront esplanade, in Battery Park City. BPCPC has used sustainable management practices for both its soft and hardscape areas. All BPCPC tasks, from horticultural practices to graffiti removal, are accomplished without the use of toxic chemicals.

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. BPCPC is organized into several different departments including horticulture, maintenance, parks programming and administration.

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.

To obtain a copy of BPCPC/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 BPCPC 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.bpcparks.org.

III. SERVICES REQUIRED

A. If selected, 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 BPCPC's discretion:

- Request for Proposals issued: **Tuesday, June 4, 2013.**
- Deadline to submit questions to BPCPC: **Tuesday, June 11, 2013** by 4:00 p.m. (by email only)
All questions regarding this RFP should be submitted in writing via email to the "Designated Contact": Bruno Pomponio, Battery Park City Parks Conservancy, at bpomponio@bpcparks.org.
- Deadline for BPCPC's response to substantive questions: **Tuesday, June 18, 2013** (by email)
- **DUE DATE FOR RESPONSES TO RFP: Tuesday, June 25, 2013 by 3:00 p.m. (the "Due Date")**
- Selection and notification of successful Proposer: To be determined.
- Contract start date: To be determined.

B. Anticipated Contract Term

It is anticipated that the term of the contract awarded pursuant to this RFP (the "Contract") will be three (3) years. BPCPC reserves the right to terminate the Contract at any time, with or without cause, upon thirty (30) 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 have an office in New York State (a New York City office is preferred); and
- 2) The firm must be licensed to do business in the State of New York; and
- 3) **The firm must have a minimum of five years experience in bronze sculpture maintenance and conservation.**

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

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 BPCPC (the “Restricted Period”). Employees of BPCPC 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 BPCPC’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 Tuesday, June 25, 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 - Bronze Sculpture Maintenance and Conservation Services**” to the Designated Contact **by messenger, overnight courier or certified mail** to the following address:

Bruno Pomponio
Battery Park City Parks Conservancy
75 Battery Place
New York, NY 10280

BPCPC 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 BPCPC’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 - Bronze Sculpture Maintenance and Conservation 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 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" paper. Pages should be numbered. The Proposal will be evaluated on the basis of its content, not length and should be limited to no more than ten (10) pages, exclusive of the Transmittal Letter and the Appendices listed below. BPCPC 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. **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) Executive Summary.

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.

C. RFP Questions

1) Briefly describe your firm's background, size, and history as it may be relevant to the Services Required.

2) Describe the relevant special services your firm provides, particularly those that may not be offered by other firms.

- 3) Describe your experience and methodology for the maintenance and conservation of bronze sculptures.
- 4) Please describe your experience handling this type of work in a public park setting in which the park cannot be closed.
- 5) 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.
- 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 maintenance and conservation of bronze sculpture? If so, please provide an explanation and the current status or disposition of the matter.
- 9) Are there any potential conflict of interest issues in representing BPCPC?
- 10) List any professional or personal relationships your firm's employees may have with BPCPC's Board and/or staff members of BPCPC.
- 11) List all of the service providers you intend to assign to this engagement.
- 12) Identify the primary contact who will be listed as the "key person" in any contract with BPCPC and will be responsible on behalf of the firm.
- 13) 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.
- 14) 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.
- 15) 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 professional liability insurance your firm carries. List the insurance carrier(s).
- c. General Liability Insurance limits shall not be less than \$1,000,000 per each occurrence and \$2,000,000 in the aggregate. Products/Completed Operations limits shall not be less than \$2,000,000, Automobile liability limits shall not be less than \$1,000,000, Workman's Compensation not less than Statutory Limits, Employers Liability shall not be less than \$1,000,000 and Umbrella Liability shall not be less than \$2,000,000.

2) References:

Please provide at least three client (3) 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 Manager of public art.

E. Cost Proposal

Each "Cost Proposal" must state the overall cost and hourly fees for the services contemplated herein. In order to complete a Cost Proposal, Proposer must complete the following:

1. Cost proposal and hourly fees chart in the form attached hereto as Exhibit C (“Cost Proposal”).

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 BPCPC 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 BPCPC. The evaluation process will be conducted in a comprehensive and impartial manner. The evaluation process will be conducted by a committee of BPCPC’s employees selected by BPCPC (the “Committee”). **The Committee will evaluate the Proposals based upon the evaluation criteria for selection set forth below.**

BPCPC 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

BPCPC 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 LeadPartner or Principal, 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) Pricing: **40%**
- 2) Techniques and products used for the cleaning and waxing of bronze sculptures: **15%**
- 3) Background/experience of staff who will be assigned to the BPC project: **15%**
- 4) Company’s breadth of experience and years in business: **20%**

5) Proposed MBE/WBE utilization plan (the “Utilization Plan”) and/or Firm MBE/WBE status: **10%**

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 BPCPC, 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 BPCPC.

EXHIBIT A

Scope of Work

The scope of work is for the maintenance and conservation of the following bronze sculptures located in Battery Park City:

Name	Location
Ulysses	Nelson A. Rockefeller Park
The Real World	Nelson A. Rockefeller Park
Do-Do Bird	Nelson A. Rockefeller Park
Ape & Cat at the Dance	Robert F. Wagner Park
Resonating Bodies	Robert F. Wagner Park

1. Proposer shall be responsible for preparing a Pre-Treatment Report that includes the inspection of each piece of sculpture for excessive dirt and/or other damage.
2. In combination, Proposer shall use warm water and soft vegetable brush to clean each piece of surface dirt, bird droppings, etc. from the sculpture. If any scratches are found, Proposer shall apply a small amount of ammonia sulfide to "patina". The exposed metal will then be protected by wax. At BPCPC's request, Proposer shall repair scratches or other minimal damage as required.
3. Proposer shall dry the cleaned and washed sculptures.
4. Proposer shall apply sculpture wax, allow it to dry, and then buff the sculpture. Proposer shall repeat this process, if necessary.
5. Any chemicals used by the Proposer shall be of a non-toxic nature.
6. Proposer shall coordinate all work with Bruno Pomponio, Director of Maintenance, including start date and final inspection of completed work.
7. Proposer shall conduct the conservation and cleaning process twice a year, in the early spring and again in late fall.
8. In the event that substantial or extraordinary repairs shall be required, Proposer shall provide owner with a cost estimate for the work on a time and materials basis, and shall obtain owner's written approval prior to commencement of such repair work.

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

BPCPC uses best efforts to comply with New York State Executive Law Article 15-A and recognizes the 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 BPCPC 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 BPCPC 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. Note that BPCPC uses the services of BPCA’s Diversity Department to monitor compliance with this Exhibit.

Business Participation Opportunities for MBE/WBEs

For purposes of this solicitation, BPCPC hereby establishes an overall goal of 10% for MBE/WBE participation, 5% for MBE participation and 5% 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 BPCPC 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 BPCPC/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 BPCPC 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. BPCPC/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 BPCPC/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 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

Compensation

	Year One		Year Two		Year Three		
Sculpture	Spring	Fall	Spring	Fall	Spring	Fall	3 Year Total
Ulysses							
Ape & Cat							
Resonating Bodies							
Real World							
Do-Do Bird							
Total Compensation							

Please provide hourly wages of any staff members that may be required to work on a time and materials basis for repairs outside of the cleaning scope.

% Profit	% Overhead

Staff Title	Straight Time	Overtime	Holiday