

Request for Qualifications (RFQ) – revised version

Division of Bridges



Resident Engineering and Inspection Services (REI)

New York City Department of Transportation Division of Bridges

55 Water Street New York, NY 10041

I. General Information

The New York City (the “City”) Department of Transportation (“DOT” or the “Department”) is in the process of establishing a Minority and Women-Owned Business Enterprises (M/WBE) pre-qualified list (“PQL”) of engineering firms to provide Bridge Resident Engineering Inspection (REI) Services.

Qualified firms are encouraged to take advantage of this opportunity and apply for this PQL detailing their credentials. The pre-qualification process ensures that future Request for Proposals (RFPs) for the various projects are only received from highly qualified consultants with the requisite prior experience.

Applicants to this PQL are expected to meet all the required qualifications as provided in Section III. - Request for Qualifications (RFQ).

DOT will use this PQL to solicit project-specific proposals for work in various locations throughout the City. NYCDOT will evaluate to determine a shortlist of firms for consideration of future Resident Engineering and Inspection Services (REI) Request for Proposals. (RFP). Please note that the selected prime consultant on future RFP solicitations will not be allowed to subcontract more than 30% of the total contract hours.

REI Responsibilities

The following general description of REI responsibilities may include, but are not limited to:

- A. Provide qualified personnel to supervise construction work to ensure compliance with contract documents and standard specifications.
- B. Record keeping and daily report writing of project progress.
- C. Provide material testing services.
- D. Perform contract finalization services including preparing final as-built drawings, reviewing final payment packages, and submitting final project records including responding to audit related inquiries.
- E. Review contract drawings for completeness as well as feasibility of construction.
- F. Prepare comprehensive constructability report.
- G. Plan and implement a public outreach program.
- H. Prepare and issue informational project documents, such as community newsletters, brochures, direct mailings, etc.
- I. Prepare press releases for issuance by NYCDOT.
- J. Review contractor proposed value engineered options for feasibility, cost, and schedule impacts.
- K. Provide oversight to ensure contractor compliance with the project safety plan.
- L. Review and provide recommendations on all changes in materials.
- M. Provide engineering services for special task not mentioned above and as specified in an individual assignment.
- N. REI Staff Augmentation.

II. Qualification Procedure

To be able to establish a list of pre-qualified contractors, DOT is advertising this RFQ in the City record. An evaluation committee will review and evaluate whether the submissions from the PQL Applicant demonstrate that the Applicant has the requisite experience and possesses other qualifications the City must evaluate pursuant to the City Procurement Policy Board (“PPB”) Rules and New York General Municipal Law Section 103(15), in establishing a PQL.

III. Request for Qualifications

In order for a business to be qualified as an M/WBE they must meet the following eligibility requirements:

- A. The business is legally authorized to transact business in New York State.
- B. The business has been in operation (i.e., selling goods and/or services) for at least one year.
- C. At least 51% of the business is owned, operated and controlled by a U.S. Citizen(s) or U.S. permanent resident(s) who are women and/or members of designated minority groups including:
 1. Black
 2. Hispanic
 3. Asian-Pacific
 4. Asian-Indian
 5. Native American
- D. The business has one of the following legal structures:
 1. Sole proprietorship
 2. Limited Liability Company (LLC)
 3. Corporation
 4. Limited Liability Partnership (LLP)
 5. Limited Partnership (LP)
 6. General Partnership

Not for Profit Organizations are ineligible.

- E. The business' principal office, place of business or headquarters is located within the five boroughs of New York City or one of the following counties of New York and New Jersey:
 1. Nassau
 2. Putnam
 3. Rockland
 4. Westchester
 5. Suffolk
 6. Bergen
 7. Hudson
 8. Passaic

A business located outside of New York City and outside of the designated counties noted above may qualify for M/WBE certification if the applicant can prove a substantial presence in the geographic market of New York City. Substantial presence can be demonstrated by providing documentation that satisfies at least two of the following conditions:

Maintenance of a bank account for at least six (6) months in the City, or engagement in other banking transactions in the City, and/or

Possession of a license (i.e., by the business or by at least one owner) issued by a New York City agency supporting its ability to transact business in the City, and/or

Proof of business transactions, or attempted business transactions, in or with the City more than once over the past three (3) years.

Do you have questions about your eligibility for NYC M/WBE certification? Please email the SBS Certification Unit at MWBE@sbs.nyc.gov. Be sure to include your full name, phone number and email address in your email. An SBS Certification Analyst will review and respond to your inquiry.

The M/WBE program strives to promote fairness and equity by enabling M/WBEs to improve their capacity, connect to opportunities, and positively contribute to the local economy. Learn more about SBS resources for M/WBEs.

The M/WBE program was established through the enactment of Local Law 129 in 2005. The City's M/WBE certification program is administered in accordance with standards set forth in Chapter 11 of Title 66 of the Rules of the City of New York. View the regulations that govern the City of New York's M/WBE Program here.

IV. Overall Procurement Process

The procurement of a REI services consultant based on this RFQ will involve a two-step process: this RFQ, followed by a future RFP.

NYCDOT will evaluate Proposer responses to this RFQ to establish a pre-qualified list of MWBE firms for REI services (Shortlist).

NYCDOT anticipates releasing future REI RFPs for the Shortlist to review and respond. All such future REI RFP responses will be reviewed by NYCDOT, and a winning proposer from the Shortlist will be selected via quality-based selection method.

If DOT does not receive any responses to any solicitation issued under this PQL, DOT reserves the right to publicly re-issue the solicitation to vendors who are not on the PQL to ensure that the necessary or required work is completed. If there is a paucity of vendors or continuous lack of responses by vendors within this PQL, DOT reserves the right to, on notice, terminate the list and, in such event, issue public solicitations for contracts to vendors that respond to a publicly advertised Request for Proposals.

V. Funding Sources

REI services assigned pursuant to this RFQ will be 100% City funded.

VI. Denial of Prequalification

Pursuant to PPB Rules, Section 3-10(l), any PQL Applicant whose qualifications fail to meet the requirements and criteria established by this RFQ shall be denied prequalification. The Agency Chief Contracting Officer ("ACCO") will notify the PQL Applicant in writing of the denial. The PQL Applicant may appeal ACCO's determination denying prequalification pursuant to the process established in PPB Rules, Section 3-10(m).

VII. RFQ Procurement Process

NYCDOT will review all RFQ responses and establish the Shortlist from those Proposers that submit relevant and technically viable responses to the scenarios described herein, experience, overall understanding, approach, and innovativeness in responses.

NYCDOT may conduct interviews and/or request that Proposers make oral or visual presentations in support of their responses to this RFQ or to exhibit or otherwise demonstrate or clarify the information contained in their RFQ responses.

VIII. Duration of PQL List

The PQL list will be valid for a minimum of two years from date of establishment.

IX. Recertification

In compliance with PPB Rule 3-10(f), once a contractor is placed on the PQL, the contractor will be required to affirm, at least once every two years, that there has been no change in the information included in the PQL application or supply any changed information.

Furthermore, in compliance with PPB Rule 3-10(h), to ensure that contractors continue to meet the pre-qualification standards, DOT will request for its review the last two (2) consecutive years of financials (audited financial statements or tax returns) during its biennial certification period.

X. Proposer Requirements

Organizational and Procurement Changes

Shortlisted firms are advised that in order to remain qualified to submit a Proposal after they have been shortlisted, their organization, including all Principal Participants, specialty subcontractors, and Key personnel identified in the RFQ, shall remain intact for the duration of the procurement process.

NYCDOT wants to ensure that Proposers can develop and attract the greatest range and depth of expertise internally as well as subconsultants as may be necessary to participate in future procurements, should there be changes in personnel that reduces or materially eliminates the firm's capacity to provide services listed in the REI scope section, the firm shall notify and request NYCDOT consent in writing.

Should a Proposer wish to make such a change, they shall notify and request NYCDOT's consent in writing and shall provide, for any new or substitute entity, the same information required under this RFQ for such entity had it been part of the Proposer team as of the response submission (including, without limitation, legal, financial, qualifications/experience, and other). If a Proposer wishes to delete an entity, they shall provide NYCDOT with information establishing that the Proposer remains qualified as contemplated under this RFQ. Such changes will require prior written approval by NYCDOT, which may be granted or withheld in NYCDOT's sole discretion. Failure to secure the consent of NYCDOT may, at NYCDOT's sole discretion, result in the Proposer being disqualified.

Requests by Proposers for changes in any of the Principal Participants or make-up of its team will be particularly scrutinized. Proposers with changes, whether such changes are approved or not, may have their scores impacted during the Proposal evaluation process.

XI. PASSPort Requirements

Only the selected proposers may view the procurement documents in PASSPort. Proposers interested in proposing, must create an online account and submit an online disclosure application with the NYC Mayor's Office of Contract Services in the PASSPort. Those Proposers that have not submitted an online disclosure application with the NYC Mayor's Office of Contract Services, are required to do so at least seven calendar days prior to the Statement of Qualifications (SOQ) Due Date, by creating an account with the NYC Mayor's Office of Contract Services, PASSPort site. Additional information on how to submit an application or register for PASSPort are contained RFQ Appendix K, that can be found in the PASSPort "Documents" section and in following link:

<https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>

Questions about PASSPort registration should be directed to the NYC Mayor's Office of Contract Services.

<https://www.nyc.gov/site/mocs/about/help.page>

Proposers that have not submitted an online disclosure application in PASSPort as a joint venture, but have done so as individual companies, may submit proof of such submission and are not required to submit the online disclosure application as a joint venture at this time. Joint ventures selected as Shortlisted Teams will be required to submit the online disclosure application as a joint venture.

XII. Electronic Signature Requirements

Proposers shall submit their responses and all associated forms and documents that require a signature with an electronic signature. All electronic signatures must comply with the Electronic Signatures and Records Act and its implementing regulations that further defines what constitutes as an electronic signature in the State of New York.

XIII. Format Requirements

A Proposer's format must adhere to the requirements regarding clarity and conciseness, and other general format requirements that can be found in the PASSPort "Documents" section. Responses may contain additional information or materials beyond that is required in RFQ; however, NYCDOT will have no obligation to review such additional information or materials.

XIV. Pages

Attachments that are uploaded to PASSPort as required by the RFQ must consist of pages that are printable and legible at 8.5- inch x 11-inch, with white backgrounds, except for charts, exhibits, and other illustrative and graphical information, which may be submitted as printable at 11-inch x 17-inch pages. 11-inch x 17-inch pages will count as one page.

Text must be in a standard font that is a minimum of 10 points in size and single-spaced. Each page must be numbered consecutively within each section (i.e., 1-1, 1-2...; 2-1, 2-2...; 3-1, 3-2..., etc.), and the page numbers must be centered at the bottom of each page. The footer of each page within the document must include the name and address of the Proposer, the volume number (if any), and date submitted.

XV. Clarify and Conciseness

Proposers should make every effort to present information clearly and concisely. Proposers shall provide brief, concise information that addresses the objectives and the requirements of the Project consistent with the evaluation criteria described in this RFQ. Lengthy narratives containing extraneous information are discouraged.

XVI. RFQ Evaluation Process

NYCDOT will only consider Proposers for the Shortlist with the legal, technical, financial, and management capability, capacity, and experience necessary to successfully undertake future REI work. Accordingly, NYCDOT will review RFQ responses for responsiveness and evaluate against certain pass/fail criteria and qualitative evaluation factors, as described below. RFQ responses that meet the minimum pass/fail criteria will be eligible to be scored. Only the Shortlist will be allowed to provide responses to future REI RFPs issued to the respective pre-qualified list of firms as contemplated in the RFQ.

XVII. Evaluation Reviews

RFQ Responses will be evaluated in accordance with

- A. Pass/Fail Review of Minimum Requirements
- B. Qualitative Review of Scenarios, Minimum Score of 70 points to be appointed to PQL list.

Those RFQ responses deemed not responsive or fail any minimum requirement will be excluded from scoring of their qualitative scenarios.

XVIII. Pass/Fail Review

Each minimum requirement, as described in the section below will be evaluated on a non-scored pass/fail basis.

XIX. Minimum Requirements

Proposer must meet each of the following minimum requirements in order to have their qualitative RFQ responses scored.

- A. The firm must employ a minimum of fifteen (15) full-time technical employees (including field inspector).
- B. The firm must employ at least two (2) Professional Engineers, licensed in the State of New York, on staff full time, each with at least seven (7) years of experience and who each have successfully completed a bridge project within the last five (5) years.
- C. The firm must employ a minimum of two (2) full-time Bridge Engineers.
- D. Over the previous three (3) years, the firm's attrition rate of its technical employees must not exceed an average of 25% annually.
- E. The firm must have a published and adopted QA/QC procedure manual.
- F. The firm must have the ability to provide CADD drawings, that it must possess one CADD Station.
- G. The firm must have an available line of credit in excess of \$.75 Million, or equivalent that must be verified by an officer of lending institution in writing.
- H. New firms/firms who are currently on the PassPort System and which have not received any performance evaluation ratings must not have a negative performance evaluation record for public contract work.

XX. Glossary

A. Full Time.

A full-time employee works at least 35 hours per week.

B. Successfully Completed. Successful completion of a bridge construction project as the prime consultant must be supported by references and evaluations upon request.

C. Technical Employees: Employees who would be compensated under the Department's current definition of Direct Technical Salary Cost.

D. Bridge Engineers:

Employees who qualify as working within one of the nine (9) ASCE Professional Grade Descriptions or who are NICET certified, and who also have spent three of the last five years working full time on one or more bridge construction projects.

E. Attrition Rate:

(For a year) The ratio of the number of technical employees that left the firm during a calendar year (January to December) compared with the total number of employees at the firm on August 1st of the year. When calculating the number of employees that left the firm, the following must be included: retirement, reduction of staff, layoffs, termination, and resignation. An employee is defined as anyone employed on a full-time basis for over four (4) months.

If the technical staff attrition rate exceeds specified limits due to a firm's elimination of a unit unrelated to bridges, supporting documentation may be submitted with the application for consideration.

G. Employee Manual:

A published document citing the firm's policies and guidelines of operation.

H. QA/QC Procedure Manual:

A published document citing the firm's policies and guidelines to ensure quality assurance and quality control for all firm operations.

I. Contract Performance:

Performance Evaluations including any Unsatisfactory/Marginal Performance Ratings for Public contract work or cautions in PASSPort System.

J. "Principal Participant" of the firm is understood to mean those individuals who possess legal responsibility for its management. They may be one of the following or their equivalent:

- Owners
- Corporate officers
- Associates
- Partners

K. “Key Personnel” means any of the following titles or their equivalent:

- Principal-in-Charge
- Project Manager
- Resident Engineer
- Office Engineer
- Senior Inspector
- Senior Inspector (Diving)
- Inspector
- Environmental Engineer
- Community Liaison
- Construction Engineer

XXI. Quantitative Review (Scenarios)

NYCDOT’s Technical Review Committee (TRC) will award 20 points max for each scenario. To the extent applicable the TRC will look for one of the following in proposer responses:

- A. Demonstrate experience with utilities.
- B. Demonstrate ability to review critical path method schedule updates.
- C. Demonstrate ability to manage the change order process.
- D. Ability to understand and formulate Construction costs and value engineering.
- E. Demonstrate knowledge of NYCDOT bridge construction contract requirements.
- F. Demonstrate ability to provide a variety of approaches to resolve construction issues and make recommendations in keeping with contract requirements and in agency’s best interests.
- G. Demonstrate knowledge of best practices in construction oversight and site safety protocols including work zone traffic control

XXII. Scenarios for response (20 points each)

- A. Explain the role of the REI in the pursuit of extra work under the contract and what challenges do the City's standard process for administering changes orders present? For each challenge, explain how the Respondent would address the situation to control costs and mitigate time impacts.
- B. You are REI responsible to manage a rehabilitation project for a roadway underpass in a complex urban area and the scope of work includes partial replacement of the concrete deck. During construction, field conditions indicate that additional portions of the deck need to be replaced. The expanded scope will result in impacts to utilities that could add months to work. Describe the implications this would have on the project and the steps you would take to address the impacts.
- C. You are REI for a project is in construction phase. The original contract called for reconstruction of a bridge in two stages. There is one lane of traffic in each direction. During each stage one direction of traffic was to be detoured while reverse traffic crossed the bridge. However, due to a detour conflict with a nearby project (other City Agency's project), NYCDOT decided that bridge re-construction work be performed in such a manner as to allow at least one lane of traffic in both directions at all times. To accomplish this reconstruction work was re-designed to be performed in three stages. What are the implications of this change and what do you do to minimize them.
- D. A bridge superstructure is being replaced using steel girders including fracture critical members. Describe how you would perform the shop drawing review and approval process, including any additional requirements during fabrication.
- E. You are REI on a bridge project and the construction schedule shows that the bridge deck concrete pour operation will take place next week. The weather forecast predicts that the air temperature will be in the 40s and possibly lower. Discuss what measures you recommend be taken to maintain proper curing conditions.

XXIII. Pre-Qualified List Notification

Upon completion of the RFQ evaluation and scoring process, the Proposers that are on the Shortlist will be notified either through PASSPort or by NYCDOT directly.

XXIV. NYCDOT Designed Representative

NYCDOT Designated Representative is NYCDOT's sole contact person and addressee for receiving all communications about the RFQ process. Proposers must submit all inquiries and comments regarding the RFQ by e-mail or letter, unless otherwise specified in the RFQ. Only written inquiries will be accepted, and Proposer must submit them to:

New York City Department of Transportation
Agency Chief Contracting Officer
55 Water Street
New York, NY 10041
Attention: Carlos Bannister
E-Mail: cbannister@dot.nyc.gov

XXV. The First Page of All Proposer Written Communications Must Clearly Indicate

- A. Firm name and address.
- B. Firm's contact information (name, title, phone number, and e-mail address).
- C. "To Be Opened by NYCDOT Designated Representative Only"; and
- D. The subject and/or material as it relates to the request.

XXVI. Improper Communications and Contracts

The following rules of contact shall apply during the course of this RFQ. These rules are designed to promote a fair, unbiased, legally defensible procurement process. Additional rules or modifications to these rules may be issued by NYCDOT. In this context, contact includes face-to-face, telephone, facsimile, e-mail, virtual meetings, or formal written communication, either directly or indirectly by an agent, representative, promoter, or advocate of a Proposer.

XXVII. Communication Process/Rules Contracts

NYCDOT's Designated Representative is the single source of information regarding this RFQ, and Proposers must comply with the following rules of contact:

- A. After submittal of responses, no Proposer or any of its team members may communicate with another Proposer or members of another Proposer's team with regard to the RFQ, until the Shortlist is established.
- B. Contact between the Proposers and NYCDOT (questions and responses to questions) regarding the RFQ shall only be through the NYCDOT Designated Representative and Proposer's authorized representative.
- C. The Proposers shall not contact NYCDOT employees or advisors and any other person who will evaluate the RFQ.
- D. Any contact determined to be improper, at the sole discretion of NYCDOT, may result in disqualification.
- E. Any official information regarding this RFQ will disseminate in writing by NYCDOT.

XXVIII. New York Freedom of Information Law

All written and electronic correspondence, exhibits, photographs, reports, printed material, tapes, electronic disks, and other graphic and visual aids submitted to NYCDOT during this procurement, including as part of the response to this RFQ, become the property of NYCDOT, upon their receipt by NYCDOT and will not be returned to the submitting parties. All material submitted by Proposers, are subject to the provisions of the New York FOIL and any other laws and regulations applicable to the disclosure of documents submitted under this RFQ. NYCDOT's use and disclosure of its records are governed by such laws. Proposers must familiarize themselves with the provisions of the New York FOIL and other applicable law requiring disclosure of public information, and exceptions thereto. In no event shall NYCDOT, or any of its agents, representatives, consultants, directors, officers, or employees be liable to a Proposer or Proposer team member for any material or information submitted in response to this RFQ.

In the event of any proceeding or litigation concerning the disclosure of any material submitted by the submitting party, NYCDOT's sole involvement will be as a stakeholder retaining the material until otherwise ordered by a court or such other authority having jurisdiction with respect thereto, and the submitting party shall be responsible for otherwise prosecuting or defending any action concerning the materials at its sole expense and risk, provided, however, that NYCDOT reserves the right, in its sole discretion, to intervene or participate in the litigation in such a manner as it deems necessary or desirable. All costs and fees (including attorneys' fees and costs) incurred by NYCDOT in connection with any litigation, proceeding, or request for disclosure shall be reimbursed and paid by the Proposer objecting to disclosure. Each Proposer shall be responsible for all of its own costs in connection with any litigation, proceeding, or request for disclosure.