

BATTERY PARK CITY AUTHORITY

REQUEST FOR PROPOSALS

FOR

BPCPC Mechanical System Modification

Contents

I. SUMMARY	3
II. DESCRIPTION OF BPCA	3
III. SERVICES REQUIRED	4
IV. KEY DATES, CONTRACT TERM AND MINIMUM QUALIFICATIONS.....	4
A. Key Dates.....	4
B. Anticipated Contract Term.....	4
C. Minimum Qualification Requirements.....	5
V. GENERAL REQUIREMENTS	5
A. Questions regarding MBE/WBE participation, joint ventures and sub-contracting goals.....	5
B. Restricted Period.....	5
C. Submission of Proposals.....	5
D. Mandatory Forms.....	6
VI. PROPOSAL FORMAT AND CONTENTS.....	6
A. Proposal Format	6
B. Proposal Content.....	6
C. RFP Questions.....	7
D. RFP Additional Information Request.....	7
E. Cost Proposal.....	8
VII. THE EVALUATION PROCESS	9
A. Objectives	9
B. Interviews	9
C. Evaluation Criteria for Selection	9
D. Basis for Contract Award	9
VIII. NON-COLLUSION.....	10
IX. IRAN DISINVESTMENT ACT	10
X. ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE	10

EXHIBIT A - SCOPE OF WORK

EXHIBIT B - DIVERSITY REQUIREMENTS

EXHIBIT C - BPCA STANDARD CONTRACT FORM

EXHIBIT D - FORM OF COST PROPOSAL

EXHIBIT E - LABOR RATES

EXHIBIT F - BID FORM

EXHIBIT G - DRAWINGS AND SPECIFICATIONS

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 mechanical contractors to provide mechanical contracting services for the General Contractor – BPCPC Mechanical System Modification project (the “Project”). General contractor services for the Project shall include, but not be limited to providing all services necessary to perform the mechanical system modifications along with other related repairs in accordance with the Scope of Work and necessary to complete the Project.

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”) do not obligate the 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.bpcparks.org.

III. SERVICES REQUIRED

A. The selected Proposer will be responsible for the services delineated in Exhibit A (the "Scope of Work"), attached hereto, including referenced drawings and specifications attached hereto as Exhibit G ("Drawings and Specifications").

B. 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.

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: Thursday June 12, 2014.
- Pre-proposal meeting: Thursday June 19, 2014 at 10:30 AM. Meeting Location: BPCPC Offices, 75 Battery Place, New York, NY 10280(attendance is highly recommended).
- Deadline to submit questions to BPCA: June 25, 2014, 2014 by 5:00 p.m. (by email only).
All questions regarding this RFP should be submitted in writing via email to the "Designated Contact": Michael LaMancusa, Battery Park City Authority, at Michael.LaMancusa@bpca.ny.gov.
- Deadline for BPCA's response to substantive questions: Wednesday June 25, 2014 (via BPCA Website).
- **DUE DATE FOR RESPONSES TO RFP: Wednesday July 9, 2014 by 5:00 p.m. (the "Due Date").**
- Pre-Award Interviews: Monday July 14, 2014 1:30 pm - 4:00pm & Tuesday July 15, 2014 1:30-3:30 pm
- Selection and notification of successful Proposer: August 9, 2014.
- Contract start date: September 1, 2014.

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 twelve (12) months, 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 employee identified in the Proposal as the Lead PM 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 Proposer must be licensed to do business in the City and 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 Requirements”) 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 5:00 p.m. on July 9, 2014.

Each Proposer must submit six (6) paper copies of its Proposal, one copy of its Cost Proposal as described in Section VI.E. below, and one (1) electronic CD-Rom copy in a sealed package clearly marked “**Proposal Enclosed –BPCPC Mechanical System Modification**” to the Designated Contact by messenger, overnight courier or certified mail to the following address:

Michael LaMancusa
Battery Park City Authority
200 Liberty Street, 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 –BPCPC Mechanical System Modification**” 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) Cover Letter, as follows:

The Proposal must include a signed Cover Letter from a person within the Proposer firm who is authorized to bind the Proposer firm. Cover letters must be signed. **Proposals with unsigned Cover Letters will be rejected.**

The Cover 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) 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) Proposers Cost Proposal, as described below.
- 6) Proposer's response to the question regarding the use of New York State businesses 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 building system modifications within an occupied office space.
2. Briefly describe your firm's experience and history with an emphasis on construction related projects in NYC.
3. Describe your firm's experience and expertise relevant to the Project.
4. Has your firm or any of the firm'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 your firm representing BPCA?
6. Are any of your employees or principals 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 your firm's employees may have with BPCA's Board and/or staff members of BPCA.
8. Identify the Lead PM who will be the primary contact and lead person in providing services to BPCA, as well as the person 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 work which shall briefly address your conceptual step-by-step approach towards completion of the work and outline the proposed procedures for the executing the work.
11. Itemize the work you intend to perform with your firm's resources and/or workforce as well as the work for which you propose to utilize subconsultants.
12. Provide a list of all proposed subcontractors for the completion of the work.
13. Provide a list of all proposed suppliers for the completion of the work.
14. Submit a completed Cost Proposal sheet attached hereto as Exhibit D ("Form of Cost Proposal").
15. 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.
16. 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/Bonding:

- 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:

- i. Commercial General Liability Insurance limits shall not be less than **\$1,000,000** per each occurrence and **\$2,000,000** in the aggregate;
- ii. Umbrella Liability limits shall not be less than **\$10,000,000**;
- iii. Automobile liability (Combined Single Injury, Bodily Injury and Property Damage) limits shall not be less than **\$1,000,000**;
- iv. Workman's Compensation shall not be less than statutory limits;
- v. Employers Liability shall not be less than **\$1,000,000**;
- vi. Disability Insurance as required by applicable provisions of law; and
- vii. Products/Completed Operations in the value of **\$2,000,000**.

The costs of the insurance shall be included in the Proposal. BPCA, BPCPC and the State of New York shall be listed as Additional Insured on CG 2010 (11/85) or similar form and should be included as such on all subcontracts. Policies should contain no limitations/exclusions for Labor Law claims.

- c. State whether or not you can provide payment and performance bonds, the amounts thereof (both single and aggregate) and the name of your bonding company. Provide a letter from your surety stating that you are able to provide 100% bonding for this project.

2) 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.

3) Appendices:

- a. Include resumes for all key management personnel listed in your Proposal, including the staff that your firm is proposing to assign to this project.
- 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 your firm's most recent Audited Financial Statements (within the last year).

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 ("Form of Cost Proposal").
- 2) Labor rates in the form attached hereto as Exhibit E ("Labor Rates").

The Cost Proposal, regardless of whether it's bound, should be submitted in its own separate envelope within the sealed package containing all other Proposal documents. For the avoidance of doubt, the Cost Proposal must be submitted separately and unbound from the remainder of the Proposal documents.

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; and
- 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 | 20% |
| 2. Expertise & Experience with Comparable Projects | 35% |
| 3. Approach to Work & Schedule | 35% |
| 4. 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 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 New York State Office of General Services website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certify that they will not utilize any subconsultant that is identified on the Prohibited Entities List on this Contract. 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 New York State Iran Divestment Act of 2012 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 contracts. 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

SCOPE OF WORK

The selected Proposer ("Contractor") shall provide all materials, labor, equipment, tools, appliances, services, hoisting, scaffolding, supervision and overhead for the furnishing and installing of all HVAC, electrical, plumbing, fire protection, structural, general construction and related work (the "Work"), as detailed below and in accordance with the drawings, schedules and specifications (the "Design Documents"), which are provided in the ftp website attached as Exhibit H (Designs and Specifications). In all instances of inconsistency between the list below and the Design Documents, the Design Documents shall control. Contractor shall perform the Work items and provide all services necessary to complete the Project, including, but not limited to, the items listed below:

1. Remove existing water source heat pumps, associated piping, concrete pads, and other mechanical equipment where shown in the Design Documents.
2. Install floor extension on the 2nd floor atrium.
3. Provide all structural and general construction modifications to the 1st and 2nd floors of the atrium to accommodate the new chiller room, replace draft curtain assembly and reinstall acoustic panels as required.
4. Furnish and Install new seventy-two (72) ton air-cooled chiller and associated piping and piping modifications.
5. Provide a new acoustic enclosure (chiller room) for the air-cooled chiller.
6. Provide new primary chilled water pumps and Variable Frequency Drives ("VFDs") and replace existing chilled water pump motors and VFDs.
7. Furnish and Install new condensing boiler and associated hot water piping, gas piping and accessories, new air separators and associated piping, new combustion exhaust fan and draft control system.
8. Furnish and Install new chilled water piping to the Air Handler Unit ("AHU-1") and a new freeze protection hot water pump for AHU-1.
9. Furnish and Install new radiant ceiling panels in existing ceilings, new fin tube radiation and new associated hot water piping where shown in the Design Documents.
10. Remove existing fan coils, and provide new fan coil installations and all associated piping, new ductwork, ductwork modifications, new linear diffusers, etc. where shown in the Design Documents.
11. Remove existing glazing and provide new fresh air intake louvers, and motorized dampers, where shown in the Design Documents.
12. Furnish and Install new fresh air intake system with new intake fan, silencer, louvers, ductwork, supports, dampers, penetrations, ductwork modifications, and tie-ins to the existing system as required for a complete system.
13. Provide modifications to the existing storage rack to accommodate the fresh air system, as shown in the Design Documents.
14. Furnish and Install a new structural platform, doorway and all general construction items required for new fresh air fan access.
15. Furnish and Install a new welding exhaust system including new canopy hood, exhaust fan, exhaust louver, ductwork, new make-up air unit, transfer grille and any additional materials required to complete the exhaust system.
16. Provide a new vehicle exhaust fan and associated ductwork modifications, replace the existing vehicle exhaust fan motor on the roof and make any modifications to the existing vehicle exhaust system as needed.
17. Furnish and Install a new exhaust register and ductwork for 4th floor toilet.
18. Furnish and Install new ductwork connections for smoke exhaust plenums and louvers as indicated in the Design Documents, and perform pressure testing of the smoke exhaust ductwork.
19. Furnish and Install new motors and perform refurbishments of existing air-cooled condensers with new ductwork, filter racks, and new exhaust/intake louver/grille for the existing air-cooled condensers.

20. Furnish and Install a new boiler room supply fan.
21. Furnish and Install new sprinkler piping and sprinklers in the atrium and chiller room as shown in the Design Documents.
22. Furnish and Install access doors in existing ceilings where indicated.
23. Provide new NYC Department of Design and Construction (“DDC”) controls for all new equipment and integration into the existing Building Management System (“BMS”).
24. Modify existing DDC controls for existing equipment per the sequence of operation and utilizing the existing BMS.
25. Provide modifications to new and existing electrical power distribution for all mechanical equipment as indicated in the Design Documents.
26. Furnish and Install new lighting where indicated in the Design Documents.
27. Furnish and Install new fire alarm devices and integrate such devices into the existing system as required and as indicated in the Design Documents.
28. Provide commissioning support for all systems.
29. Furnish and Install all general construction work items indicated and required to restore building finishes and surfaces to the existing condition prior to the work, unless otherwise indicated herein. Provide all materials and labor required to replace existing ceilings where required to accommodate the demolition and new work.
30. Cut and patch walls, partitions, ceilings, etc. as required to facilitate the mechanical, plumbing and electrical work. Use patching materials and methods that match existing construction.
31. Paint all existing surfaces affected by new work to match existing surfaces.
32. Perform and accommodate Planning and Phasing issues and items, as follows:
 - a. Plan and phase the Work to minimize any disruptions to the existing building services. Please note, the Building in which the Work is to be performed will be fully occupied and shall remain operational throughout the entire Project. Submit a proposed schedule and phasing plan along with its Proposal.
 - b. Coordinate and make provisions to install the new boiler during the 2014/15 heating season (mid-October through March) , while the existing boiler remains active, minimizing disruptions to the heating system operation.
 - c. The installation of the new boiler (“B-2”) is required to support the heating needs of AHU-1 and new fresh air intake system. Note that AHU-1 and the fresh air intake system cannot be activated during heating season until a new boiler is operational. Contractor’s phasing plan shall take this into consideration.
 - d. The existing heating system must remain active after October 15th.
 - e. It is the intent of the Owner to have the new chiller system installed and operational by March 1, 2015.

The items listed in this Scope of Work, shown above, is a summary of work items and is not intended to be exhaustive.

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 and minorities and women

For purposes of this solicitation, BPCA hereby establishes an overall goal of 30% 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:

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.

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.

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 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 submit to BPCA a workforce utilization report identifying the workforce actually utilized on the Contract. Contractor 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 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'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: Mr. Michael LaMancusa
Contracts Administrator

Dear Mr. LaMancusa,

The undersigned (the "Proposer") hereby proposes to provide all specified work necessary to perform the Scope of Work for the **BPCPC Mechanical System Modification Project**. The Proposer agrees to commence the Work immediately upon full execution of Contract, in accordance with the terms stipulated in the Contract, for the sum written below.

A. Base Proposal

A total Not to Exceed amount of \$_____ (_____ Dollars and _____ Cents) to perform all Work as described in the Authority's Request for Proposals for the Scope of Work (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.
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>	<hr/>	<hr/>	<hr/>
<u>CARPENTER</u>	<hr/>	<hr/>	<hr/>
<u>IRON WORKER</u>	<hr/>	<hr/>	<hr/>
<u>LABORER</u>	<hr/>	<hr/>	<hr/>
<u>LABORERS - LESS</u> <u>SKILLED</u>	<hr/>	<hr/>	<hr/>
<u>OPERATING</u> <u>ENGINEER</u>	<hr/>	<hr/>	<hr/>
<u>FIELD</u> <u>SUPERVISOR</u>	<hr/>	<hr/>	<hr/>
<u>FOREMAN</u>	<hr/>	<hr/>	<hr/>
<u>TEAMSTER</u>	<hr/>	<hr/>	<hr/>
<u>ELECTRICIAN</u>	<hr/>	<hr/>	<hr/>
<u>PLUMBER</u>	<hr/>	<hr/>	<hr/>

<Name of Company>

<Name of Proposer>

Signed

Date

By: <Printed Name>

EXHIBIT F

BID FORM

Proposals shall be broken down as follows:

1. Base Bid:

A. Structural Work/Architectural Work	(\$)
B. Boiler/Heating System Upgrades	(\$)
C. Chiller/Cooling System Upgrades	(\$)
D. Chiller Acoustical Enclosure Work	(\$)
E. Welding Hood/Exhaust/MAU Work	(\$)
F. Fresh Air Intake System Upgrades	(\$)
G. Fan Coil Upgrades	(\$)
H. Vehicle Exhaust System Upgrades	(\$)
I. Air-Cooled Condenser Upgrades	(\$)
J. DDC Controls Work	(\$)
K. Testing, Adjusting, Balancing	(\$)
L. Miscellaneous Mechanical Work	(\$)
M. Sprinklers Work	(\$)
N. Electrical Work	(\$)
O. Misc. General Construction Work	(\$)

Total Base Bid: _____ Dollars (\$_____).

2. Add/Alternate #1 (Replace motors and VFDs for H/CHWP-1/2):

Alternate 1: _____ Dollars (\$_____).

EXHIBIT G

DRAWINGS AND SPECIFICATIONS

Drawings and Specifications can be viewed and downloaded through the below ftp site:

<ftp://olaftp.olace.com>

Username: BPCA

Password: Bp123ca (Case sensitive)