



**NEW YORK**  
STATE OF  
OPPORTUNITY™

**Empire State  
Development**

## **REQUEST FOR QUALIFICATIONS**

# **FOR SELECTION OF UP TO SEVEN QUALIFIED FIRMS FOR PROVISION AND INSTALLATION OF STRUCTURAL STEEL AT TRANSFORMER BUILDING, JACOB K. JAVITS CONVENTION CENTER**

**PROPOSAL DUE DATE AND TIME: August 11, 2016 3:00 pm EST  
(Late proposals cannot be accepted)**

## **TABLE OF CONTENTS**

- I. Introduction**
- II. Scope of Work**
- III. Required Information**
- IV. Schedule of Dates**
- V. Selection Criteria**
- VI. Submission of Proposals**
- VII. Questions**
- VIII. General Provisions**
- IX. Procurement Forms and Requirements**
- X. Appendix A (Tishman Pre-Qualification Questionnaire)**

## I. INTRODUCTION

The New York Convention Center Development Corporation (“NYCCDC” or the “Owner”), a subsidiary of the New York State Urban Development Corporation (d/b/a Empire State Development (“ESD”) has retained Tishman Construction Corporation (“Tishman”) as Construction Manager and Agent for NYCCDC with respect to the construction of a Transformer Building and Utility Relocation Services at the Jacob K. Javits Convention Center (the “Project”).

Tishman, as Agent, is assisting NYCCDC in the procurement of contractors in furtherance of the Project.

## II. SCOPE OF WORK

This Request for Qualifications (RFQ) seeks qualifications from bidders who, if selected, would receive a Request for Proposal to furnish and install structural steel for the Transformer Building at the Jacob K. Javits Center.

**The new Transformer Building is to be built over the existing transformer yard. It is a 3 level building approximately 60’ high, 80’ wide and 170’ long.**

### Structural -Transformer Building Structure

The Transformer Building structure consists of a structural steel frame with two supported levels. The lower floor (Level 3 at elevation +32’) consists of a concrete slab on metal deck supported by steel beams with composite studs. The upper floor (Level 3M at elevation +50’) consists of a concrete slab on metal deck, a waterproofing layer, and a structural concrete topping slab all supported by steel beams with composite studs. The structural frame consists of heavy wide flange steel columns at wide spacing at the perimeter with no interior columns. To accommodate the long spans and create the required headroom below the perimeter girders will be incorporated into one-story deep trusses between Levels 3 and 3M. The lateral load resisting system will consist of ordinary braced frames in the north- south direction at the ends of the building and moment frames in the east-west direction incorporating the deep trusses on the north and south facades. The foundation system is expected to consist of straight shaft drilled caissons extended into the underlying bedrock and sleeved to create a de-bonded zone to the depth of the influence zone of the adjacent tunnel tube. Caisson locations have been carefully determined to avoid underground utilities and the equipment of the existing transformer yard that will need to remain in operation during the construction of the new transformer building.

NYCCDC strongly encourages firms that are certified by New York State as minority- and women-owned business enterprises (“MWBE”) or service-disabled veteran-owned businesses (“SDVOB”), as well as firms that are not yet certified, but have applied for certification, to submit responses to this RFQ.

## III. REQUIRED INFORMATION

- Completed Tishman Pre-Qualification Questionnaire.
- Letter from surety stating available bonding capacity (minimum of \$7 million required).
- Resumes of supervisory personnel for project.
- All forms and material listed in Section IX of this RFQ.

**IV. SCHEDULE OF DATES**

**Estimated schedule:**

|  |                              |
|--|------------------------------|
| Release of RFQ                           | July 21, 2016                |
| Deadline for Submission of Questions     | July 27, 2016 and 5:00pm EST |
| Deadline for ESD to Respond to Questions | July 29, 2016                |
| Submission of Proposals (date and time)  | August 11, 2016, 3:00pm EST  |
| Announcement of Successful Bidders       | August 15, 2016              |
| Anticipated issuing of Bid Documents     | August 15,2016               |

**V. SELECTION CRITERIA**

Proposals from Bidders found to be responsible and who have the minimum bonding capacity will be ranked based upon the qualifications of the Firms as follows:

- Previous experience with similar projects
- Safety Record (EMR submitted with prequalification forms for the past 3 years will be reviewed)
- Qualified and available supervision

**VI. SUBMISSION OF PROPOSALS**

All Qualifications must be delivered to the below address by no later than August 11, 2016, 3:00 P.M. EST. Please provide 6 copies to the address below and one electronic copy of your Qualifications to [StructuralSteelRFQ@esd.ny.gov](mailto:StructuralSteelRFQ@esd.ny.gov) attention: Edgar Camacho.

Empire State Development  
 633 Third Avenue 35<sup>th</sup> Floor  
 New York, New York 10017-8167  
 Attention: Edgar Camacho  
 RFQ: Javits, Structural Steel

## VII. QUESTIONS

All questions, comments, requests for clarification or any other communication regarding this RFQ must be submitted in writing no later than July 27, 2016 at 5:00 P.M. EST by e-mail to: [StructuralSteelRFQ@esd.ny.gov](mailto:StructuralSteelRFQ@esd.ny.gov), attention Edgar Camacho.

Answers will be posted no later than July 29, 2016 at 5:00 P.M. EST via ESD's website: <http://esd.ny.gov/CorporateInformation/RFPs.html>.

In addition, any changes, additions or deletions to this RFQ will also be posted on ESD's website, along with the electronic version of this RFQ. Respondents should note that any necessary clarification must be sought by the deadline for questions set forth in the "Schedule of Dates" section in this RFQ.

Respondents are urged to check ESD's website frequently for notices of any clarification of or changes, additions, or deletions to this RFQ.

**OTHER THAN THE CONTACT WEB ADDRESS IDENTIFIED ABOVE, PROSPECTIVE RESPONDENTS SHALL NOT APPROACH ESD'S EMPLOYEES DURING THE RESTRICTED PERIOD OF THIS RFQ PROCESS ABOUT ANY MATTERS RELATED TO THIS RFQ OR ANY QUALIFICATIONS SUBMITTED PURSUANT THERETO.**

## VIII. GENERAL PROVISIONS

The issuance of this RFQ and the submission of a response by a firm or the acceptance of such a response by ESD does not obligate ESD in any manner. ESD reserves the right to:

1. amend, modify or withdraw this RFQ;
2. revise any requirement of this RFQ;
3. require supplemental statements or information from any responsible party;
4. accept or reject any or all responses hereto;
5. extend the deadline for submission of responses hereto;
6. negotiate potential contract terms with any respondent to this RFQ;
7. discuss with any respondent to this RFQ corrections and/or clarifications with respect to responses provided which do not conform to the instructions contained herein;
8. cancel or reissue, in whole or in part, this RFQ, if ESD determines in its sole discretion that it is in its best interest to do so; and
9. extend the term of any agreement on terms consistent with this RFQ.

ESD may exercise the foregoing rights at any time without notice and without liability to any responding firm or any other party for its expenses incurred in preparation of responses hereto or otherwise. All costs associated with responding to this RFQ will be at the sole cost and expense of the responding firm.

All information submitted in response to this RFQ is subject to the Freedom of Information Law (FOIL), which generally mandates the disclosure of documents in the possession of ESD upon the request of any person unless the content of the document falls under a specific exemption to disclosure. In addition, all Proposals may be discussed at meetings of the ESD Directors, which meetings are subject to the Open Meetings Law.

## **IX. PROCUREMENT FORMS AND REQUIREMENTS**

Additional requirements for this RFQ are described below. Relevant forms, where required to be submitted, must be executed and included in the submission in the same order as listed below:

1. State Finance Law §§139-j and 139-k forms
2. Vendor Responsibility Questionnaire
3. Iran Divestment Act Statement
4. Non-Discrimination and Contractor & Supplier Diversity Requirements
5. Encouraging the Use of NYS Businesses in Contract Performance Form
6. Certification under State Tax Law Section 5-a
7. Schedule A (for review only—no separate form requirement)
8. Project Sunlight (for review only—no separate form requirement)
9. Insurance Requirements

### **1. State Finance Law Sections 139-j and 139-k forms**

State Finance Law Sections 139-j and 139-k (collectively, the “Procurement Requirements”) apply to this RFQ. These Procurement Requirements: (1) govern permissible communications between potential respondents and ESD or other involved governmental entities with respect to this RFQ; (2) provide for increased disclosure in the public procurement process through identification of persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions; and (3) establish sanctions for knowing and willful violations of the provisions of the Procurement Requirements, including disqualification from eligibility for an award of any contract pursuant to this RFQ. Compliance with the Procurement Requirements requires that all communications regarding this RFQ, from the time of its issuance through final award and execution of any resulting contract (the “Restricted Period”), be conducted only with the designated contact persons listed below; the completion by Respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding and Agreement pursuant to State Finance Law (each form is accessible at the Required Forms for Vendors link at the ESD web site under “RFPs/RFQs”); and periodic updating of such forms during the term of any contract resulting from this RFQ.

Respondents must submit the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding and Agreement pursuant to State Finance Law as part of their submittal. Copies of these forms are available at:

[http://www.empire.state.ny.us/CorporateInformation/Data/RFPs/RequiredForms/SF\\_Law139\\_JK.pdf](http://www.empire.state.ny.us/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.pdf).

The Procurement Requirements also require ESD staff to obtain and report certain information when contacted by prospective respondents during the Restricted Period, make a determination of the responsibility of Respondents and make all such information publicly available in accordance with applicable law. If a prospective respondent is found to have knowingly and willfully violated the State Finance Law provisions, that prospective respondent and its subsidiaries, related or successor entities will be determined to be a non-responsible Respondent and will not be awarded any contract issued pursuant to this solicitation. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract. The designated contact account for this solicitation is Edgar Camacho and all communications should be sent to Edgar Camacho at

[StructuralSteelRFQ@esd.ny.gov](mailto:StructuralSteelRFQ@esd.ny.gov).

This is not a complete presentation of the provisions of the Procurement Requirements. A copy of State Finance Law Sections 139-j and 139-k can be found at:

[http://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/PermissibleContactsPolicy\\_Jan2007.pdf](http://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/PermissibleContactsPolicy_Jan2007.pdf). All potential Respondents are solely responsible for full compliance with the Procurement Requirements. Both the prime consultant and any sub-consultants complete the forms required above.

## **2. Vendor Responsibility Questionnaire**

All Respondents to this RFQ must be “responsible,” which in this context means that they must have the requisite financial ability, organizational capacity and legal authority to carry out its obligations under this RFQ, and in addition must demonstrate that both the Respondent and its principals have and will maintain the level of integrity needed to contract with New York State entities such as ESD. Further, the Respondent must show satisfactory performance of all prior government contracts. Accordingly, the contract to be entered into between ESD and the Respondent, if any, shall include clauses providing that the Respondent remain “responsible” throughout the term of the contract, that ESD may suspend the contract if information is discovered that calls into question the responsibility of the contracting party, and that ESD may terminate the contract based on a determination that the contracting party is non-responsible. On request, model language to this effect will be provided to any Respondent to this RFQ.

To assist in the determination of responsibility, ESD requires that all respondents to this RFQ register in the State's Vendor Responsibility System (“Vend-Rep System”). The Vend-Rep System allows business entities to enter and maintain their Vendor Responsibility Questionnaire information in a secure, centralized database. New York State Procurement Law requires that state agencies award contracts only to responsible vendors. Respondents are to file the required Vendor Responsibility Questionnaire online via the Vend-Rep System or may choose to complete and submit a paper questionnaire. Please include a copy of your Vend-Rep submission receipt or paper questionnaire with your proposal.

To enroll in and use the Vend-Rep System, see the System Instructions available at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or go directly to the Vend-Rep system online at <https://portal.osc.state.ny.us>. For direct Vend-Rep System user assistance, the Office of the State Comptroller’s Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at [helpdesk@osc.state.ny.us](mailto:helpdesk@osc.state.ny.us).

Respondents opting to file a paper questionnaire can obtain the appropriate questionnaire from the Vend-Rep website ([http://www.osc.state.ny.us/vendrep/forms\\_vendor.htm](http://www.osc.state.ny.us/vendrep/forms_vendor.htm)) and execute accordingly pertaining to the company’s trade industry. Per the website, respondents are to “Select the questionnaire which best matches the business type (either For-Profit or Not-For-Profit) and business activity (Construction or Other).”

## **3. Iran Divestment Act**

Every Proposal made to ESD pursuant to a competitive solicitation must contain the following statement, signed by the Respondent on company letterhead and affirmed as true under penalty of perjury:

"By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law."

The list in question is maintained by the Office of General Services. For further information and to view this list please go to: <http://www.ogs.ny.gov/about/regs/ida.asp>

#### **4. Non-Discrimination and Contractor & Supplier Diversity Requirements**

##### **Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Minority- and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women**

###### **NEW YORK STATE LAW**

Pursuant to New York State Executive Law Article 15-A and 5 NYCRR §§140-145, NYCCDC recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified MWBEs and the employment of minority group members and women in the performance of NYCCDC contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether MWBEs 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" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of MWBEs in State procurement contracting versus the number of MWBEs 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 MWBE 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 NYCCDC establishes goals for maximum feasible participation of New York State Certified MWBEs and the employment of minority groups members and women in the performance of New York State contracts.

###### **Business Participation Opportunities for MWBEs**

For contracts resulting from this solicitation, NYCCDC will establish a goal for MWBE participation. Such contracts will set forth additional requirements that will encourage business participation opportunities for MWBEs.

NYCCDC encourages MWBEs to respond to this solicitation and to provide such documentation necessary to establish their status as such. NYCCDC also encourages business enterprises that may be eligible for MWBE certification to respond to this solicitation. NYCCDC will strongly consider qualifying proposals from MWBEs in response to this solicitation.

Business enterprises responding to this solicitation that are not MWBE-certified are strongly encouraged to consider partnering, or other joint venture arrangements, with other certified MWBEs in order to give MWBEs the opportunity to participate in the work performed under contracts to be awarded by NYCCDC.

General inquiries or questions relating to the aforementioned policies, MWBE participation, and the goals specified herein may be addressed to the Office of Contractor and Supplier Diversity (“OCSD”) at [OCSD@esd.ny.gov](mailto:OCSD@esd.ny.gov).

### **Equal Employment Opportunity Requirements**

Respondents will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement, Form OCSD-1 (available at [http://www.empire.state.ny.us/CorporateInformation/Data/RFPs/OCSD\\_1MWBEEOPolicyStatement.pdf](http://www.empire.state.ny.us/CorporateInformation/Data/RFPs/OCSD_1MWBEEOPolicyStatement.pdf)), to ESD with their bid or proposal.

If awarded a contract with NYCCDC, a business enterprise will be required to meet the MWBE requirements as set forth in New York State Executive Law Article 15-A and 5 NYCRR §§140-145.

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, business enterprises retained by NYCCDC 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 allowed by the Contract.

### **5. Service-Disabled Veteran-Owned Businesses**

Article 17-B of the Executive Law, enacted in 2014, acknowledges that SDVOBs strongly contributed to the economies of the State and nation. In recognition of their economic activity in doing business in New York State, NYCCDC is committed to the State’s policy of encouraging the development of SDVOB firms. NYCCDC employs applicable measures and procedures provided by the Director of the Division of Service-Disabled Veterans’ Business Development in the Office of

General Services to ensure that SDVOBs are afforded the opportunity for meaningful participation in the performance of NYCCDC's contracts.

SDVOBs can be readily identified on the directory of certified businesses at:

[http://ogs.ny.gov/Core/docs/CertifiedNYS\\_SDVOB.pdf](http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf)

NYCCDC encourages SDVOBs to respond to this solicitation and to provide such documentation necessary to establish their status as such. NYCCDC also encourages business enterprises that may be eligible for SDVOB certification to apply for certification to the Division of Service-Disabled Veterans' Business Development in the Office of General Services. NYCCDC will strongly consider qualifying proposals from SDVOBs in response to this solicitation.

Business enterprises responding to this solicitation that are not SDVOB-certified are strongly encouraged to consider partnering, or other joint venture arrangements, with other certified SDVOBs in order to give SDVOBs the opportunity to participate in the work performed under contracts to be awarded by NYCCDC.

General inquiries or questions relating to the aforementioned policies, SDVOB participation, and the goals specified herein may be addressed to OCSD at [OCSD@esd.ny.gov](mailto:OCSD@esd.ny.gov).

#### **5. Encouraging the Use of NYS Businesses in Contract Performance Form**

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, bidders/proposers for this ESD 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. In order for ESD to assess the use of New York State businesses in each Proposal, ESD requests that each Respondent complete the Encouraging Use of New York State Businesses in Contract Performance form, accessible here:

<http://esd.ny.gov/CorporateInformation/Data/ENCOURAGINGUSEOFNEWYORKSTATEBUSINESSESINCONTRACTPERFORMANCE.pdf>.

#### **6. Certification under State Tax Law Section 5-a**

Any contract resulting from this solicitation is also subject to the requirements of State Tax Law Section 5-a ("STL 5-a"). STL 5-a prohibits ESD from approving any such contract with any entity if that entity or any of its affiliates, subcontractors or affiliates of any subcontractor makes sales within New York State of tangible personal property or taxable services having a value over \$300,000 and is not registered for sales and compensating use tax purposes. To comply with STL 5-a, all Respondents to this solicitation must include in their Proposals a properly completed Form ST-220-CA ([http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)), or an affidavit ([http://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/STL\\_5A\\_Affidavit.pdf](http://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/STL_5A_Affidavit.pdf)) that the Respondent is not required to be registered with the State Department of Taxation and Finance. Also in accordance with the requirements of STL 5-a, any contract resulting from this solicitation will require periodic updating of the certifications contained in Form ST-220-CA. Solicitation responses that do not include a properly completed ST-220-CA will be considered

incomplete and non-responsive and will not be considered for contract award. Only the prime consultant completes Form ST 220-CA, but Schedule A to Form ST 220-CA requires detailed information from the sub-consultants, such as tax ID number, etc., if applicable. Moreover, if applicable, certificates of authority must be attached by the prime consultant and all the sub-consultants.

## **7. Schedule A**

Following final selection of a Respondent, ESD will prepare a contract defining all project terms and conditions and the Respondent's responsibilities in conformance with "Schedule A," which can be found at:

<http://esd.ny.gov/CorporateInformation/Data/ScheduleA.pdf>

Please note Respondents do not need to complete the entire Schedule A with the submission of their Proposal. However, Respondents should still review these terms, which are standard in all ESD contracts, and raise any concerns present prior to submission of their Proposal, as Respondents will need to accept these terms prior to contract execution. Additional contract terms may be required and will be included in any subsequent Request for Proposals for this work.

## **8. Project Sunlight**

This procurement is subject to the Public Integrity Reform Act of 2011. Under the Public Integrity Reform Act of 2011, "appearances" (broadly defined and including any substantive interaction that is meant to have an impact on the decision-making process of a state entity) before a public benefit corporation such as ESD by a person (also broadly defined) for the purposes of procuring a state contract for real property (as contemplated in this RFQ) must be reported by ESD to a database maintained by the State Office of General Services that is available to members of the public. If in doubt as to the applicability of Project Sunlight, Respondents and their advisors should consult the Laws of 2011, Ch. 399 for guidance.

## **9. Insurance Requirements**

The prospective bidder will be expected to show evidence of insurance coverage to ESD and NYCCDC at their standard rates, including the insurance categories set forth below. Any insurance required shall be in the form and substance acceptable to ESD and NYCCDC.

- A. Commercial General Liability insurance
- B. Auto Liability insurance
- C. Excess Umbrella Liability insurance
- D. Professional Liability insurance
- E. Worker's Compensation & Employer's Liability insurance at NYS statutory limits

F. Disability insurance coverage at NYS statutory limits

G. The NYS Urban Development Corporation (d/b/a Empire State Development) and the New York Convention Center Development Corporation (NYCCDC), must be named as an “additional insured” on a primary and non-contributory basis on all of the following policies: Commercial General Liability, Auto Liability, and Excess Liability policies

H. All policies above should include a waiver of subrogation in favor of the NYS UDC (d/b/a ESD) and NYCCDC.