

**Revised Notice of Opportunity to Comment on Innovative Procurement Method
and/or Submit Expression of Interest pursuant to
Section 3-12(3) of the Procurement Policy Board Rules**

The New York City Department of Design and Construction ("DDC") has received approval to use an innovative procurement method to establish an academic consortium contract (the "Consortium Contract"), pursuant to Section 3-12 of the City's Procurement Policy Board Rules (the "Rules"). DDC would establish and manage the Consortium Contract as a multiple award task order/open ended requirements contract to be available to all City agencies, in order to support the goals of the City's Town+Gown program that DDC also manages ("Town+Gown"). Town+Gown program is a systemic action research program focusing on the multi-disciplinary Built Environment field. For more information on Town+Gown, please go to the DDC website: <http://www.nyc.gov/html/ddc/html/design/tg.shtml>.

In its first two years of operation, the members of Town have consisted of practitioners at New York City built environment agencies. As Town+Gown evolves and expands, the membership of Town is expected to include practitioners at other public owners. Thus, to the extent the procurement laws applicable to other participating public owners permit, the Consortium Contract would be available to them to support their research projects from the Town+Gown Research Agenda.

In order to respond to the following notice of an opportunity for the public to submit written comment on this innovative procurement method for a period of twenty (20) days after December 28, 2011 and/or submit expressions of interest in the Consortium Contract at any time, please contact Terri Matthews, Director, Town+Gown, by telephone at 718-391-2884, by email at matthewte@ddc.nyc.gov or by mail at NYC Department of Design and Construction, 30-30 Thomson Avenue, Office #4-092, Long Island City, New York 11101.

EPIN 8501110001

Description of Services to be Procured Using Method and Approximate Dollar Value of the Procurement

Agencies would procure academic services under the Consortium Contract, in the context of the Town+Gown program. With an initial term of ten (10) years, with one option to renew/extend the term for a period of up to five (5) years, the Consortium Contract would be funded nominally in order to register it. The agencies would fund their task orders under the Consortium Contract from their own budgets. Thus, during the life of the Consortium Contract, the amounts of individual task orders would vary according to the nature of the research work and the funds available at the agencies for such work.

Method Would Serve City's Interests Better than Methods Currently Available under Rules

This innovative procurement method would serve the City's interest in a number of ways. Town+Gown responds to calls from various groups, in areas as distinct as the construction industry and the preservation community, for enhanced research activity in the Built Environment. Town+Gown is one way to increase public sponsorship of Built Environment research and development, with City agency practitioners as a source of knowledge equal to that of academia and an equal partner with the academic institution on individual research projects. Town+Gown aims at collectively increasing evidence-based analysis, information transfer and understanding related to the City's physical Built Environment by marshalling and coordinating various analytical capacities and data sets, initially focusing on government entities with public works programs, such as the City, and academic institutions and programs located in or near the New York City.

The Consortium Contract, as part of Town+Gown, would facilitate City-funded research and development around a holistic City-generated research agenda with a City-wide feedback loop into further research and/or changes in practices and policies. The participating academic members of the Gown group, as the City's partners in Town+Gown, are a part of a continuing conversation with the City about completed and new research. Continuing and productive conversations depend on the City treating all academic institutions and programs equally as part of Town+Gown, which would be reflected in the gathering of academic institutions and programs into the vendor pool under the Consortium Contract.

It is in the City's interest not to exclude academic institutions and programs from the Consortium Contract's first level vendor pool during its term and have the pool be as large and as robust as possible so that individual agency task orders receive the highest level of interest in, and competition among, the second level respondents. The structure of the Consortium Contract as a multiple award task order contract minimizes the procurement steps and process time within which an agency must coordinate the appearance of funds to do research during a fiscal year with the academic institutions and programs able to satisfy the Agency's particular research need. The ability to leverage Town+Gown in the solicitation/negotiation process assures an efficient process without sacrificing any of the goals of public procurement. Competition among the academic institutions, and exclusion based on criteria stated in the task order, would happen at the second level of the Consortium Contract in connection with responses to a particular agency's task order. Agencies would have the same flexibility to develop their task orders as they would have in a standard solicitation for academic research services, with agency research needs and available financing as the controlling factors.

Nature and Requirements of Procurement Method

The first innovative procurement feature of this Consortium Contract is the absence of competition in the formation of the vendor pool. There would be no exclusion of any interested academic institution or program from participating in the Consortium

Contract to the extent of being “on call” for future task orders from the agencies. Competition among the academic institutions, and exclusion based on criteria stated in the task order, would occur after they respond to a task order under the Consortium Contract pursuant to its terms. This first innovative feature is consistent with the collaborative environment of Town+Gown, which has been completely open to participation from its inception. The structure of the Consortium Contract, including the absence of competition in formation of the vendor pool, would give agencies relatively easy access to academic institutions and programs for sophisticated research needs that require skills and personnel not available via the experiential learning programs, while being, at the same time, respectful of other types of Town+Gown collaborations.

The second innovation procurement feature of this Consortium Contract is an open-ended negotiated acquisition solicitation feature that permits the City to leverage the relationships fostered in Town+Gown to provide the basis of the solicitation/negotiation exercise. Town+Gown’s experience with participating institutions during its first full year of operation revealed a great difference in organization, operation and educational philosophy among academic institutions and among the programs within them. It would thus be most helpful to meet with members of the participating members of the Gown group, as part of the procurement process, to explore contact structure and governance issues with them before finalizing the terms of the Consortium Contract, which would remain open during its term to participation by all academic institutions with Built Environment disciplines as they learn about and participate in Town+Gown.

The structure of the Consortium Contract would mirror the operation of Town+Gown and would support a primary goal of Town+Gown, which is to create an ongoing relationship among academic institutions and programs and the City and its agencies, working collaboratively on issues within the multi-disciplinary Built Environment field. In the Consortium Contract, established via this proposed innovative procurement, all interested academic institutions both in New York City and outside would stand ready, in a consortium arrangement, to reply to task orders for research related to the Built Environment from the participating City agencies. The form of the Consortium Contract would be a multiple award task order/open ended requirements contract to be available to all City agencies pursuant to Sections 3-03(j) and 3-14 of the Rules. Academic institutions would be awarded contracts in connection with a typical competitive process pursuant to the individual task orders as permitted by Rules Section 3-03(j)(2). It is at this second level of the Consortium Contract that competition among the academic institution would take place. Competition among the institutions, and exclusion based on criteria stated in the task order, would happen in connection with their responses to a task order pursuant to the terms of the task order.

How Vendors May Express Interest in Participating in Consortium Contract

The Consortium Contract would be available to all academic institutions (a) either participating in Town+Gown or expressing an interest to participate in Town+Gown and (b) expressing an interest to participate in the Consortium Contract in response to the open-ended solicitation. DDC anticipates holding a meeting on Tuesday, September 20, 2011, from 10:30 a.m to 12:30 p.m., at DDC's offices at 40 Worth Street, 8th floor, Manhattan, with existing Gown members and other academic institutions expressing an interest, to explore the Consortium Contract concept and governance mechanisms. To express an interest to participate in the Consortium Contract at any time, to attend such planned meeting and/or to comment in writing on this innovative procurement method, within a period of twenty (20) days after July 19, 2011, please contact Terri Matthews, Director, Town+Gown, by telephone at 718-391-2884, by email at matthewte@ddc.nyc.gov or by mail at NYC Department of Design and Construction, 30-30 Thomson Avenue, Office #4-092, Long Island City, New York 11101.

Participating in Town+Gown and responding to the solicitation would result in a first level award to be an academic partner under the Consortium Contract, which gives an academic institution the ability to respond to future task orders under the Consortium Contract. As described above, academic institutions would be awarded contracts in connection with a competitive process pursuant to individual task orders pursuant to Rules Section 3-03(j)(2). The Consortium Contract cannot establish the criteria for selection under task orders because there is no way to know, at the time the Consortium Contract is executed, the nature of research that agencies will want to do and what selection criteria will be appropriate. Agencies will establish the selection criteria for their task orders under the Consortium Contract, as permitted by Rules Section 3-03(j)(2).

Time within Which Method Will Be Implemented

DDC anticipates holding a meeting on Tuesday, September 20, 2011, from 10:30 a.m to 12:30 p.m., at DDC's offices at 40 Worth Street, 8th floor, Manhattan, with existing Gown members and other academic institutions expressing an interest, to explore the Consortium Contract concept and governance mechanisms. To express an interest to participate in the Consortium Contract at any time, to attend such planned meeting and/or to comment in writing on this innovative procurement method, within a period of twenty (20) days after July 19, 2011, please contact Terri Matthews, Director, Town+Gown, by telephone at 718-391-2884, by email at matthewte@ddc.nyc.gov or by mail at NYC Department of Design and Construction, 30-30 Thomson Avenue, Office #4-092, Long Island City, New York 11101. After that exploratory meeting with participating Town+Gown academic institutions and any other interested academic institutions resulting from this notice, DDC would develop solicitation documents and the Consortium Contract form, and place ads in various academic journals to solicit additional participation during Fall 2011, with the expectation of being in a position to have a registered Consortium Contract sometime by the end of calendar year 2011.

How Expressions of Interest Are Evaluated

As described above, the first innovative procurement feature of the Consortium Contract is the absence of competition in the formation of the first level vendor pool. There would be no exclusion of any interested academic institution or program from participating in the Consortium Contract to the extent of being on call for future task orders from the agencies. Academic institutions would be awarded contracts in connection with a typical competitive process pursuant to the individual task orders as permitted by Rules Section 3-03(j)(2). It is at this second level of the Consortium Contract that competition among the academic institution would take place. Competition among the institutions, and exclusion based on criteria stated in the task order, would happen in connection with their responses to a task order under the Consortium Contract pursuant to the terms of the task order.

Due Date for Receipt of Comments/Submitting Expressions

As described above, the second innovative procurement feature of this Consortium Contract is an open-ended negotiated acquisition solicitation feature that permits the City to leverage the relationships fostered in Town+Gown to provide the basis of the solicitation/negotiation exercise. In view of the great difference in organization, operation and educational philosophy among academic institutions and among the programs within them, it would be most helpful to meet with participating members of the Gown group, as part of the procurement process, to explore contact structure and governance issues with them before finalizing the terms of the Consortium Contract, which Consortium Contract would be open to participation by all academic institutions with Built Environment disciplines.

DDC anticipates holding a meeting on Tuesday, September 20, 2011, from 10:30 a.m. to 12:30 p.m., at DDC's offices at 40 Worth Street, 8th floor, Manhattan, with existing Gown members and other academic institutions expressing an interest, to explore the Consortium Contract concept and governance mechanisms. To express an interest to participate in the Consortium Contract at any time, to attend such planned meeting and/or to comment in writing on this innovative procurement method, within a period of twenty (20) days after July 19, 2011, please contact Terri Matthews, Director, Town+Gown, by telephone at 718-391-2884, by email at matthewte@ddc.nyc.gov or by mail at NYC Department of Design and Construction, 30-30 Thomson Avenue, Office #4-092, Long Island City, New York 11101.

Proposed Innovative Procurement Method Will Be Evaluated to Determine Whether in City's Interest to Codify Method in Rules

The Rules require the City's Chief Procurement Officer to submit reports to the City's Procurement Policy Board on activities, results, and findings related to this innovative procurement method. The first is an interim report no later than 60 days after contract registration summarizing the results of the innovative procurement method, and the second is a final report no later than eight (8) months after contract

registration recommending whether or not it would be in the City's best interests to codify the innovative procurement method used within the Rules.