

New York City Department of Environmental Protection

General Contractor Request for Qualifications (RFQ)

for Green Infrastructure Improvements at Edenwald Houses (North Project Area & South Project Area):

INTRODUCTION

The New York City Department of Environmental Protection (“DEP”) is seeking qualifications from general construction contractors to establish a pre-qualified list of firms to construct stormwater best management practices (BMPs) within Edenwald Houses, a New York City Housing Authority (NYCHA) housing complex. These BMPs will consist of various types of pervious paving, bioretention areas, rain gardens, subsurface detention. This project will reduce Combined Sewer Overflow (CSO) in area waterways.

Only those firms that are pre-qualified will be provided the opportunity to bid on these projects. Firms responding to this RFQ do so with the understanding that they are not guaranteed an opportunity to bid on future contracts, nor are they guaranteed the award of work.

A pre-qualified firm will have the experience and resources necessary to complete the project as determined by DEP in accordance with the evaluation criteria described in this RFQ. Firms that wish to be considered for pre-qualification must submit a completed application in accordance with the instructions listed.

Firms are advised that DEP reserves the right to cancel this pre-qualification list at any time and to procure this contract using an open competitive bidding process. Firms are also advised that pre-qualification is not a determination of responsibility.

The firms selected for inclusion in this PQL will be invited to participate in the NYC Construction Mentorship Program. NYC Construction Mentorship focuses on increasing the use of NYC Certified Minority/Women Business Enterprise (M/WBE) contractors by making them more competitive in their pursuit of NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DEP will only consider applications to this RFQ from contractors who meet any one of the following criteria:

- 1. The submitting entity must be a NYC Certified Minority/Women Business Enterprise (M/WBE) or;**
- 2. The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the venture being a certified M/WBE or;**
- 3. The submitting entity must indicate a commitment to sub-contract no less than 50% of any awarded job to a certified M/WBE for each and every contract awarded.**

All questions regarding the pre-qualification process shall be sent in writing to the email address: prequal@dep.nyc.gov. No telephone calls shall be entertained.

Statements of Qualifications must be submitted no later than **February 1, 2013 at 4:00pm**. Please send One (1) disc and four (4) hardcopies of the full SOQ to the following address:

Glorivee Roman, Prequalification Unit
Department of Environmental Protection
59-17 Junction Boulevard, 17th Floor Bid Room
Flushing, New York 11373

I PROJECT DESCRIPTION

Overview

The Edenwald Houses site is a New York City Housing Authority (NYCHA) development located in the Bronx, NY. DEP will institute a number of green infrastructure improvements in order to maximize storm flow attenuation and reduce combined sewer overflows (CSOs) into the Hutchinson River. The proposed project will be broken into two contracts: the North Project Area located north of East 229 Street, and the South Project Area south of East 229 Street.

The objective of the green infrastructure retrofits at Edenwald Houses is to utilize large lawn areas, improved vegetation, bioretention soils and porous pavement, detaining and infiltrating runoff prior to reaching combined sewers. A combination of depressed vegetated areas, bioretention soils and subsurface gravel beds (with slow-draining under-drains placed high in the beds due to poorly-drained soils on the site) will detain and infiltrate the runoff generated from one inch of rainfall from the existing impervious surfaces within the individual tributary areas to the green infrastructure facilities. Any excess runoff will be conveyed to the existing drainage and combined sewer systems.

Edenwald Houses – North Project Area

Under the North Project contract green infrastructure improvements include vegetated bioretention areas, rain gardens, porous pavement and redirection of roof runoff to nearby proposed green infrastructure.

Edenwald Houses – South Project Area

The South Project contract includes similar types of green infrastructure, as well as green and blue roofs and a rainwater harvesting cistern.

II SCOPE OF WORK

DEP anticipates that a scope of work would generally include the following major types of work;

- A. Excavation
- B. Storm Drainage Improvements
- C. Surfacing (Concrete, Pavers, Curbs)
- D. Landscaping Improvements
- E. Plumbing Improvements
- F. Roofing Improvements (Retrofit to include Waterproofing membrane, root barrier, controlled flow drainage)
- G. Green Infrastructure Improvements as described above

III ACCURACY OF RFQ AND RELATED DOCUMENTS

DEP assumes no responsibility for the completeness or the accuracy of specific technical and background information presented in this RFQ or otherwise distributed or made available during this procurement process. In addition, DEP will not be bound by or be responsible for any explanation or interpretation of the proposed documents other than those given in writing by DEP through the issuance of addenda to this RFQ or any revision to the Contract procurement documents issued as part of this procurement process. In no event may a Firm rely on any oral statement by DEP, or its agents, advisors or consultants.

Should a firm find discrepancies or omissions in this RFQ and related documents, it should immediately notify DEP in writing of such discrepancy or omission. A written addendum to this RFQ will be issued if clarification is determined by DEP to be necessary.

Each firm requesting an interpretation will be responsible for submitting such requests to the prequal@dep.nyc.gov email address in accordance with Section I of this RFQ.

IV COSTS OF SOQ PREPARATION AND SELECTION PROCESS

DEP accepts no liability for the costs and expenses incurred by the Firms with any activities performed in connection with this entire procurement process, including but not limited to preparing the SOQs, preparing responses for clarification, attending interviews, participating in

technical/financial work sessions, conducting due diligence investigations, or attending meetings and presentations required for the contract approval process. Each Firm that enters into the procurement process shall prepare the required materials and submittals at its own expense and with the express understanding that they cannot make any claims whatsoever for reimbursement from DEP for the costs and expenses associated with the procurement process.

V VENDEX SUBMISSION

In order to be pre-qualified, Firms or joint ventures must have a current updated VENDEX submission on file at the Mayor's Office of Contract Services. VENDEX forms and instructions can be found at <http://www.nyc.gov/html/selltonyc/html/vendor/forms.shtml>.

If the Firm has not submitted a VENDEX questionnaire to the Mayor's Office of Contract Services within the past three (3) years, they should do so prior to the SOQ Submission Date. **A Firm, whether an individual or a joint venture, cannot be pre-qualified if an updated VENDEX submission is not on file.**

Applications from firms or joint ventures which have not submitted VENDEX questionnaires within the last 3 years will not be rejected, however, as noted, no firm or joint venture can be pre-qualified without the appropriate filing. DEP will not delay completion of the Pre-Qualified List or issuance of bid documents because a firm or joint venture has delayed or failed to submit the required VENDEX questionnaires for any reason. Furthermore, prior to award of the contract, if any, the Firm will be required to update its VENDEX filings.

VI EVALUATION CRITERIA

All SOQ submissions will be reviewed by the Agency Chief Contracting Officer and other agency personnel with knowledge, expertise and experience sufficient to make a fair and reasonable determination. SOQs will be evaluated based on the submissions and the firm's ability to meet the criteria stated herein.

Firms that do not meet the evaluation criteria as established in this section of this RFQ will not be offered the opportunity to bid on contracts issued to the pre-qualified list of firms for these projects. Firms shall provide in its SOQ all information necessary to demonstrate compliance with each evaluation criterion.

The evaluation criteria for pre-qualification are as follows:

A SOQ Completeness and Responsiveness

SOQs will be evaluated for conformance with the requirements set forth in this RFQ. A firm or entity that submits an SOQ that is incomplete in any material respect may be disapproved for the pre-qualified list.

B Technical Qualifications and Experience

- i Firms shall indicate how it will meet the M/WBE requirements as described on Page 1 of this document. Failure to meet any one of the following will result in the submitting firm being disapproved for pre-qualification.

If the submitting entity is a NYC certified M/WBE firm, please provide documentation proving so.

If the submitting entity is a registered joint venture with at least one party being a NYC certified M/WBE firm, then provide documentation proving so for that firm.

If the submitting entity is not an M/WBW firm, or partnered in a joint venture with an M/WBE firm, then a notarized letter from the firm indicating a commitment to sub-contract no less than 50% of any awarded job to a certified M/WBE for each and every contract awarded must be provided.

- ii SOQs will be evaluated on the extent to which the Firm has a proven track record of delivering projects similar in nature, size and scope on time and within budget. Qualifications shall be demonstrated by providing descriptions and owner references for three (3) projects similar in nature, scope and cost. The referenced projects shall be either completed within the last seven (7) years or may be on-going projects that are more than 50% complete. A firm that, in the opinion of DEP, does not have a proven record of delivery of projects similar in nature, size and scope on time and within budget and/or cannot reference projects completed within the last 7 years or projects that are more than 50% complete will be disapproved for the pre-qualified list.
- iii Firms shall indicate whether they have ever received a less than satisfactory evaluation (final or mid-term) on any project performed in the last seven (7) years. Firms shall provide details on the reasons for the less than satisfactory performance, if any, and describe any corrective action taken as a result of the less than satisfactory performance evaluations.
- iv Firms shall indicate whether they have ever been unavailable to commence or proceed with awarded contract work and whether any government agency or entity has issued any “stop work” or other orders against the firms unrelated to Owner caused delays. Describe in detail the circumstances for the unavailability or “stop work” order.

If, in the opinion of DEP, the information provided in response to any of the criteria in B above indicates that the firm does not have a proven track record of successful project

delivery of construction projects of a similar nature, the firm will be denied pre-qualification.

C Firm's Team Qualifications

- i Firms must have an organizational structure that evidences the capacity to manage and implement the contract. The following information must be provided to demonstrate the team's capacity to project delivery:
 - a An organizational chart of the project team, including major subcontractors. If names of subcontractors are not yet available, clearly list the types of major work that the Firm intends on subcontracting.
 - b An organizational chart of the proposed key personnel (i.e. Project Manager, etc.), including the total number of key personnel.
- ii For each key personnel, provide a resume demonstrating required experience as noted in this RFQ and describing educational and professional qualifications (including certificates and most recent relevant experiences) for the work that will be performed under this project.

To demonstrate experience of key personnel, provide the following information for each key personnel and each project that demonstrates the key personnel's experience:

- Project name and location
- Scope of work
- Owner's name and contact information
- Construction management firms name and contact information (if applicable)
- Original and final contract amounts
- Construction start and end dates (contract and actual)

If, in the opinion of DEP, the firm does not demonstrate that its key personnel meet any of the criteria above, the firm will be denied pre-qualification.

- iii For the work that the firm anticipates will be subcontracted, provide a general description of subcontractors used on projects of similar size, nature and complexity as the Project. Identify the trade and percent of subcontracting for each trade.

D Environmental Health and Safety

- i Environmental Health and Safety is the number one priority of the Agency. DEP's goal is to manage and operate the safest and most environmentally compliant Agency in the United States. As a result, the Firms EHS track record is of utmost importance in the pre-qualification process. A firm may be disapproved for pre-qualification if:
 - a The Firm has received a Willful OSHA citation following the work-related death of an employee within the past 3 years, or

- b The Firm has received 3 or more Repeat or Willful OSHA citations in any one year period within the past 5 years.
- ii The Firm shall submit the following information (**See Attachment B**) :
 - a Worker's Compensation Experience Modification Rate
 - b Accident and Illness Statistics
 - c Regulatory Violations
 - d Resources
 - e Program Elements

E Financial and Contract Capability

The Firm shall furnish the following information

- i. Complete copies of annual financial statements, including all notes thereto for the most recent three (3) years for the Firm. The financial statements may consist of audited statements, the most recent annual reports or 10-K reports, tax returns, or comparable reliable information.
- ii. Detailed information concerning all direct and indirect fixed or contingent liabilities undertaken by the Firm, its parent, affiliates and subsidiaries in connection with other projects, whether by way of financial or performance commitments, guarantees, or otherwise that may put limitations on its financial exposure for this engagement.
- iii. A list of cases within the last five (5) years where:
 - a. A civil, criminal, administrative, bankruptcy, litigation or other similar proceeding was filed or is pending, if such proceeding arises from or is related to a dispute concerning the Firm's rights, remedies or duties under an agreement for construction, or any municipal contract;
 - b. A county, municipality, or other entity terminated a written agreement with the Firm concerning construction work; or
 - c. Administrative fines, liquidated damages, or other penalties were deducted from the Firm's payments under a contract for construction. For each case identified, the Firm must describe the basic facts concerning the case and its current status.
 - d. Any case or proceeding brought by the Securities and Exchange Commission that involves the Firm, any parent corporation, subsidiary, affiliated business entity, or any owner or officer of the Firm.

If, in the opinion of DEP, a firm does not demonstrate capability and resources, financial and otherwise, it may be disapproved for pre-qualification.

- iv. Firms shall indicate whether they have been found to be out of compliance, or currently subject to an investigation or other inquiry with respect to compliance with federal, State and local laws, rules, licensing requirements or existing labor standards. If, in the opinion of DEP, a firm's record of compliance with any federal, state or local law, rules, licensing requirement or executive order is not satisfactory, the firm may be denied pre-qualification.
- v. Firms shall demonstrate a record of maintaining harmonious labor relations. Firms shall identify any labor work stoppages or job actions, not including expiration of negotiated contracts, within the last 5 years. Provide details as necessary. If, in the opinion of DEP, a firm cannot demonstrate a satisfactory record of maintaining harmonious labor relations, it may be denied prequalification.
- vi. Compliance with EEO, Anti-discrimination Laws and MWBE Participation Requirements
 - a Identify all EEO complaints filed with Federal, State or Local agency that resulted in enforcement actions within last 5 years or currently pending. Provide details as necessary.
 - b Identify any non-compliance or charges of non-compliance of any anti-discrimination laws.
 - c Provide a listing of M/WBE firms subcontracted on similar projects within last five years. Include type of work, participation percentage goal identified in contract, and actual percentage achieved.

If, in the opinion of DEP, a firm does not show a satisfactory record of compliance with equal employment opportunity requirements, anti-discrimination laws or a demonstrated commitment to working with minority and women-owned businesses, it may be denied pre-qualification.

VII SUBMISSION REQUIREMENTS

Firms are requested to submit one (1) electronic copy (CD, flash drive, etc.) and four (4) hardcopies of the full SOQ to:

Glorivee Roman, Prequalification Unit
Department of Environmental Protection
59-17 Junction Boulevard, 17th Floor Bid Room
Flushing, New York 11373

The envelopes or packages shall be labeled: **“General Contractor SOQ – Green Infrastructure Improvements at Edenwald Houses”**.

SOQs must be received no later than February 1, 2013 at 4:00pm.

The SOQ shall be typed on 8½" x 11" paper using no less than 11 point font with 1" margins. The SOQ may be stapled or bound in 3-ring binder; 19-hole, comb-type binding, or other binding format that can be easily disassembled.

ATTACHMENTS

PROPOSAL COVER LETTER

**General Contractor Request for Qualifications (RFQ)
For Green Infrastructure Improvements at Edenwald Houses**

Proposer Name:

Address:

Tax Identification #:

Proposer's Contact Person:

Name:

Title:

Telephone #:

_____ **Email:** _____

Is the response printed on both sides, on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in the instructions to this solicitation?

Yes

No

Proposer's Authorized Representative:

Name:

Title:

Signature:

Date:

Environmental Health and Safety Questionnaire

This EHS Prequalification Questionnaire has been developed to evaluate each firm’s EHS programs and past EHS performance. To be considered for this project each Firm must complete this questionnaire in its entirety and provide all requested information and documents. The DEP will review each Firm’s completed questionnaire along with supporting documents. If two or more business entities plan to submit a bid as part of a joint venture (JV), the JV (for established JVs) along with each business entity within the JV must complete this questionnaire individually. The JV and each business entity must meet the minimum EHS requirements for the JV.

Experience	
Does your company or a division within your company maintain a management system certification/registration (ISO 9001/14001, OHSAS 18001) or has been previously awarded OSHA VPP status? If yes, please attach a copy of the certificate	
Please identify your company’s interstate/intrastate Experience Modification Rates (EMRs), provided on your insurance company’s letterhead for the past three years.	Most Recent EMR = _____
	Previous Year = _____
	2 Years Prior = _____
	Most Recent EMR _____
	Previous Year = _____
	2 Years Prior = _____
<i>Note: If the Firm’s most recent available intrastate EMR is greater than 1.0, they may not be pre-qualified</i>	
Please attach a description of your EHS program as it relates to underground construction. Description shall not exceed 6 typed pages in length (Arial 10 font). The program must include the following EHS aspects:	
<ul style="list-style-type: none"> • Confined Space Entry & Rescue • Air Monitoring and Ventilation • Illumination • Communication and Emergency Procedures • Flood control • Mechanical/Motorized/Drilling Equipment • Personal Protection Equipment (including respiratory protection) • LO/TO • Explosives • Fire Prevention and Protection 	
Resources	
1. Does your company employ persons who possess the CSP and/or CIH certification(s)?	
2. Does your company have a written policy endorsed by top management that demonstrates commitments to	

protecting the environment and the health and safety of employees? If yes, please provide a copy of this policy.	
3. Please provide a copy of your company's organizational chart showing how EHS reporting requirements fit into your company's structure (check "Yes" if provided)	
4. Does your company have a written procedure to ensure that EHS program resources, such as budget, equipment, training, and manpower are allocated and included in each project bid? If yes, submit a copy with completed questionnaire.	
Incident Rates	
Enter your company's North American Industrial Classification System (NAICS) Code	
1. What is your company's OSHA Total Recordable Case Rate for the previous calendar year? Please attach OSHA 300A summary for the previous calendar year.	
2. Is your company's OSHA TRC rate less than the industry average* for their NAICS Code?	
3. What is your company's OSHA Days Away, Restricted or Transferred Rate for the previous calendar year?	
4. Is your company's OSHA DART rate less than the industry average* for your NAICS Code?	
<i>*Based on the most recent available data from the Bureau of Labor Statistics</i>	
Violations	
Please attach copies and/or description of all regulatory violations/citations for the past 5 years. If violations/citations are identified that were not reported, the Firm may not be pre-qualified.	
EHS Program Elements	
1. Does your company have a written health and safety accident prevention program? If yes, submit a copy with your completed questionnaire.	
2. Does your company have a written program to ensure EHS issues are preplanned into each project and work operation (e.g., job hazard analysis, safe work plans, checklists, etc.)?	
3. Does your company have a written accident/incident investigation procedure? If yes, submit a copy with the completed questionnaire.	
4. Do your written procedures require near-miss incidents to be investigated?	
5. Does your company have a written EHS training program? If yes, submit a copy with the completed questionnaire. If yes, does the program include the following?	
• New employee/project orientation	
• Weekly "toolbox" meetings	

• Daily job briefings	
• Supervisor EHS training	
• Task specific training	
• Safe Equipment Operation	
• OSHA required training	
• Hazardous materials handling/storage/management	
• Petroleum/Chemical handling/storage/management	
• Waste manifesting	
• SPDES (or NPDES)	
• Spill prevention and control	
• Soil erosion and sedimentation control	
• <i>Please attach a description of any other training programs</i>	
6. Does your company have a program that identifies EHS performance indicators? If yes, please attach a copy/description of this program.	
7. Does your company have a written procedure to ensure that only employees who are qualified by training and experience are allowed to operate equipment, tools, machinery, and vehicles? If yes, submit a copy with the completed questionnaire.	
8. Does your company have a “safe drivers” program? If yes, please attach a copy/description of this program.	
9. Does your company designate and train competent people as required by the applicable OSHA standards (e.g., excavations, scaffold erection, etc.)?	
10. Does your company have a written procedure to audit projects to ensure all projects are in compliance with applicable EHS laws, requirements, etc.? If yes, submit a copy with the completed questionnaire.	
11. Does your company have a written procedure to screen subcontractors based on their past EHS performance? If yes, submit a copy with the completed questionnaire.	
12. Does your company have a written EHS accountability program (i.e., progressive discipline) and/or and EHS incentive program? If yes, submit a copy with the completed questionnaire.	
13. Does your company use a screening process to ensure employees are physically able to perform work as assigned? If yes, submit a copy with the completed questionnaire.	
14. Does your company have a return to work program? If yes, submit a copy with the completed questionnaire.	
15. Does your company have a written hazardous waste minimization program? If yes, please attach a copy of the program.	
16. Does your company have a written solid waste	

minimization program? If yes, please attach a copy of the program.	
17. Does your company have a written fuel use/greenhouse gas reduction program? If yes, please attach a copy of the program.	
18. Does your company have a written energy reduction program? If yes, please attach a copy of the program.	
19. Does your company have a written spill prevention and control program? If yes, please attach a copy of the program.	
20. Does your company have a written storm water pollution prevention program? If yes, please attach a copy of the program.	
<i>Please attach copies of any other written environmental control programs</i>	
21. Does your company have a written drug free workplace program? If yes, submit a copy with your completed questionnaire.	
22. Additionally, does the written drug free workplace program include the following?	
• Pre-employment drug and alcohol testing	
• Post-accident drug and alcohol testing	