



**NEW YORK CITY HOUSING AUTHORITY**  
**90 Church Street, New York, NY 10007**  
Gregory Russ, Chair and CEO

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**Request for Qualifications**

**for**

**Comprehensive Modernization**

**Design and Construction Services**

**RFQ No. 382910**

**Project 1: St. Nicholas Houses (Manhattan)**

**Project 2: Todt Hill Houses (Staten Island)**

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## **Section 1. Program Overview**

### **1.1 The Program**

By issuing this request for qualifications (“RFQ”), New York City Housing Authority (“NYCHA”) is inviting statements of qualification (“SOQ”) from design-build teams interested in participating in an upcoming request for proposals (“RFP”) for design-build services at NYCHA housing developments as part of the NYCHA Comprehensive Modernization program (“Comp Mod” or “Program”).

NYCHA has selected the developments listed below to be modernized pursuant to the Comp Mod program (each, a “Project”):

- St. Nicholas Houses, Manhattan (“Project 1”)
- Todt Hill Houses, Staten Island (“Project 2”)

A summary of the work to be performed as part of each Project is provided in Appendix B (Project Descriptions).

Capitalized terms not otherwise defined in the body of this RFQ are defined in Appendix A (Definitions).

### **1.2 Comprehensive Modernization Program Overview**

NYCHA is North America’s largest public housing authority and New York City’s largest landlord. NYCHA owns more than 177,000 apartments in 335 developments throughout New York City’s five (5) boroughs. Due to underfunding, NYCHA has been limited in its ability to address the significant capital needs of its buildings and instead, has typically taken a reactive approach to component repairs.

The NYCHA Comp Mod program was established in 2021 after NYCHA received a significant commitment of funds under the City Capital Action Plan (“CCAP”). The CCAP funds were allocated to NYCHA for the purpose of making capital improvements to achieve the main goals of fully removing lead-based paint and resolve root causes of mold to improve resident quality of life and well-being. In addition, Comp Mod will seek to improve heating supply, repair or replace elevators, and institute pest and waste management programs. The Comp Mod program aims to maximize the value and impact of the CCAP funds to achieve integrated and comprehensive renovations spanning multiple building systems, building interiors and exteriors, and site and grounds improvements.

Until recently, NYCHA was compelled by statute to award contracts for capital work to the lowest bidder utilizing the design-bid-build (“DBB”) project delivery method. However, in December 2019, NYCHA, in addition to various agencies of the City of New York, was authorized to use the design-build (“DB”) approach upon the signing of the New

York City Public Works Investment Act, Chapter 749 of the Laws of 2019 (as amended, the “Design-Build Act”). The Design-Build Act provides for a two-step procurement process and utilizes a “best value” selection process that considers design, quality, past performance, and qualifications, in addition to price, to award a single contract to a team that will design and construct a project.

This RFQ is being issued in relation to two (2) specific developments, as described below in Appendix B (Project Descriptions).

Additional general information about the Program can be found on the Program website: <https://www1.nyc.gov/site/nycha/about/transform-nycha/comprehensive-modernization.page>.

### **1.3 Comprehensive Modernization Scope of Work**

NYCHA currently contemplates that the scope of work (“Scope of Work” or “SOW”) for each Project will include:

- (a) **Hazardous Materials Abatement/Remediation**
- (b) **Design and Construction Services for:**
  - Kitchen, Bathroom and Plumbing Upgrades
  - Heating and Cooling, and Ventilation Upgrades
  - Domestic Hot Water Upgrades
  - Electrical Upgrades
  - Elevator Upgrades
  - Building and Apartment Interior Upgrades
  - Building Exteriors and Envelope Upgrades
  - Accessibility Upgrades
  - Site Security Improvements
  - Exterior Site Improvements
  - Energy and Water Efficiency Upgrades
- (c) **Tenant/Community Outreach and Communications**

Design-Builders will be required to establish and implement engagement plans for outreach to tenants, tenant leaders, elected officials and other community stakeholders. Such plans will need to detail an outreach and reporting structure that will provide Tenants and the community with regular, proactive, and transparent project updates from project initiation through ongoing operations.
- (d) **Temporary Relocation of Tenants During Certain Work**

Temporary relocations of tenants will likely become necessary to protect tenants during work and/or to gain access to their apartments for performance of the SOW. Design-Builders will be required to establish and implement relocation plans that provide for the safe relocation of tenants to and from temporary accommodations

(NYCHA is currently holding current and new vacancies in the area of each Project to accommodate the anticipated need).

A Design-Builder will be responsible for the following:

- i. Coordination and matching of moves to temporary units, including tracking of all units per HUD Guidelines.
- ii. Preparing a Tenant Rights and Relocations Packets.
- iii. Distribution of tenant notices.
- iv. Obtaining moving services and scheduling and coordinating the physical moves (to and from) of tenants and their belongings.
- v. Providing social services and other resources, as appropriate, to assist tenants with collateral issues that may arise during relocations.
- vi. Conducting initial screening and assessment of all apartments to identify resources needed in advance of the moves.
- vii. Establishing a relocation office at each property.

NYCHA reserves the right to modify the SOW in the subsequent RFP (which will specify the SOW for each Project in more detail).

#### **1.4 Projects**

See Appendix B (Project Descriptions) for a description of each Project, including the currently contemplated SOWs, Project-specific budget, bonding, and insurance requirements.

#### **1.5 Contracting Methodology and DBA Terms**

NYCHA will award a lump sum design-build agreement (“Design-Build Agreement” or DBA”) for each Project listed in Section 1.4 above. Each DBA will be awarded to the Proposer that submits the proposal that NYCHA determines, in its sole and absolute discretion, offers the best value, based on an evaluation of qualitative factors, schedule and cost, following the two-step procurement process described in Section 1.6 below.

Appendix C (Summary of Select DBA Terms) to this RFQ contains a description of certain key terms and conditions that NYCHA is considering including in its DBA form. These provisions are provided for information only as part of this RFQ, to demonstrate NYCHA’s efforts to seek new approaches to sharing risk with its contracting parties. The terms and conditions set forth in Appendix C (Summary of Select DBA Terms) are subject to modification and revision during the RFP phase.

A form of DBA will be included in the future RFP. Proposers will have an opportunity to ask questions and otherwise comment on the DBA terms and conditions of the DBA as part of the RFP process.

## **1.6 Overview of Procurement Process**

- (a) Although NYCHA is using a two-step selection process for the Projects, this RFQ and each subsequent RFP shall form part of a single procurement. The “Procurement” shall mean both the Step One (RFQ) and Step Two (RFP).

- (b) **RFQ (Step One)**

- (i) **Overview**

This RFQ is Step One of the overall Procurement process. Proposers are invited to submit their qualifications, experience, technical capabilities, firm capacities, financial information, surety capabilities and other information, in the form of a SOQ for one or both Projects, as set forth in this RFQ.

- (ii) **Minimum Qualifications, SOQ Ranking Process and Short-listing**

Proposers must meet the Minimum Qualifications (as described in Section 4.1 below) for each Project under this RFQ to be substantively evaluated and ranked. SOQs that fail to satisfy the Minimum Qualifications for a Project will not receive additional consideration.

If a Proposer submits a SOQ for each Project, it must (in order to be substantively evaluated and ranked for both Projects) demonstrate in each such SOQ (as a Minimum Qualification) that it can simultaneously meet the bonding and insurance requirements of both Projects. See Part II of Section 4.1 below.

Each SOQ received by the due date set forth in Section 1.7 below, and satisfying the applicable Minimum Qualifications, will be substantively evaluated and ranked by NYCHA.

Such evaluation and ranking shall be performed separately for each Project. There will be separate Short-lists for each Project.

After ranking, NYCHA will identify a Short-list of up to three (3) of the most highly ranked Proposers to proceed with the Procurement with respect to the specific Project. Only Proposers Short-listed for a specific Project will receive an RFP for such Project.

- (c) **RFP (Step Two)**

- (i) **RFP Process**

NYCHA will issue a separate RFP for each Project. Only Proposers Short-listed for a particular Project will receive the RFP for that Project.

Prior to issuing an RFP, NYCHA may, in its sole and absolute discretion, issue a draft of the RFP to the Short-listed Proposers to solicit feedback. Any draft RFP would include a draft form of the DBA.

Once a draft RFP is issued, Short-listed Proposers will have the opportunity to engage in confidential collaborative dialogue meetings with NYCHA during the RFP process to discuss comments and innovations to the DBA. Proposers will also be able to submit written comments and questions on the RFP (including the form DBA).

Proposers will be required to submit Proposals in response to the final RFP issued for each Project.

To encourage innovation and creativity by Proposers, NYCHA is considering the use of Alternative Technical Concepts (ATCs) as part of the RFP process.

**(ii) Awards Based on Best Value Evaluation**

NYCHA will evaluate the Proposals received in response to a Project's RFP and select one Proposer to enter into the DBA for each Project. Such evaluation and selection shall be performed separately for each Project.

A DBA awarded pursuant to this Procurement shall be awarded to a responsive and responsible Proposer, which offers the best value, as determined by the NYCHA in accordance with the criteria set forth in the RFP.

**(d) Stipend Payments**

As part of the RFP process, NYCHA will offer a stipend to Short-listed Proposers that submit timely Proposals that are responsive to the RFP but are not awarded a DBA. Payment of such stipend will be in exchange for, among other things, the transfer to NYCHA of certain intellectual property rights and related material arising from such Proposal. The form of stipend agreement will be issued with the RFP. The stipend amount will be specified in the RFP.



## 1.7 RFQ Timetable

The following is the current timetable for RFQ process (which remains subject to modification by NYCHA). All times are Eastern Daylight Time (GMT-4):

| Event  | Date                 | Time                |
|--|----------------------|---------------------|
| <b>RFQ Informational Meeting</b>                           | June 30, 2022        | 10:30 am – 12:00 pm |
| <b>RFQ Question Deadline</b>                               | July 8, 2022         | 5:00 pm             |
| <b>SOQ Submission Deadline</b>                             | July 20, 2022        | 5:00 pm             |
| <b>Anticipated Shortlist Announcement</b>                  | Early September 2022 |                     |
| <b>Anticipated RFP Issuance to Shortlist</b>               | Mid-September 2022   |                     |
| <b>Anticipated Issuance of Contract Notices to Proceed</b> | First Quarter 2024   |                     |

## 1.8 RFQ Informational Session

A virtual RFQ Informational Session will be held via Zoom on the date and time listed in Section 1.7., above. During the session, NYCHA will provide a summary of the Comprehensive Modernization Program and other information relevant to this RFQ. Attendance is not required to participate in the RFQ, but it is recommended.

Pre-Register: Use the link below to register in advance. After registering, you will receive a confirmation email containing information about joining the RFQ Informational Session.

[https://us02web.zoom.us/webinar/register/WN\\_E4WM46WiRwCD56HuQ5B44g](https://us02web.zoom.us/webinar/register/WN_E4WM46WiRwCD56HuQ5B44g)

Submit Questions: Use this link to submit questions *for the RFQ Informational Session* in advance: <https://forms.office.com/g/0F16efc0nv>

## **Section 2. RFQ Process**

### **2.1 Rules of Contact**

During this Procurement, the only contact a Proposer or prospective Proposer may initiate with NYCHA regarding the Procurement process is with the NYCHA Designated Contact identified below.

Any contact by a Proposer or a Proposer Team Member (as defined in Appendix A) determined by NYCHA in its sole discretion to be improper or in breach of this RFQ or the RFP may result in disqualification of the Proposer.

WITHOUT LIMITING THE FOREGOING, PROPOSERS MAY NOT CONTACT PROJECT TENANTS, TENANT REPRESENTATIVES, OR BOARD MEMBERS, OFFICIALS, EMPLOYEES, ADVISORS, OR CONSULTANTS OF NYCHA, HUD, THE CITY, THE STATE OF NEW YORK OR ANY OTHER GOVERNMENTAL ENTITY (OTHER THAN THE NYCHA DESIGNATED CONTACT), REGARDING THIS PROCUREMENT OR ANY RELATED DISPOSITION, OR SEND RESPONSES TO ANY OF THEM. FAILURE TO OBSERVE THIS REQUIREMENT MAY RESULT IN THE PROPOSER'S DISQUALIFICATION FROM CONSIDERATION PURSUANT TO THIS RFQ.

#### **(a) NYCHA's Designated Point of Contact**

The NYCHA contact person ("NYCHA Designated Contact") for ALL matters concerning this RFQ is:

Name: Yesenia Rosario New York City Housing Authority  
E-mail: yesenia.rosario@nycha.nyc.gov

#### **(b) Proposer Designated Contact**

For purposes of communications with NYCHA, the Proposer must, **no later than the deadline for submission of written questions under Section 1.7 above**, notify NYCHA Designated Contact of the Proposer's sole designated point of contact during this Procurement (the "Proposer Designated Contact"), including name, title, email, telephone number, and mailing address.

#### **(c) Exceptions**

Communications between a Proposer or its Proposer Team Members and NYCHA's team are permitted during any collaborative dialogue meeting, and/or other meetings and interviews organized by NYCHA during this Procurement.

Further, NYCHA reserves the right to communicate with any Proposer for the purpose of gaining a better understanding of its SOQ. NYCHA may engage in such

communications as NYCHA may determine to be in its best interest. No Proposer has any rights or claims against NYCHA arising from any such discussion.

Any oral communication by NYCHA may not be relied upon for purposes of this RFQ, unless confirmed in writing by NYCHA Designated Contact.

Any party receiving this RFQ shall not make news releases or other public announcements relating to this RFQ without the prior written approval of NYCHA.

## **2.2 Procurement and Sourcing Solutions Portal (PASSPort) Disclosure Filing**

PASSPort is an on-line disclosure system used by the New York City Mayor's Office of Contract Services. Information regarding PASSPort is accessible at:

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

All Proposer Team Members must create a PASSPort account and file all required disclosures in order for NYCHA to evaluate the SOQ from such Proposer. NYCHA may rely upon the disclosures to determine the responsibility of the Proposer. Proposers must keep their PASSPort account and disclosures up-to-date for at least one hundred and eighty (180) calendar days following the RFQ Submission Deadline. Proposer Team Members can create a PASSPort profile and/or login to PASSPort at the URL immediately above.

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 (or other type of Proposer legal entity) during Step One (RFQ). Joint ventures selected as Short-listed Proposers will be required to submit the online PASSPort disclosure application for each member of the joint venture.

## **2.3 iSupplier**

NYCHA will use iSupplier as the primary means of delivering information to Proposers regarding this Procurement. This includes the posting of Addenda and responses to written questions in accordance with Section 2.4. Proposers are required to register with iSupplier and to use iSupplier to submit any written questions, in accordance with Section 2.4, and to upload their SOQs. It is Proposer's sole responsibility to (i) ensure that it has registered with iSupplier on a timely basis, and (ii) independently monitor iSupplier for information pertaining to this Procurement. NYCHA is not responsible for any iSupplier delays caused by technical difficulty or other occurrence. Instructions for registering for iSupplier can be found below at:

**<http://www1.nyc.gov/site/nycha/business/isupplier-vendorregistration.page>**

After a Proposer registers for iSupplier, it typically takes twenty-four (24) to seventy-two (72) hours for Proposer's iSupplier profile to be approved.

It is Proposer's sole responsibility to ensure that it has sufficient time to complete iSupplier registration and submit its SOQ through iSupplier before the SOQ Submission Deadline. NYCHA is not responsible for delays caused by technical difficulty or caused by any other occurrence.

## **2.4 Proposer Questions**

### **(a) Questions & Requests for Clarifications or Corrections and Deadline**

NYCHA will consider questions submitted in writing by the Proposer Designated Contact, via iSupplier, regarding this RFQ, including requests for clarification and requests to correct errors. All such requests must be submitted via iSupplier, using the Comment/Questions Form attached hereto as Appendix G.

Only written questions submitted via iSupplier using the Comment/Questions Form (Appendix G) will be considered.

**Questions must be received by NYCHA no later than the date and time specified for the RFQ Question Deadline in Section 1.7, above.**

### **(b) NYCHA Responses**

NYCHA's responses to Proposer questions in connection with this RFQ will be posted on iSupplier; they will not be e-mailed or mailed directly to any Proposer.

NYCHA's responses will not indicate which Proposer raised which question. NYCHA may consolidate or rewrite questions and may post multiple sets of questions and answers which shall be available to all Proposers.

## **2.5 Proposer Entities**

A Proposer may be a corporation, limited liability company, unincorporated joint venture, or another structure. A Proposer may be a single entity or two or more entities joining together (the Proposer Team Members).

In the event the Proposer is comprised of two or more entities, the audited financials of each of its Proposer Team Members must be included in the SOQ, and each such Proposer Team Member will be required to "stand behind" the performance under the DBA, either by being a named party thereto or by providing a guaranty satisfactory to NYCHA.

The Design-Builder awarded a DBA under this Procurement (including, if applicable, a joint venture) must carry the required insurance (particularly professional liability insurance) and provide the required payment and performance bonds under the DBA, either written specifically for the Design-Builder (including if it is a joint venture), or by using their existing single entity policies with endorsements satisfactory to NYCHA (written for

the joint venture activity). **A project-specific design-build professional liability policy would be preferred but is not required.**

Proposers may respond to this RFQ and submit a Proposal to the RFP as an unincorporated joint venture, and then form a separate legal entity in order to enter into the DBA. However, forming such a separate legal entity is not required to enter into the DBA.

There is no role-requirement for the leadership of the Proposer: for example, teams may be designer-led or constructor-led.

## **2.6 RFQ Addenda**

If necessary, NYCHA will issue Addenda to modify conditions or requirements of this RFQ. Addenda will be disseminated through iSupplier. NYCHA is not responsible if potential Proposers fail to receive notification of posted Addenda.

If, in NYCHA's sole judgment, additional time is required for Proposers to submit a SOQ following the issuance of an Addenda, NYCHA may grant an extension of time to all Proposers.

In the event that a material error is discovered in this RFQ during the SOQ evaluation process, NYCHA will issue an Addendum to this RFQ and provide all Proposers an opportunity to submit either a new or a revised SOQ based upon the corrected RFQ.

## **2.7 Replacement or Withdrawal of SOQ**

On or before the SOQ Submission Deadline set forth in Section 1.7 above, a Proposer may:

- (a) Replace a previously submitted SOQ in its entirety with a new and complete substitute SOQ. NYCHA will not insert pages or otherwise modify the Proposer's SOQ. The front cover of a replaced SOQ must identify it as a replaced SOQ and must include the date on which it is submitted.
- (b) Withdraw its SOQ from consideration by notifying the NYCHA Designated Contact in writing of its desire to withdraw the SOQ.

## **2.8 Exclusivity and Prohibition on Communications with Other Proposer Teams**

- (a) Except as permitted in Section 2.8(b) below, no Proposer Team Member, may be a member of, or participant in, more than one Proposer Team.
- (b) Tenant/community outreach and communication, and the likely need to temporarily relocate tenants are major elements of the Comprehensive Modernization Scope of Work. If a Proposer cannot demonstrate in its SOQ a proven track record of successfully interfacing/communicating with tenants and relocating tenants in occupied building undergoing renovation, such Proposer is strongly urged to include an experienced third-party tenant outreach coordinator ("Tenant

Coordinator”) and/or tenant relocation company (“Tenant Relocator”) as part of its Proposer Team (while not a requirement under this RFQ, failure to include a Tenant Coordinator or Tenant Relocator when the Proposer does not demonstrate its experience in these categories may have a negative impact during SOQ scoring). To ensure a fair Procurement process and prevent any Proposer from receiving an unfair advantage by entering into exclusivity arrangements, Proposers may not enter into any exclusivity arrangements with any such third-party Tenant Coordinator and/or Tenant Relocator. NYCHA reserves the right, but has no obligation, to engage in bilateral discussions with any such Tenant Coordinator(s) and Tenant Relocator(s) to better ensure their availability to all Proposers. Note that NYCHA reserves the right to remove tenant relocation services from the SOW at the RFP stage.

Section 2.8(c) below shall apply with respect to a Tenant Coordinator and Tenant Relocator.

- (c) After the SOQs are submitted, neither a Proposer nor any of its Proposer Team Members may communicate with another Proposer or members of another Proposer Team with regard to the Procurement.

With respect to any Tenant Coordinator and/or Tenant Relocator that is part of Proposer’s Team, Proposer must provide to NYCHA (as part of the SOQ) a written certification from such Tenant Coordinator and/or Tenant Relocator to the effect that it will not act as a conduit between or among Proposers, or share any information that pertains to a Proposer or its participation in this Procurement with any other Proposer.

## **2.9 Notification to Proposers of Short-Listing Status**

Each Proposer will be notified in writing via iSupplier or other communication medium chosen by NYCHA whether it has been Short-listed for any Project. Short-list notifications may be expected no later than the date specified in Section 1.7 above.

## **2.10 Costs**

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, including preparing a SOQ, attending any meetings or interviews, and/or providing supplemental information. Proposers will not be reimbursed for any costs associated with responding to this RFQ.

## 2.11 Changes in Proposer Team

### (a) Proposer Team to Remain Intact

All Proposer Team Members identified in a SOQ are required to remain in place for the duration of the Procurement process and for the resulting DBA, subject to Section 2.11(b) below.

### (b) Proposer Team Change Requests

Prior to the creation of a Short-list, Proposer may request a Proposer Team Member substitution to NYCHA for its approval, in its sole and absolute discretion; NYCHA reserves the right to summarily reject any such request at its sole and absolute discretion. Proposers should carefully consider the composition of its Proposer Team, prior to the submittal of the SOQ, to reduce the likelihood of occurrence of any such change request. Proposers with approved Proposer Team Member changes may affect scores. Proposers that submit Proposals during the RFP stage that include changes to Proposer Team Members, as identified in a SOQ, without NYCHA's prior written approval, may be disqualified.

## 2.12 Confidential Information

- (a) Documents and other materials submitted to NYCHA (including Proposers' SOQs) may be subject to disclosure under FOIL or other applicable laws. FOIL generally mandates the disclosure of documents in possession of NYCHA upon request of any person, unless the content of the document falls under a specific exemption to disclosure. A Proposer may request that documents or other materials submitted to NYCHA in connection with this RFQ (including within with such Proposer's SOQ) be treated by NYCHA as confidential or proprietary (including any documents or other materials that include trade secrets or are maintained for the regulation of commercial enterprise that, if disclosed, would cause substantial injury to the competitive position of the Proposer), provided the Proposer clearly labels such documents or other materials as being "Confidential" (the "Confidential Material"). **The Proposer must also state why, with relevant and substantial arguments, it believes the question, comment, material or information is exempt from disclosure under FOIL or other applicable law. Blanket designations that do not identify the specific information that the Proposer believes is Confidential Material and the specific reason such material is believed to be Confidential will not be acted upon by NYCHA.**
- (b) No designation by a Proposer of any documents or other materials submitted to NYCHA in connection with this RFQ as "confidential" will be (i) binding on NYCHA, or (ii) determinative of any issue relating to the application of, or treatment of such question, comment or information by NYCHA.



- (c) If and when a public records request for the claimed Confidential Material is received, NYCHA Designated Contact will notify the relevant Proposer in writing. Such Proposer will have ten (10) calendar days thereafter to (i) notify NYCHA Designated Contact if Proposer does not object to such disclosure, or (ii) obtain a court order enjoining such disclosure. NYCHA Designated Contact may extend time to obtain a court order in their sole discretion. If the Proposer does not provide NYCHA Designated Contact with a court order enjoining disclosure of the claimed Confidential Material during the designated time period, NYCHA Designated Contact will make the claimed Confidential Material requested available for inspection.
- (d) If any Proposer has elected to seek a court order enjoining disclosure (as described above), the Proposer (not NYCHA) shall be responsible for all costs and expenses associated therewith and with defending NYCHA as to any denial of a request for disclosure of any question, comment or information claimed by such Proposer to be Confidential Material. Without limiting the foregoing, if the Proposer has elected to seek a court order enjoining disclosure (as described above), the Proposer will:
  - (1) defend any related claim (at its own cost);
  - (2) at the option of NYCHA, defend NYCHA and the City (as applicable) from and against all claims, losses and damages relating thereto; and
  - (3) indemnify NYCHA and the City for any claims, costs and expenses (including legal costs and expenses) incurred by them in such defense.

In no event will NYCHA, the City, nor any of their respective agents, representatives, advisors, consultants, directors, officers or employees, be liable to a Proposer, or any other entity or person, for the disclosure of all or a portion of any question, comment or information, or materials submitted in connection with this RFQ (other than in the case of an intentional, bad-faith disclosure).

## **2.13 NYCHA Disclaimers and Reserved Rights**

Neither NYCHA, the City, nor any of their respective agents, representatives, advisors or consultants make, or shall be deemed to have made, any representation or warranty, express or implied, as to the accuracy, reliability or completeness of the information contained herein or in any information otherwise provided, whether orally or in writing, other than such representations or warranties expressly stated as such in a definitive agreement executed between NYCHA and the successful Proposer under the future RFP. Neither the receipt of this RFQ, nor any information contained herein or supplied herewith or subsequently communicated to any person, whether orally or in writing, in connection with any Project involving NYCHA or its agents, representatives, advisors, or consultants shall constitute, or be interpreted as constituting, the giving of financial, legal, technical or other advice.



This RFQ does not constitute a formal offer, or commit or otherwise bind NYCHA to enter into a contract or proceed with the Procurement described in this RFQ. The receipt of SOQs or other documents at any stage of the Procurement process will in no way obligate NYCHA to proceed with the Procurement or enter into any contract of any kind with any entity or person.

Neither NYCHA, the City, nor any of their respective agents, representatives, advisors or consultants shall be liable or responsible to pay or reimburse all or part of the costs or expenses incurred or alleged to have been incurred by parties considering a SOQ to or responding to this RFQ or otherwise in connection with this RFQ (including, without limitation, for travel expenses related thereto).

All materials submitted by Proposers in connection with this RFQ are the property of NYCHA and become a matter of public record available for review pursuant to New York State law (unless an exception applies under New York State law).

NYCHA may, in its sole and absolute discretion:

- (a) withdraw or cancel this RFQ in whole or in part, or revise this RFQ at any time, without incurring any cost, obligations or liabilities;
- (b) reject all SOQs to this RFQ;
- (c) extend any deadline in this RFQ;
- (d) modify the scope of any Project, or modify this RFQ, the Procurement process or documentation described in this RFQ (by addenda or otherwise);
- (e) issue addenda, supplements and modifications to this RFQ;
- (f) schedule oral presentations, interviews and/or meetings or discussions with one or more Proposers, including any Proposer Team Members, within each Proposer, prior to the selection of the shortlisted Proposers under this RFQ;
- (g) independently verify any information in any SOQ submission;
- (h) waive any irregularities in a SOQ or any requirements under this RFQ and negotiate with any or all Proposers, in any manner necessary, in its sole judgment and discretion, to serve the best interest of NYCHA;
- (i) appoint additional evaluation teams to review SOQs and seek the assistance of outside technical, financial, legal and other experts and consultants;
- (j) permit or request clarifications, or additional information with respect to a SOQ;

- (k) require confirmation of information submitted by a Proposer, require additional information from a Proposer concerning its SOQ(s), or require additional evidence of, or alternative, qualifications to perform the SOW;
- (l) seek or obtain data from any source that has the potential to improve NYCHA's understanding and evaluation of a SOQ;
- (m) increase or decrease the number of Short-listed Proposers under this RFQ;
- (n) disqualify any Proposer that changes its SOQ, or modified its team, after the RFQ Submission Deadline, without NYCHA's approval;
- (o) disqualify any Proposer from the Procurement process for violating any rules or requirements of the Procurement specified in this RFQ or applicable law;
- (p) accept, reject or seek additional information regarding a Proposer's request to make any changes to its organization;
- (q) revise the evaluation factors or methodology prior to the RFQ Submission Deadline;
- (r) issue a new request for qualifications or request for proposals after cancellation of this RFQ;
- (s) not issue an RFP, or not pursue any Project or develop some or all of the Projects itself;
- (t) disclose information submitted to NYCHA as permitted by applicable law or this RFQ;
- (u) exercise any other right reserved or afforded to NYCHA under this RFQ or applicable laws and regulations; and/or
- (v) exercise its discretion in relation to the matters that are the subject of this RFQ as it considers necessary or expedient in the light of all circumstances prevailing at the time which NYCHA considers to be relevant.

### **Section 3. SOQ Evaluation Process**

#### **3.1 Evaluation Objectives**

The objective of Step One of this Procurement is to create a separate Short-list for each Project of the most highly qualified Proposers with the general capability, capacity and past performance necessary to successfully undertake and complete the SOW for such Project. Only Proposers who demonstrate a capability to complete the SOW in its entirety for a Project will be eligible to be included on the Short-list for such Project. NYCHA expects design innovation and high collaboration and responsibility standards of the Design-Builder, and this is reflected in the qualitative evaluation factors of this RFQ and will also be reflected in the subsequent RFPs and the DBA.

#### **3.2 SOQ Evaluation Committees**

NYCHA will establish a separate SOQ Evaluation Committee for each Project that will be responsible for evaluating the SOQs and Short-listing Proposers with respect to the relevant Project.

#### **3.3 Review and Evaluation of the SOQ**

In order to be eligible for evaluation, a Proposers SOQ must demonstrate the Proposer's satisfaction of each of the Minimum Qualifications. Evaluation of the SOQs will be based on information submitted in the SOQs or otherwise available to NYCHA and will involve (i) first evaluating whether the Proposer has satisfied all Minimum Qualifications described in Section 4.1 below, and (ii) subsequently evaluating a SOQ against the qualitative evaluation factors (the "Evaluation Criteria") in Section 3.4 below.

The Minimum Qualifications and the Evaluation Criteria are of key importance to NYCHA and, in addition to providing a basis for evaluating the SOQs, are provided to assist Proposers in organizing their Proposer Teams and preparing their SOQs to satisfy areas of importance to NYCHA.

Proposers should note that the SOQs must be self-contained and therefore all the information necessary to allow the Evaluation Committee to make a complete and comprehensive evaluation must be contained within the Proposer's SOQ (if a Proposer submits an SOQ for each Project, each SOQ must be a complete submission in compliance with this RFQ). Proposers should not assume that any member of an Evaluation Committee will have previous knowledge of any Proposer Team Member. However, an Evaluation Committee may also consider information provided by Proposers during Proposer interviews and presentations, if any. Further, Proposers must limit the information included in their SOQs to the information necessary to demonstrate satisfaction of the Minimum Qualifications and to address the qualitative evaluation factors, and any other information specifically requested in this RFQ. The Proposers should not include in their SOQs general marketing brochures or generic narratives.

### 3.4 Evaluation/Scoring of SOQs

SOQs meeting the Minimum Qualifications will then be evaluated by the Evaluation Committee for the relevant Project. The evaluation will be determined by total points given to each Proposer in each of the six (6) categories set forth in the table below. Each category of the Evaluation Criteria will be rated on the following scale:

**0 points:** Does not comply; does not meet experience/qualification requirements

**1 point:** Complies and meets many of the experience/qualification requirements, but requires some compromises

**2 points:** Complies and meets all the experience/qualifications requirements

**3 points:** Complies and exceeds the experience/qualifications requirements

**4 points:** Complies and significantly exceeds all the experience/qualifications requirements

(As used above, “comply” or “complies” is with regard to the whether the SOQ contains the documentation required by the category of Evaluation Criteria.)

Each Evaluation Committee will review, evaluate and score each responsive Project SOQ (that meets the Minimum Qualifications) by the criteria set forth below and pursuant to the evaluation weights set forth below.

| Evaluation Criteria - Categories |  | Weight      |
|----------------------------------|--|-------------|
| 1.                               | Proposer Team’s Organization and Proposed Key Personnel; Teaming Agreement   | 25%         |
| 2.                               | Proposer Team's Demonstrated History of Successfully Completing (or Implementing) Projects Similar in Scope and Complexity | 25%         |
| 3.                               | Proposer Team’s Prior Performance/References   | 15%         |
| 4.                               | Proposer Team’s Financial Strength and Capabilities  | 15%         |
| 5.                               | Proposer Team’s Diversity Practices  | 10%         |
| 6.                               | Proposer Team’s Safety Record and Resources  | 10%         |
|                                  | <b>Total</b>   | <b>100%</b> |

Additionally, a Proposer's compliance with the required SOQ format and organization in this RFQ may also be considered by the relevant Evaluation Committee as part of any qualitative evaluation score rendered in accordance with this Section.

### **3.5 Requests for Clarification by NYCHA**

A Proposer must provide accurate and complete information to NYCHA. If information is not accurate and complete, the Proposer's SOQ may be considered non-responsive. If the information provided requires clarification, NYCHA may notify the Proposer and request that the clarification be submitted within the time period deemed appropriate by NYCHA. Proposers will not be allowed to participate further in the Procurement unless and until all required information is provided. Any insufficient statements or incomplete affidavits may be returned directly to the Proposer by NYCHA with notations of the insufficiencies or omissions and may be accompanied by a request for clarifications and/or submittal of corrected documents. If a response is not provided within the time frame specified by NYCHA, the Proposer's SOQ may be declared non-responsive.

Responses to NYCHA requests for clarification must be limited to answering the specific information requested by NYCHA and must be submitted to NYCHA Designated Contact by e-mail no later than the deadline specified in NYCHA's request for clarification.

### **3.6 NYCHA Standard Protest Procedure**

Any challenge or protest under, or in any way relating to, this RFQ (a "Protest") may only be pursued and undertaken in accordance with, and subject to, the NYCHA Standard Protest Procedure described in Appendix D (Protest Procedure) (the "Protest Procedure"). Each party receiving this RFQ, whether or not it submits a SOQ, shall be deemed to have expressly recognized and accepted the limitations and restrictions on its rights to Protest set forth in the Protest Procedure, and expressly waives all other rights and remedies, and agrees that any dispositive decision or resolution rendered in accordance with the Protest Procedure shall be binding and final. If any party receiving this RFQ disputes, challenges or otherwise fails to follow the Protest Procedure, it shall indemnify, defend and hold NYCHA and its directors, officers, officials, employees, agents, representatives and consultants, harmless from and against all liabilities, expenses, costs (including attorneys' fees and costs), fees and damages incurred or suffered as a result of such actions.

#### **Section 4. SOQ Packaging and Submission Requirements**

**SOQs must be received by NYCHA no later than 5:00pm EST on the SOQ Submission Deadline specified in Section 1.7 above.**

**A Proposer must submit a SOQ for each Project it desires to be evaluated for.**

A separate and complete SOQ must be submitted for each Project and may not cross reference the other SOQ for any purpose (except as expressly set forth in Section 4.1 Part II below).

In order to be evaluated for both Projects, a Proposer must demonstrate to NYCHA's satisfaction (in the SOQs) that Proposer has the capacity to simultaneously perform the SOW for both Projects (as set forth in Appendix B (Project Descriptions)). If such a Proposer fails to so demonstrate to NYCHA's satisfaction, but does demonstrate to NYCHA's satisfaction (in the relevant SOQ) that Proposer has the capacity to perform the SOW for one Project, the SOQ for such Project will be substantially evaluated by NYCHA (based on the order of Project priority set forth on Proposer's Cover Page (Exhibit 3 (RFQ Cover Page Form))), provided that Proposer satisfies the applicable Minimum Qualifications.

#### **4.1 Minimum Qualification Requirements (Pass/Fail)**

All SOQ received by the due date set forth in Section 1.7 above will be reviewed by NYCHA to determine whether the Minimum Qualifications have been met. NYCHA reserves the sole and exclusive right to determine whether the Minimum Qualifications have been met by a Proposer.

SOQs that do not meet the Minimum Qualifications will be considered non-responsive and will not be further evaluated. Proposer must submit (as part of their SOQ) a completed Minimum Qualification Form (attached as Exhibit 2 (Minimum Qualification Form)), describing how they meet each of the specified Minimum Qualifications.

If a Proposer desires to be Short-listed for both Projects, it must comply with Section 4.1 Part II below.

The "Minimum Qualifications" are as follow:

#### **PART I: Applicable to all SOQs:**

##### **(a) New York State Status**

All Proposer Team Members are required to submit a certificate of good standing from the jurisdiction in which they are organized, dated no more than thirty (30) days prior to the Proposal submission date, and, if not organized in the State of New York, must also submit (i) a certificate from the office of the Secretary of State of New York that the Proposer Team Member is authorized to transact business in the State of New York, and (ii) evidence of designation of an agent in the State of New York on whom service can be

made in the event of litigation.

**(b) Authorization to Practice Engineering in New York**

Proposers or relevant Proposer Team Members must be authorized to practice engineering in the State of New York. A copy of the relevant “Certificate of Authorization to provide Professional Engineering Services in New York State” issued by the New York State Education Department, Office of the Professions, must be included with the SOQ.

Proposers must also submit proof of licensure to practice engineering in the State of New York for relevant Key Personnel.

**(c) Authorization to Practice Architecture in New York**

Proposers or relevant Proposer Team Members must be authorized to practice architecture in the State of New York. A copy of the relevant “Certificate of Authorization to provide Professional Architectural Services in New York State” issued by the New York State Education Department, Office of the Professions, must be included with the SOQ.

Proposers must also submit proof of licensure to practice architecture in the State of New York for relevant Key Personnel.

**(d) Bonding Ability and Capacity**

Each Proposer Team must have the present and future ability to obtain bid bonds, performance bonds and payment bonds from surety companies that are certified to provide bonds by the U.S. Department of Treasury, and Bureau of Fiscal Service in the State of New York. The Proposers must demonstrate that they satisfy the current minimum bonding capacity required for a Project as stated in the appropriate Project Summary in Appendix B (Project Descriptions). Such satisfaction must be demonstrated in the form of a surety letter signed by an officer or agent of the surety authorized to bond, which letter must identify for the Proposer’s or the applicable Proposer Team Member’s:

- (i) then current total / aggregate bonding capacity;
- (ii) then current single-project bonding capacity; and
- (iii) the current available bonding capacity.

Such letter must also provide details regarding any guarantor or indemnitor (including any Proposer Team Member) that is being relied upon by the surety in confirming the above capacity.

If a Proposer is or will be a joint venture, and only one Proposer Team Member intends to provide the applicable surety indemnity for the bond, such Proposer should provide an explanation, with confirmation from the surety.



The surety company (or companies) providing the confirmation letter must be (x) approved by the City, (y) authorized to do business in the State of New York, and (z) on the current list of certified surety bond companies provided by the Department of the Treasury of the United States. Letters from surety brokers or letters indicating unlimited bonding capacity will not be accepted.

**(e) Insurance Coverage**

Each Proposer Team must have the current and future ability to provide the insurance coverages and comply with the insurance requirements as set forth in Appendix B (Project Descriptions).

The Proposer Team Member providing this insurance must obtain endorsements or other consents from its carriers to ensure that coverage is extended to the work performed by the entire Proposer Team.

Satisfaction of the required insurance coverage must be evidenced by a letter from the insurance company, signed by an authorized officer or agent of such insurance company, affirmatively and, with specificity, confirming compliance.

If a Proposer is or will be a joint venture, and only one Proposer Team Member intends to provide the applicable surety insurance, such Proposer should provide an explanation, with confirmation from the insurance company.

**PART II: Applicable Only Where a SOQ is Submitted for Both Projects:**

If a Proposer submits a SOQ for each Project, in order to be substantively evaluated and ranked for both Projects, the Proposer must demonstrate in each such SOQ (as a Minimum Qualification) that it can simultaneously:

- (i) satisfy the minimum bonding capacity required for both Project as described in the appropriate Project Summary in Appendix B (Project Descriptions). Such demonstration may be in the form of a surety letter signed by an officer or agent of the surety authorized to bond and otherwise meeting the requirements of Section 4.1(d) above); and
- (ii) provide the insurance coverages and comply with the insurance requirements as set forth in Appendix B (Project Descriptions) for both Projects. Such demonstration may be in the form of endorsements or other consents from the relevant carriers (as described in Section 4.1(e) above).

If a Proposer fails to satisfy the Minimum Qualifications for both Projects under this Part II of Section 4.1, but does satisfy the Minimum Qualification under Part I of Section 4.1 for one Project, the SOQ for such Project will be substantially evaluated by NYCHA (based on the order of Project priority set forth on Proposer's Cover Page (Exhibit 3 (RFQ Cover Page Form))).



## **4.2 SOQ Packaging and Submission Requirements**

- (a) Each Proposer shall electronically upload into iSupplier a single .pdf containing its applicable SOQ, which single SOQ may not exceed 4GB. NYCHA will not accept SOQs via e-mail or facsimile. The submission of attachments containing embedded documents or proprietary file extensions is prohibited.
- (b) Exhibit 9 (Acknowledgement of Addenda and Confirmation Form) submitted with each SOQ must be signed by the Construction Lead and Design Lead.
- (c) All SOQs and any accompanying materials shall become the property of NYCHA and will not be returned to the Proposers.
- (d) NYCHA shall have the right to request any documents or instruments including, but not limited to, corporate resolutions, incumbency certificates, or other forms of verification for purposes of confirming that the signatory thereon is duly authorized to execute and deliver such SOQ on behalf of the Proposer.

## **4.3 Evaluation Criteria/SOQ Content Requirements**

SOQs are required to be submitted with the content, sequence and identification set forth in this Section. The SOQ should also include a completed RFQ Submission Checklist Form (Exhibit 1).

The Evaluation Committee will use the information set forth below to evaluate the Proposers in accordance with the evaluation factors set forth in Section 3.4 above

### **Category 1. Proposer Team's Organization and Proposed Key Personnel; Teaming Agreement**

#### **(a) Cover Page (one (1) page) and Cover Letter (two (2) page limit)**

The first page of the SOQ must be the completed cover page attached hereto as Exhibit 3 (RFQ Cover Page Form), identifying, among other things, the Proposer, the relevant Project and, if the Proposer is submitting SOQs for both Projects, its priority of preference as between the Projects.

Submit a maximum two-page cover letter ("Cover Letter") signed by the Construction Lead and Design Lead. The Cover Letter should:

- (A) Summarize key elements of the SOQ
- (B) Contain a statement confirming whether the Proposer Team Members' PASSPort accounts and disclosure filings are up to date as of the Submission Deadline

- (C) Describe the ability of Proposer, or Proposer Team Members, as appropriate, to comply with applicable legal and professional licensing requirements, including the provisions of Articles 145, 147 and 148 of the Education Law and regulations/guidance promulgated by the Department of Education
- (D) Describe the past record of compliance with New York State Labor Law by Proposer Team Members

**(b) Proposer Team Member Information**

Provide the following for each Proposer Team Member:

- (i) A completed Proposer Team Member Information Form (Exhibit 4); and
- (ii) Copies of its organizational documents (e.g.: certification or formation, bylaws, limited liability company agreement, as applicable)

**(c) Legal Structure**

Describe the legal structure(s) of the entity or entities that Proposer proposes to execute the DBA (e.g., unincorporated joint venture, corporation, limited liability company, or other). If a joint venture, provide (if available);

- (i) a copy of the executed joint venture agreement; or
- (ii) a copy of the executed letter of intent to joint venture.

If the legal entity that Proposer proposes to execute the DBA has not yet been formed, information regarding the future legal structure and organization must be provided in a manner that will allow NYCHA to determine whether the future organization will be legally capable of entering into a DBA and to meet applicable requirements once it is formed.

**(d) Teaming Agreement**

Provide a description of the Proposer's teaming agreement or, at minimum, the Proposer's letter of intent to team. Provide information that is similar in content to that of the AIA-AGC DB Teaming Checklist or the DBIA Teaming Checklist. A Proposer may use the teaming agreements or other agreements that are specifically developed for its Proposer Team. Include the design-lead, the architect-of-record, the construction contractor, key trade partners, and other key subcontractors.

A teaming agreement is an arrangement between two or more Persons to perform on a specific contract (see AIA Form C102-2015, DBIA Form 580).

**(e) RFQ Contact Person**

Identify the sole contact person (the “RFQ Contact Person”) who is authorized and will be responsible to receive all NYCHA communications during this RFQ process. Confirm if this party is the same as the Proposer Designated Contact previously identified by the Proposer under Section 2.1 above.

Proposer to provide the following regarding the RFQ Contact Person:

- (i) Name
- (ii) Title
- (iii) Mailing Address
- (iv) Telephone Number
- (v) Direct Email Address

“Direct email addresses” shall be on company-controlled server and not “info@” or other generic or personal email addresses. Direct email addresses shall exclusively be for the individual identified.

The RFQ Contact Person can only be modified by a notice in writing to NYCHA.

**(f) Proposer Team Identification**

- (i) Introduction - Identify the Proposer Team Members, including the entity(ies) that will provide, architectural, engineering and construction services, and tenant interface/outreach and relocation services.

The Proposer Team must be able to meet all licensing, insurance, authorization, and surety obligations required to deliver the SOW.

- (A) Describe (if applicable) where and how recently the Proposer Team Members have worked together on past projects and the benefits that have resulted from such past collaboration. Describe the alignment of interests among the Proposer Team Members.
- (B) Identify how the Proposer will integrate the different Proposer Team Members and Key Personnel into a cohesive design-build organization, including a description of management strategies, internal communication protocols, coordination tools, and planning efforts that Proposer will employ to ensure a successful Project.
- (C) Discuss the roles and responsibility of Proposer Team Members / Key Personnel and how each will interact with NYCHA and its consultants during the pre-design and final programing, design completion, pre-construction, construction, commissioning process,

training and turn-over to NYCHA, including warranty or other related issues.

(ii) For Overall Proposer Team:

- (A) Organizational Chart - Provide an organizational chart indicating how the Proposer Team Members will perform the SOW, including proposed key roles and Key Personnel (specifying respective employers and employees, if applicable).
- (B) Key Personnel – Complete Exhibit 8 (Key Personnel Form) with respect to the Proposer’s Key Personnel.
- (C) Lead Representative - Identify the proposed individual who will be the lead representative and NYCHA interface for the Proposer in performing the SOW (the “Lead Representative”), responsible for the overall management of the Proposer Team and provide contact information including title, mailing address, telephone number and direct email address.
- (D) Lead Manager - If different than the Lead Representative of the Proposer Team, identify the individual who will be responsible for the day-to-day oversight of the SOW implementation (the “Lead Manager”) and provide contact information including title, mailing address, telephone number and direct email address.
- (E) Office Locations - Provide the physical location of the office(s) of each Proposer Team Member from which the SOW will be performed.
- (F) Resumes – Provide maximum two-page resumes for the Lead Representative, Lead Manager and other Key Personnel, including education/qualifications, employment history and relevant project experience.

(iii) For each Proposer Team Member:

- (A) Entity Identification - Provide the full legal entity name and employer identification number (“EIN”) of each Proposer Team Member.
- (B) Organizational Charts - Provide an internal organizational chart identifying the individuals proposed to be assigned to the SOW by the respective Proposer Team Member and any relevant reporting structure.

- (C) Lead Representatives - Identify the individuals who will be the lead representatives responsible for the overall management of the Proposer Team Member's responsibilities, and provide contact information including title, mailing address, telephone number and direct email address.
- (D) Day-to-day Oversight - If different than the Lead Representative, identify the individual who will be responsible for the day-to-day oversight of the SOW implementation for such Proposer Team Member, and provide contact information including title, mailing address, telephone number and direct email address.
- (E) Team Member Representative Narrative - Provide a narrative description of each Proposer Team Member and if applicable, its organization's staff and overall organizational full-time personnel, departments and organizational capabilities.

**Category 2. Proposer Team's Demonstrated History of Successfully Completing (or Implementing) Projects Similar in Scope and Complexity**

**(g) Proposer Team Experience**

- (i) If Proposer Team Members have worked together in the past (whether or not on a design build project), provide descriptions of the relevant projects and how such Proposer Team Members collaborated. The description of each project should not exceed one page and should include the following information:
  - (A) The nature of the project (including, at a minimum, the project type date (commencement and completion, as applicable), and client contact information (name, address, email address and phone number).
  - (B) The role of each Proposer Team Member in the project.
  - (C) The contract value for design services, the contract value for the construction services, and the overall contract value.
- (ii) Provide description of Proposer Team Members' experience working on projects that required multi-channel community outreach and communications and coordinating and implementing resident relocations.
- (iii) Provide a narrative describing the reasons each Proposer Team Member was selected.

### **Category 3. Proposer Team's Prior Performance/References**

#### **(h) Proposer Team Case Studies**

Provide the following with respect to the applicable projects (the "Case Study Projects"):

- (i) Provide a three (3) page narrative setting forth the Construction Lead's experience on large scale residential, hotel, dormitory or comparable construction projects in an urban area within last ten (10) years. Reference at least three (3) but no more than five (5) construction projects.
- (ii) Provide a three (3) page narrative setting forth the Design Lead's experience on large scale residential, hotel, dormitory or comparable construction projects in an urban area within the last ten (10) years. Reference at least three (3) but no more than five (5) design projects.
- (iii) Provide a three (3) page narrative setting forth the experience of the Construction Lead and the Design Lead on a design-build team for large scale residential, hotel, dormitory or comparable construction projects in an urban area within the last ten (10) years. Reference up to five (5) design-build projects. Of particular interest are Case Study Projects in which the Construction Lead and Design Lead worked together, if applicable.

For the avoidance of doubt, any single Case Study Project may be referenced in connection with multiple categories above, where appropriate.

Ideally, Case Study Projects should also demonstrate multi-channel community outreach and communications and coordinating and implementing resident relocations.

For each Case Study Project, provide a completed Case Study Information Form (attached hereto as Exhibit 5). Further, for each Case Study Project, provide a completed Case Study Relevancy Form (attached hereto as Exhibit 6), indicating how each Case Study Project supports or relates the SOW under this RFQ.

#### **(i) Design-Build Philosophy (five (5) page limit)**

The Proposer's design-build philosophy and approach to successfully consummating the applicable Project(s) is fundamental and critical to the success of the Comp Mod program. The Proposer's philosophy and approach must acknowledge and reflect the needs of all who live at and otherwise use the impacted buildings. NYCHA will evaluate the Proposer's approach and methodology to tenant interface and communication. NYCHA will also evaluate the Proposer's approach to community engagement, and how and when key trade partners will be brought onboard.

Provide a five (5)-page maximum narrative outlining the Proposer's design-build philosophy for the SOW, addressing the matters set forth in the immediately preceding paragraph.

Please also address the following in your narrative:

- (i) Describe the benefits to NYCHA and its tenants that the Proposer foresees a design-build approach will provide.
- (ii) Provide examples of how the Proposer Team Members will bring forth innovative solutions to meet the challenges of the applicable Project(s).
- (iii) Provide an overall assessment of the technology contemplated for the Project(s) and any technological alternatives that NYCHA should consider for the Project(s).
- (iv) Identify the most significant challenges likely to be confronted in the Project(s) and possible approaches to addressing these types of challenges. Describe how the Proposer Team Members have responded to such or similar challenges in other projects.

(j) **References**

- (i) For the Proposer (and/or each Proposer Team Member, if applicable) provide references from the following:
  - (A) Three (3) clients/owners on completed projects. Reference must include the project name, location, description, construction cost and completion date.
  - (B) One (1) client/owner on an in-progress project. Reference must include the project name, location, description, and construction cost.
  - (C) Up to three (3) clients/owners on a completed building general construction or design-build project occupied buildings. Reference must include the project name, location, description, construction cost and completion date.
  - (D) Three (3) material and/or supply companies.
  - (E) One (1) banking reference.
  - (F) One (1) labor organization.

For each reference contact provide:

- Name
- Title
- Telephone Number
- Email Address
- Identify the relevant Case Study Project (if applicable).

**Please note that references required under this Section 4.3(k) can duplicate the references as provided in the Case Study Information Form (Exhibit 5).**

#### **Category 4. Proposer Team's Financial Strength and Capabilities**

##### **(k) Financial Strength and Capabilities**

Proposer must demonstrate that the Proposer Team has the financial strength and capabilities to perform the SOW with respect to the applicable Project(s).

Provide the last three (3) years of Audited Financial Statements prepared by an independent Certified Public Accountant for at least one (1) Proposer Team Member. Provide any other documentation such as balance sheets, profit and loss statements, and credit lines to demonstrate evidence of financial strength and capabilities of the Proposer Team. Audited Financial Statements may be provided for multiple Proposer Team Members. The Proposer Team Member(s) for which such Audited Financial Statements are provided must be obligated to perform under the future DBA (if awarded), either by being a party thereto or by providing a guaranty in form and substance satisfactory to NYCHA, in its sole discretion.

NYCHA reserves the right, in its sole discretion, to request documentation regarding the financial strength of the Proposer Team.

#### **Category 5. Proposer Team's Diversity Practices**

##### **(l) Diversity Practices**

Provide a three (3)-page maximum narrative outlining the Proposer's approach and methodology for achieving diversity. The narrative should include the Proposer's internal diversity practices as well as diversity with respect to selecting its subcontractors and suppliers (see Sections 5.2 and 5.3, below). Provide copies of documentation supporting organizational commitment to diversity, as demonstrated by policies, internal structures, practices, and past and current performance on existing projects.



## **Category 6. Proposer Team's Safety Record and Resources**

### **(m) Safety Records and Resources**

Provide a three (3)-page maximum narrative outlining the Proposer's approach and methodology for quality control and safety. The Proposer must provide copies of safety-related policies, internal structures, practices, and past and current performance on existing projects.

Each Proposer Team Member must also complete the Safety Questionnaire Form attached hereto as Exhibit 7.

### **Other SOQ Content Requirements:**

#### **(n) Required RFQ Forms and Acknowledgements**

Proposer must (as part of its SOQ) complete and include all forms and acknowledgements included in or attached to this RFQ, with all required attachments and supporting documents.

#### **(o) Minimum Qualification Documents**

Proposer must submit the Minimum Qualifications Form attached hereto as Exhibit 2, with all required information and supporting documents.

## **Section 5. Legal Requirements and Policy Matters**

### **5.1 Project Labor Agreement**

The Projects will be subject to a Project Labor Agreement (“PLA”). A copy of the PLA will be included or incorporated by reference in each RFP.

### **5.2 Legal Requirements and Policy Matters**

Under the DBA, the Design-Builder will be required to comply with (among other things) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and NYCHA’s “Resident Employment Program.” See Appendix C (Summary of Select DBA Terms).

A Design-Builder under a DBA will also be required to abide by all applicable NYCHA standard procedures governing on-site behavior and conduct as set forth in NYCHA’s Human Resources Manual, including, but not limited to, (a) general rules of behavior for on-site contractors, (b) sexual harassment policy statement, (c) privacy policy, (d) internet policy, and (e) all other applicable internal NYCHA policies and procedures related to the performance of the SOW, as will be described in more detail in the RFP.

A Design-Builder under a DBA will also be required to comply an organizational conflicts of interest provision. See Appendix C (Summary of Select DBA Terms).

### **5.3 Contracting with Minority and Women-Owned Business Enterprises**

In July 2021, NYCHA established a program for greater participation in NYCHA procurements by New York City Department of Small Business Services, certified minority-owned business enterprises and women-owned business enterprises (the “M/WBE Program”). A Design-Builder under a DBA will be required to comply with such M/WBE Program. See Appendix C (Summary of Select DBA Terms). Additional information is available at: <https://www1.nyc.gov/site/nycha/business/Minority-Women-Business-Enterprises-MWBE.page>.

### **5.4 Prohibited Parties**

Advisors retained to provide assistance to NYCHA in connection with this Procurement are not eligible to assist or participate as Proposer Team Members, or otherwise advise any Proposer with respect to this Procurement. Such advisors are subject to the restrictions set forth in Section 2.1 above. These advisors are set forth in Appendix E (NYCHA Advisors).

### **5.5 Anti-Corruption Notice / False Statements and False Claims**

All Proposers are hereby given notice of the Anti-Corruption notice issued by the Office of the Inspector General for the New York City Housing Authority, as set forth in the attached Appendix F (NYCHA Anti-Corruption Notice).

Proposer's false statements and/or claims made in connection with the submission of a SOQ could subject the Proposer to criminal or civil penalties pursuant to 18 U.S.C. 1001 and 31 U.S.C. 3729.

## **5.6 Responsibility Review**

NYCHA will review whether a Proposer is a responsible firm possessing the integrity to justify the DBA award, and the capacity to fully perform the requirements of the DBA. Specifically, NYCHA reserves the sole right to determine responsibility, which includes NYCHA's assessment of the Proposer's (and, if applicable, Proposer Team Members') integrity, skill, capacity, experience, facilities for conducting the work/services to be performed, financial and organizational capacity, legal authority, and previous contract performance. NYCHA's determination as to whether a Proposer and/or Proposer Team Member is responsible will be based on the information furnished by the Proposer and/or Proposer Team Members, interviews (if any), and any other sources the NYCHA deems appropriate. NYCHA reserves the right to request additional information to assist it in making the above determinations.

A Proposer's Short-listing under this RFQ does not represent a finding of responsibility with respect to the Proposer or any member of its Proposer Team. After a Proposer is Short-listed for a Project and prior to award of the DBA for such Project, NYCHA may determine that a Short-listed Proposer is not responsible and remove the Proposer from the Short-list. A Proposer removed from the Short-list is, among other things, ineligible to (i) receive an RFP, (ii) submit a Proposal in response to an RFP, and (iii) be awarded, or enter into, a DBA.

\* \* \*

## APPENDIX A

### DEFINITIONS

Capitalized terms used in this RFQ shall have the following meanings:

“**Addenda**” or “**Addendum**” means written supplemental additions, deletions, and modifications to the provisions of the RFQ or RFP (where applicable) issued by NYCHA.

“**Case Study Project**” has the meaning set forth in Section 4.3(h).

“**City**” means the City of New York.

“**Comp Mod**” has the meaning set forth in Section 1.1.

“**Confidential Material**” has the meaning set forth in Section 2.12.

“**Construction Lead**” the Proposer Team Member with the overall responsibility for the performance of the construction work required under the SOQ.

“**Cover Letter**” has the meaning set forth in Section 4.3.

“**DBA**” means the written agreement between NYCHA and the Design-Builder setting forth the obligations of the parties with respect to a Project (the form of which will be provided with the RFP).

“**Design Lead**” the Proposer Team Member with the overall responsibility for the architectural and design elements of the SOQ.

“**Design-Builder**” means the entity or team selected pursuant to an RFP that enters into the DBA with NYCHA with respect to a Project.

“**Design-Build Act**” has the meaning set forth in Section 1.2.

“**Evaluation Committee**” means the evaluation committee formed by NYCHA for purposes of evaluating SOQs under this RFQ.

“**FOIL**” means the New York State Freedom of Information Law, N.Y. Pub. Off. Law §§ 85-90.

“**HUD**” means the U.S. Department of Housing and Urban Development.

“**Key Personnel**” means the individuals identified by a Proposer in its completed Exhibit 8 (Key Personnel Form).

“**Lead Manager**” has the meaning set forth in Section 4.3.

**“Lead Representative”** has the meaning set forth in Section 4.5.

**“Local Law 97”** means the New York City’s Local Law 97 of 2019.

**“Minimum Qualifications”** has the meaning set forth in Section 4.1

**“NYCHA”** has the meaning set forth in Section 1.1.

**“NYCHA Designated Contact”** has the meaning set forth in Section 1.2.

**“PLA”** has the meaning set forth in Section 5.1.

**“Procurement”** has the meaning set forth in Section 1.6(a).

**“Procurement Requirements”** has the meaning set forth in Section 2.1.

**“Project”** has the meaning set forth in Section 1.1.

**“Project 1”** has the meaning set forth in Section 1.4.

**“Project 2”** has the meaning set forth in Section 1.4.

**“Proposal”** means a timely and conforming Proposal to the RFP submitted by a Proposer.

**“Proposer”** means, as the context may require, the entity or team submitting a SOQ in response to this RFQ or a Proposal in response to a future RFP.

**“Proposer Designated Contact”** has the meaning set forth in Section 2.1.

**“Proposer Team”** means, collectively, all entities or persons identified by a Proposer in its SOQ as performing any part of the SOW, including, without limitation, the Construction Lead, the Design Lead, any Tenant Coordinator, any Tenant Relocator, the Key Personnel and subcontractors.

**“Proposer Team Member”** means any entity or person that is a member of a Proposer Team.

**“Protest”** has the meaning set forth in Section 3.6.

**“Protest Procedure”** has the meaning set forth in Section 3.6.

**“Restricted Period”** has the meaning set forth in Section 2.1.

**“RFP”** or **“Request for Proposals”** means any future Request for Proposal issued by NYCHA with respect to a Project, including all Addenda thereto, seeking Proposals to be used to identify the Proposer offering the best value to NYCHA for a particular Project.

**“RFQ”** or **“Request for Qualifications”** means this written Request for Qualifications issued by NYCHA, including all Addenda thereto, seeking SOQs in order to identify and Short-listed Proposers to receive RFPs for one or more Projects.

**“RFQ Contact Person”** has the meaning set forth in Section 4.3(e)

**“Selected Proposer”** means the Proposer whose Proposal in response to the RFP is found to provide the best value to NYCHA for the applicable Project.

**“Short-list”** means each list of Proposers that NYCHA determines are the most highly qualified Proposers for delivery of the relevant Project, based on an evaluation of the SOQs submitted by such Proposers with respect to such Project.

**“Short-listed Proposers”** means the Proposers that have been Short-listed with respect to a specific Project.

**“SOQ”** has the meaning set forth in Section 1.1.

**“SOQ Submission Deadline”** means the deadline for submission of a SOQ, as specified in Section 1.7.

**“SOW”** or **“Scope of Work”** has the meaning set forth in Section 1.3.

**“Step One”** means the RFQ stage of the Procurement.

**“Step Two”** means the RFP stage of the Procurement.

**“Tenant Coordinator”** has the meaning set forth in Section 2.8(a).

**“Tenant Relocator”** has the meaning set forth in Section 2.8(a).

**APPENDIX B**  
**PROJECT DESCRIPTIONS**

[See attached]

## PROJECT SUMMARY DATA SHEET

| Project Information                               |                                 |                          |       |                  |       |
|---|---------------------------------|--------------------------|-------|------------------|-------|
| Comp Mod Project Number:                          | 1                               |                          |       |                  |       |
| Development Name:                                 | St. Nicholas Houses (Manhattan) |                          |       |                  |       |
| Total Number of Buildings (Stories per Building): | 13 (14 stories)                 | Total Units:             | 1,526 | Total Residents: | 3,340 |
| Total Number of Elevators:                        | 28                              | Total Number of Boilers: |       |                  | 6     |

| Contract Information                       |   |
|--|---|
| Maximum Contract Value:                    | \$369 million   |
| Minimum Bonding Capacity:                  | Equal to the Maximum Contract Value   |
| Minimum Insurance Requirements:            |   |
| General Liability                          | \$5,000,000/\$25,000,000 per occurrence/in the aggregate  |
| Automobile Liability                       | \$1,000,000, and up to \$5,000,000 combined single limit per accident   |
| Workers' Compensation/Employer's Liability | As required by New York State Law   |
| Professional Liability/Errors & Omissions  | \$1,000,000/\$5,000,000 per claim/in the aggregate for professional errors and omissions related to any of the design components of the Design/Build Project. |
| Environmental / Pollution Legal Liability  | \$1,000,000 up to 5,000,000 per claim/in the aggregate  |

| Applicable Categories of Work to be Performed  |   |
|--|---|
| <i>Categories marked by a checked box will be included in the scope of work for this Project.</i>  |   |
| <input checked="" type="checkbox"/> <b>Hazardous Materials Abatement</b><br><input checked="" type="checkbox"/> <b>Tenant/Community Outreach and Communications</b><br><input checked="" type="checkbox"/> <b>Tenant/Stakeholder Communications</b><br><input checked="" type="checkbox"/> <b>Design and Construction Services</b> |   |
| <b>Required Baseline Design-Build Work</b><br><input checked="" type="checkbox"/> Kitchen, Bathroom and Plumbing Upgrades<br><input checked="" type="checkbox"/> Heating and Cooling, and Ventilation Upgrades<br><input checked="" type="checkbox"/> Domestic Hot Water Upgrades  | <b>Other Design-Build Work, if Budget Permits</b><br><input checked="" type="checkbox"/> Electrical Upgrades<br><input checked="" type="checkbox"/> Elevator Upgrades<br><input checked="" type="checkbox"/> Building and Apartment Interior Upgrades<br><input checked="" type="checkbox"/> Building Exteriors and Envelope Upgrades<br><input checked="" type="checkbox"/> Accessibility Upgrades<br><input checked="" type="checkbox"/> Site Security Improvements<br><input checked="" type="checkbox"/> Exterior Site Improvements<br><input checked="" type="checkbox"/> Energy and Water Efficiency Upgrades |

**Development Address(es) and Other Information Follow on the Next Two (2) Pages**



# SAINT NICHOLAS



NEW YORK CITY  
HOUSING  
AUTHORITY

BOROUGH: MANHATTAN

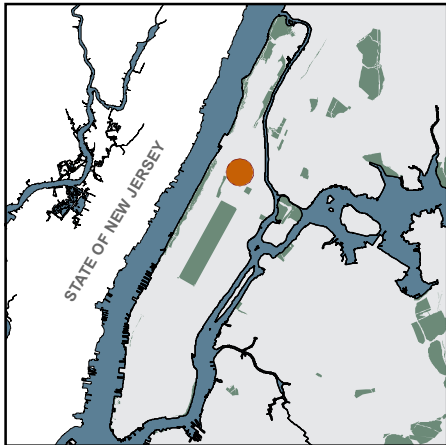
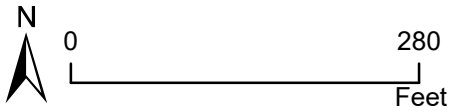
 NYCHA Development

 NYCHA Building

 Residential Addresses

 Management Office

 NYC Parks



Prepared by: NYCHA Performance  
Tracking & Analytics Department



# SAINT NICHOLAS

BOROUGH: MANHATTAN

TDS #: 038

MANAGED BY: SAINT NICHOLAS



| BUILDING# | STAIRHALL# | ADDRESS                           | ZIP CODE | RESIDENTIAL | BLOCK | LOT | BIN     | AMP#        | HZ | FACILITY   |
|-----------|------------|-----------------------------------|----------|-------------|-------|-----|---------|-------------|----|--|
| 1         | 001        | 2406 FREDERICK DOUGLASS BOULEVARD | 10027    | YES         | 1933  | 1   | 1081508 | NY005000380 | 6  | BOILER   |
| 2         | 002        | 236 WEST 129TH STREET             | 10027    |             | 1933  | 1   | 1081503 | NY005000380 | 6  | DAY CARE CENTER  |
| 2         | 002        | 240 WEST 129TH STREET             | 10027    | YES         | 1933  | 1   | 1081503 | NY005000380 | 6  |  |
| 2         | 014        | 230 WEST 129TH STREET             | 10027    | YES         | 1933  | 1   | 1081503 | NY005000380 | 6  |  |
| 3         | 003        | 2374 FREDERICK DOUGLASS BOULEVARD | 10027    |             | 1933  | 1   | 1081504 | NY005000380 | 6  | COMMUNITY OPERATIONS SPACE (VACANT)                          |
| 3         | 003        | 277 WEST 127TH STREET             | 10027    | YES         | 1933  | 1   | 1081504 | NY005000380 | 6  |  |
| 3         | 003        | 281 WEST 127TH STREET             | 10027    |             | 1933  | 1   | 1081504 | NY005000380 | 6  | HEALTH CLINIC  |
| 4         | 004        | 212 WEST 129TH STREET             | 10027    | YES         | 1933  | 1   | 1081505 | NY005000380 | 6  | TWO STOREROOMS   |
| 5         | 005        | 213 WEST 127TH STREET             | 10027    |             | 1933  | 1   | 1081506 | NY005000380 | 6  | DEVELOPMENT MAINTENANCE OFFICE / SHOPS/ STOREROOM            |
| 5         | 005        | 215 WEST 127TH STREET             | 10027    |             | 1933  | 1   | 1081506 | NY005000380 | 6  | DEVELOPMENT MANAGEMENT OFFICE                                |
| 5         | 005        | 217 WEST 127TH STREET             | 10027    | YES         | 1933  | 1   | 1081506 | NY005000380 | 6  |  |
| 6         | 006        | 237 WEST 127TH STREET             | 10027    | YES         | 1933  | 1   | 1081507 | NY005000380 | 6  |  |
| 7         | 007        | 255 WEST 127TH STREET             | 10027    | YES         | 1933  | 1   | 1081509 | NY005000380 | 6  | TWO STOREROOMS   |
| 8         | 008        | 2410 FREDERICK DOUGLASS BOULEVARD | 10027    | YES         | 1933  | 50  | 1081510 | NY005000380 | 6  |  |
| 9         | 009        | 225 WEST 129TH STREET             | 10027    | YES         | 1933  | 50  | 1081511 | NY005000380 | 6  |  |
| 10        | 010        | 260 WEST 131ST STREET             | 10027    | YES         | 1933  | 50  | 1081512 | NY005000380 | 6  | RESIDENT MEETING ROOM  |
| 11        | 011        | 250 WEST 131ST STREET             | 10027    | YES         | 1933  | 50  | 1081513 | NY005000380 | 6  |  |
| 12        | 012        | 220 WEST 131ST STREET             | 10027    |             | 1933  | 50  | 1081514 | NY005000380 | 6  | COMMUNITY OPERATIONS SPACE (VACANT)                          |
| 12        | 012        | 226 WEST 131ST STREET             | 10027    |             | 1933  | 50  | 1081514 | NY005000380 | 6  |  |
| 12        | 012        | 230 WEST 131ST STREET             | 10027    | YES         | 1933  | 50  | 1081514 | NY005000380 | 6  |  |
| 12        | 012        | 236 WEST 131ST STREET             | 10027    |             | 1933  | 50  | 1081514 | NY005000380 | 6  | COMMUNITY OPERATIONS SPACE (VACANT)                          |
| 13        | 013        | 200 WEST 131ST STREET             | 10027    | YES         | 1933  | 50  | 1081515 | NY005000380 | 6  |  |
| 13        | 013        | 210 WEST 131ST STREET             | 10027    |             | 1933  | 50  | 1081515 | NY005000380 | 6  | SENIOR CENTER  |
|           | 800        | 2160 A C POWELL BOULEVARD         | 10027    |             | 1933  | 1   | 1081506 | NY005000380 | 6  | PLAYGROUND (MANAGED BY NYC DEPARTMENT OF PARKS & RECREATION) |
|           | 801        | 2200 A C POWELL BOULEVARD         | 10027    |             | 1933  | 1   | 1090780 | NY005000380 | 6  | PLAYGROUND (MANAGED BY NYC DEPARTMENT OF PARKS & RECREATION) |

NOTES:

## PROJECT SUMMARY DATA SHEET

| Project Information                               |                                  |                          |       |                  |       |
|---|----------------------------------|--------------------------|-------|------------------|-------|
| Comp Mod Project Number:                          | 2                                |                          |       |                  |       |
| Development Name:                                 | Todt Hill Houses (Staten Island) |                          |       |                  |       |
| Total Number of Buildings (Stories per Building): | 7 (6 stories)                    | Total Units:             | 1,526 | Total Residents: | 1,002 |
| Total Number of Elevators:                        | 14                               | Total Number of Boilers: |       |                  | 3     |

| Contract Information                       |   |
|--|---|
| Maximum Contract Value:                    | \$115 million   |
| Minimum Bonding Capacity:                  | Equal to the Maximum Contract Value   |
| Minimum Insurance Requirements:            |   |
| General Liability                          | \$5,000,000/\$25,000,000 per occurrence/in the aggregate  |
| Automobile Liability                       | \$1,000,000, and up to \$5,000,000 combined single limit per accident   |
| Workers' Compensation/Employer's Liability | As required by New York State Law   |
| Professional Liability/Errors & Omissions  | \$1,000,000/\$5,000,000 per claim/in the aggregate for professional errors and omissions related to any of the design components of the Design/Build Project. |
| Environmental / Pollution Legal Liability  | \$1,000,000 up to 5,000,000 per claim/in the aggregate  |

| Applicable Categories of Work to be Performed  |   |
|--|---|
| <i>Categories marked by a checked box will be included in the scope of work for this Project.</i>  |   |
| <input checked="" type="checkbox"/> <b>Hazardous Materials Abatement</b><br><input checked="" type="checkbox"/> <b>Tenant/Community Outreach and Communications</b><br><input checked="" type="checkbox"/> <b>Tenant/Stakeholder Communications</b><br><input checked="" type="checkbox"/> <b>Design and Construction Services</b> |   |
| <b>Required Baseline Design-Build Work</b><br><input checked="" type="checkbox"/> Kitchen, Bathroom and Plumbing Upgrades<br><input checked="" type="checkbox"/> Heating and Cooling, and Ventilation Upgrades<br><input checked="" type="checkbox"/> Domestic Hot Water Upgrades  | <b>Other Design-Build Work, if Budget Permits</b><br><input checked="" type="checkbox"/> Electrical Upgrades<br><input checked="" type="checkbox"/> Elevator Upgrades<br><input checked="" type="checkbox"/> Building and Apartment Interior Upgrades<br><input checked="" type="checkbox"/> Building Exteriors and Envelope Upgrades<br><input checked="" type="checkbox"/> Accessibility Upgrades<br><input checked="" type="checkbox"/> Site Security Improvements<br><input checked="" type="checkbox"/> Exterior Site Improvements<br><input checked="" type="checkbox"/> Energy and Water Efficiency Upgrades |

**Development Address(es) and Other Information Follow on the Next Two (2) Pages**

# TODT HILL



NEW YORK CITY  
HOUSING  
AUTHORITY

BOROUGH: STATEN ISLAND

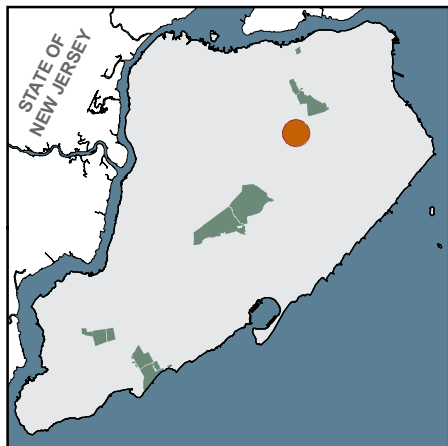
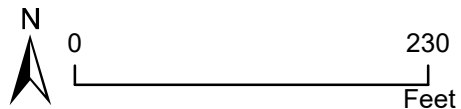
 NYCHA Development

 NYCHA Building

 Residential Addresses

 Management Office

 NYC Parks



Prepared by: NYCHA Performance  
Tracking & Analytics Department



# TODT HILL

BOROUGH: STATEN ISLAND TDS #: 042

MANAGED BY: TODT HILL



| BUILDING# | STAIRHALL# | ADDRESS              | ZIP CODE | RESIDENTIAL | BLOCK | LOT | BIN     | AMP#        | HZ | FACILITY  |
|-----------|------------|----------------------|----------|-------------|-------|-----|---------|-------------|----|---|
| 1         | 001        | 773 MANOR ROAD       | 10314    | YES         | 706   | 1   | 5110030 | NY005000520 |    |   |
| 1         | 002        | 761 MANOR ROAD       | 10314    | YES         | 706   | 1   | 5110030 | NY005000520 |    |   |
| 2         | 003        | 801 MANOR ROAD       | 10314    | YES         | 706   | 1   | 5108963 | NY005000520 |    | PLASTERERS SHOP/ STOREROOM/ ELECTRICIANS SHOP/ STORE ROOM   |
| 2         | 004        | 791 MANOR ROAD       | 10314    | YES         | 706   | 1   | 5108963 | NY005000520 |    | EXTERMINATOR SHOP/STOREROOM/ CARPENTERS SHOP/STORE ROOM/ NYCHA PAINT SHOP/STORE ROOM/ CONTRACTOR PAINT "A" & "B" SHOPS/STOREROOMS/ GROUNDS SHOP/ STORE ROOM |
| 3         | 005        | 275 WESTWOOD AVENUE  | 10314    | YES         | 706   | 1   | 5108964 | NY005000520 |    | MAIN STOREROOM/ GLAZIER STORAGE   |
| 3         | 005        | 819 MANOR ROAD       | 10314    |             | 706   | 1   | 5108964 | NY005000520 |    | DEVELOPMENT MAINTENANCE OFFICE  |
| 3         | 006        | 289 WESTWOOD AVENUE  | 10314    | YES         | 706   | 1   | 5108964 | NY005000520 |    | JANITORIAL STOREROOM  |
| 3         | 006        | 815 MANOR ROAD       | 10314    |             | 706   | 1   | 5108964 | NY005000520 |    | DEVELOPMENT MANAGEMENT OFFICE   |
| 4         | 007        | 247 WESTWOOD AVENUE  | 10314    | YES         | 706   | 1   | 5108965 | NY005000520 |    |   |
| 4         | 008        | 255 WESTWOOD AVENUE  | 10314    |             | 706   | 1   | 5108965 | NY005000520 |    | COMMUNITY CENTER  |
| 4         | 008        | 263 WESTWOOD AVENUE  | 10314    | YES         | 706   | 1   | 5108965 | NY005000520 |    |   |
| 5         | 009        | 231 WESTWOOD AVENUE  | 10314    | YES         | 706   | 1   | 5108962 | NY005000520 |    |   |
| 5         | 010        | 235 WESTWOOD AVENUE  | 10314    | YES         | 706   | 1   | 5108962 | NY005000520 |    | BOILER  |
| 6         | 011        | 30 LA GUARDIA AVENUE | 10314    |             | 706   | 1   | 5108961 | NY005000520 |    | STATEN ISLAND SKILLED TRADES SHOPS  |
| 6         | 011        | 34 LA GUARDIA AVENUE | 10314    | YES         | 706   | 1   | 5108961 | NY005000520 |    |   |
| 6         | 012        | 200 SCHMIDTS LANE    | 10314    |             | 706   | 1   | 5108961 | NY005000520 |    | STATEN ISLAND HEATING STAFF/ ELEVATOR SERVICE DIVISION  |
| 6         | 012        | 204 SCHMIDTS LANE    | 10314    | YES         | 706   | 1   | 5108961 | NY005000520 |    |   |
| 7         | 013        | 20 LA GUARDIA AVENUE | 10314    | YES         | 706   | 1   | 5108960 | NY005000520 |    | ROOFTOP LEASE LOCATION  |
| 7         | 014        | 176 SCHMIDTS LANE    | 10314    | YES         | 706   | 1   | 5108960 | NY005000520 |    |   |
| 7         | 014        | 180 SCHMIDTS LANE    | 10314    |             | 706   | 1   | 5108960 | NY005000520 |    | CARPENTER AND PLUMBING STORAGE  |
| 7         | 014        | 184 SCHMIDTS LANE    | 10314    |             | 706   | 1   | 5108960 | NY005000520 |    | SENIOR CENTER   |

## **APPENDIX C**

### **SUMMARY OF SELECT DBA COMMERCIAL TERMS**

[See attached]

## SUMMARY OF SELECT DBA COMMERCIAL TERMS

This document provides a summary of select commercial terms which may be included in the DBA between each Design-Builder and NYCHA for each CompMod Project procured in connection with this RFQ. This document is being provided as part of the RFQ for informational purposes only. The terms included in this document are not final or binding on NYCHA or the City, and are subject to change by NYCHA, in its sole discretion, at any time during prior to execution of the DBA.

| A. CONTRACT PRICE, ALLOWANCE AMOUNTS, AND INCENTIVES / AWARD FEES |                          |   |
|---|--------------------------|---|
| 1.  | <b>Contract Price</b>    | NYCHA is considering a lump sum Contract Price for the DBA (“ <b>Contract Price</b> ”). Periodic payments will be made to Design-Builder based on a percentage of Work completed and/or upon achievement of specified performance milestones, and Design-Builder’s schedule of values.  |
| 2.  | <b>Allowance Amounts</b> | <ul style="list-style-type: none"> <li>• <b>General</b> - For ease of contract administration, and to accelerate payment for certain risk factors that are difficult to quantify prior to submission of an RFP Proposal, NYCHA is considering including certain allowance amounts within the Contract Price (the “<b>Allowance Amounts</b>”). The risks to be covered by such Allowance Amounts will be set forth in the RFP.</li> <li>• <b>Additional Relief</b> – If an Allowance Amount for a particular item is exceeded, Design-Builder will still be entitled to claim additional compensation above the Contract Price with respect to such excess.</li> </ul> |

| B. DESIGN & CONSTRUCTION GENERALLY, WARRANTY PERIOD AND INSURANCE |                                  |  |
|---|----------------------------------|--|
| 1.  | <b>Design &amp; Construction</b> | <p>NYCHA will provide baseline scoping information with respect to the Work. Design-Builder will be responsible for the overall design and construction of the Project in accordance with the DBA and any allowance approvals, change orders, amendments, record drawings and construction documents (the “<b>Contract Documents</b>”).</p> <p>In order to encourage innovation and creativity on the part of Proposers, NYCHA is considering the use of Alternative Technical Concepts (ATCs) as part of the RFP process.</p> <p>As part of Design-Builder’s obligation to perform the design and construction Work, Design-Builder must furnish all materials, equipment, labor, installations, demolition (where applicable), engineering, site safety and security, construction management, quality management and controls, commissioning, and other Work necessary and appropriate to ensure the Work is complete and operational as of the Substantial Completion deadline in accordance with the performance criteria and technical requirements in the DBA.</p>  |
| 2.  | <b>Warranties</b>                | <p>Design-Builder will warrant to NYCHA that:</p> <p>(i) it shall perform the Work, and shall ensure similar performance from its Subcontractors, as a prudent design-builder consistent with applicable professional standards and without limiting the generality of the foregoing, that the Work, including the equipment, labor and materials, will: (a) be free from errors, defects, or damage in design, materials and workmanship; (b) be new unless otherwise agreed to by NYCHA in writing; (c) be of good quality and good condition; (d) be delivered, handled, stored (whether on a job site or off a job site) and installed in accordance with manufacturer’s instructions; and (e) conform to project requirements, and that equipment must be installed in a manner that does not void manufacturer’s warranties; and</p> <p>(iii) the final design documents, the final construction documents, the record drawings and all other records required under the DBA will be (A) accurate and complete; (B) in conformance with all requirements of the Contract Documents; (C) in compliance with all</p> |

| <b>B. DESIGN &amp; CONSTRUCTION GENERALLY, WARRANTY PERIOD AND INSURANCE</b> |                  |  |
|--|------------------|--|
|  |                  | <p>applicable laws; and (D) accurate in their reflection of the Project's condition as of Final Completion.</p> <p>If, at any time during a market "Warranty Period" (to be specified in the DBA) NYCHA discovers a defect covered by a warranty, Design-Builder shall, at its sole expense, correct, repair, modify, replace or otherwise address such defect. The Warranty Period is in addition to any other statutory or legal rights afforded to NYCHA or the City under applicable State or City law for any breach of the DBA or latent defect.</p> |
| <b>3.</b>  | <b>Insurance</b> | <p>NYCHA anticipates permitting, but not requiring, a contractor-controlled insurance program for the Project. Other market-standard insurance provisions will also be included in the DBA. See Appendix B of the RFQ.</p>   |

| <b>C. COMPLETION DEADLINES AND NYCHA OVERSIGHT AND QUALITY CONTROL / ASSURANCE</b> |  |   |
|--|--|---|
| <b>1.</b>  | <b>Completion Deadlines</b>  | <p>Design-Builder will commit to develop the Project in accordance with the time schedule set out in Design-Builder's RFP Proposal. Such schedule will be attached to the DBA, and will incorporate guaranteed deadlines ("<b>Completion Deadlines</b>"), including "<b>Substantial Completion</b>" and "<b>Final Completion</b>" deadlines.</p> <p>NYCHA is considering a phased turnover, whereby certain items of the Work, and/or certain portions of the Project (such as individual buildings or grouping of buildings), may be subject to their own Substantial/Final Completion deadlines, allowing for the earlier release of retainage and Design-Builder's payment in full to relevant subcontractors.</p> <p>If Design-Builder fails to meet a Substantial Completion deadline, Design-Builder shall pay to NYCHA, as liquidated damages and not as a penalty, a daily amount to be specified in the DBA.</p>   |
| <b>2.</b>  | <b>NYCHA's Right to inspect and monitor and Design-Builder's Quality Assurance and Quality Control</b> | <ul style="list-style-type: none"> <li>• <b>NYCHA Oversight Rights</b> - NYCHA will have the right to review, inspect and monitor the Work in the ordinary course (consistent with the design-build approach) and heighten oversight in the event of a breach or default by Design-Builder.</li> <li>• <b>Design-Builder QA/QC Obligations</b> - Notwithstanding NYCHA's inspection and monitoring rights, Design-Builder will have full responsibility for quality assurance and quality control on the Work and Design-Builder will be required to coordinate with NYCHA to comply with such responsibilities in accordance with a QA/QC plan to be delivered by Design-Builder and approved by NYCHA. Further, Design-Builder will be responsible for all site safety, and will be required to indemnify NYCHA with respect to any safety related responsibilities or liabilities that are strictly imposed upon an owner of a construction project under New York law.</li> </ul> |

| <b>D. PERFORMANCE SECURITY</b> |  |  |
|--------------------------------|--|--|
| <b>1.</b>                      | <b>Performance &amp; Payment Bonds</b> | <p>Design-Builder will be required to deliver a performance bond and payment bond for the Project, on or prior to, the DBA's effective date. NYCHA expects that the performance bond and payment bond must be sized to an amount equal to 100% of the Contract Price (as defined in A.1 (Contract Price) above).</p> <p>NYCHA will be entitled to claim on any performance bond following any Design-Builder event of default under the DBA.</p> |



|    |                  |  |
|----|------------------|--|
| 2. | <b>Retainage</b> | <p>As security for Design-Builder's performance, NYCHA will retain 10% from each monthly payment (the “<b>Retainage Amount</b>”).</p> <p>NYCHA may apply the Retainage Amount at any time to cover NYCHA’s costs or losses incurred due to any Design-Builder breach or default.</p> <p>Following Substantial Completion with respect to the applicable Work, NYCHA will release to Design-Builder the total Retainage Amounts that NYCHA holds with respect to such Work, less a market multiple of the amounts necessary to achieve Final Completion for such Work. Any remaining balance will be released with the final payment for such Work.</p> |
| 3. | <b>Guaranty</b>  | <p>Guaranties may be required by parent guarantor(s) (approved by NYCHA) as described in the RFQ. If a guaranty is required, Design-Builder must provide NYCHA with a guaranty in which the parent guarantor guarantees all Design-Builder's obligations under the DBA.</p>  |

| <b>E. GOVERNMENTAL APPROVALS, ENVIRONMENTAL COMPLIANCE, AND THIRD-PARTY COORDINATION</b> |  |  |
|--|--|--|
| 1.   | <b>Governmental Approvals</b>                              | <p>Design-Builder will be responsible for obtaining and maintaining throughout the term of the DBA, all governmental permits and approvals (including any application, revision, modification, amendment, supplement, renewal or extension thereto) required in connection with its performance of the Work, at its sole cost and expense. Design-Builder will be required to comply with and maintain all governmental permits and approvals and will be responsible for any amendments or modifications that may be necessary thereafter based on Design-Builder’s performance of the Work.</p>  |
| 2.   | <b>Environmental Compliance</b>                            | <p>Design-Builder will be required to design and complete the Work, so that it complies with, and can be operated in compliance with, all requirements and conditions (including all mitigation) to be satisfied under the Contract Documents, applicable laws/ standards and governmental permits/approvals, and the other requirements, policies and guidelines of NYCHA and the City, concerning the environment and hazardous materials that are applicable to the Project site or the Work.</p>   |
| 3.   | <b>Hazardous Materials</b>                                 | <p>As part of the Work, Design-Builder will be responsible for the management, treatment, handling, storage, monitoring, remediation, removal, transport and disposal of all hazardous materials that are encountered in, under or on the Project site during performance of the Work.</p> <p>Design-Builder will be responsible for obtaining and maintaining all governmental approvals relating to any remedial action and will be solely responsible for compliance with all governmental approvals and applicable laws concerning or relating to such hazardous materials.</p> <p>Relief for unknown hazardous environmental conditions is described further in Part G (Excusable Events and Force Majeure) below.</p>  |
| 4.   | <b>Utilities and Other 3<sup>rd</sup> Party Interfaces</b> | <ul style="list-style-type: none"> <li>• <b>Generally</b> - Design-Builder will be responsible for obtaining at its cost, all utilities that it requires to undertake and timely complete the Work, all in accordance with the general conditions. NYCHA may assist, as reasonably requested by Design-Builder, in coordinating and communicating with any utilities relevant to the Project.</li> <li>• <b>Utility Relocations</b> - Design-Builder will be responsible for coordinating and causing all necessary utility relocations within their project scope. Design-Builder will be required to fulfill this responsibility by coordinating directly with utilities to perform such utility relocations. Design-Builder must preserve the integrity and maintain the</li> </ul> |

| E. | GOVERNMENTAL APPROVALS, ENVIRONMENTAL COMPLIANCE, AND THIRD-PARTY COORDINATION |  |
|----|--|--|
|    |  | <p>ability of NYCHA or any other City agency or stakeholder (or its respective contractors and suppliers) to use and operate utilities that are not required to be relocated.</p> <ul style="list-style-type: none"> <li>• <b>Capacity Requirements</b> - If utility capacity is required beyond that currently available to the site, Design-Builder will be responsible for all work on Project site related to such additional capacity. NYCHA is considering equitable approaches to address the costs of utility providers if <u>off-site</u> work is required to increase capacity. NYCHA will provide specific utility capacity information during the RFP stage.</li> <li>• <b>Relief</b> – NYCHA is considering including an Allowance Amount / Excusable Event for unknown utilities discovered within the Project site, as described further in Part G (Excusable Events and Force Majeure) and Part H (Unknown Conditions) below.</li> </ul> |

| F. | TENANT INTERFACE AND RELOCATION                  |  |
|----|--|--|
| 1. | <b>General</b>                                   | <p>Tenant interface and communication are primary NYCHA concerns under the procurement. Design-Builder will be required to take a proactive approach with respect to these matters, in coordination with NYCHA. NYCHA will, during the RFP stage, provide information related to existing vacancy at the Projects to allow Design-Builder to develop a relocation plan and schedule.</p>   |
| 2. | <b>Tenant Disruption</b>                         | <p>Design-Builder will be required to perform the Work in a manner which minimizes interference with the Tenants' use of their apartments and building common areas and ensures that there will be no unscheduled forced outages during the performance of the Work.</p> <p>Design-Builder must schedule the Work so as to minimize tenant disruption and required tenant relocation. Design-Builder must endeavor to minimize any relocation period and will keep the relevant tenants fully informed as to timing.</p>   |
| 3. | <b>Occupied Apartments and Tenant Relocation</b> | <p>Design-Builder shall develop an outreach and coordination plan (subject to oversight by NYCHA and HUD), with respect to accessing occupied units and, where required, temporarily relocating tenants. Any such plan must comply with NYCHA and HUD regulations.</p> <p>NYCHA is considering including the actual tenant relocation in the SOW under the DBA.</p> <p>Difficulty or delay in accessing occupied apartments or in relocating tenants will only be an Excusable Event (entitling Design-Builder to claim schedule relief) if Design-Builder demonstrates that it has fully complied with the NYCHA approved outreach and coordination plan.</p> |

| G. | EXCUSABLE EVENTS AND FORCE MAJEURE |  |
|----|------------------------------------|--|
| 1. | <b>Excusable Events</b>            | <p>NYCHA is planning to include in the DBA market standard provisions for additional compensation to be payable to Design-Builder, and/or for schedule extensions in favor of Design-Builder, for specified events which are consistent with Design-Build best practice and are beyond the control of Design-Builder (collectively “<b>Excusable Events</b>”), except to the extent attributable (among other things) to (i) any breach of the DBA or applicable law/ any governmental approval, or (ii) any negligence, recklessness or willful misconduct, in each case,</p> |

| G. EXCUSABLE EVENTS AND FORCE MAJEURE |               |  |
|---------------------------------------|---------------|--|
|                                       |               | by Design-Builder, any Subcontractor, or any other person performing any of the Work for, or behalf of, Design-Builder.  |
| 2.                                    | Force Majeure | NYCHA is planning to include in the DBA market standard force majeure provisions, allowing Design-Builder to request schedule extensions, subject to market requirements and conditions. |

| H. UNKNOWN CONDITIONS |                         |  |
|-----------------------|-------------------------|--|
| 1.                    | Unknown Site Conditions | <ul style="list-style-type: none"> <li>• <b>NYCHA Site Investigation Work</b> – NYCHA is currently performing detailed site investigations of each Project. These site investigations include surveys of the existing buildings, and new lead paint investigation consistent with the current New York standards (0.5 micrograms), utility surveys, asbestos testing and other similar investigations. To the extent legally permissible, NYCHA anticipates providing any such relevant information to each of the Short-listed Proposers during RFP stage.</li> <li>• <b>Design-Builder Responsibility</b> –<br/><br/>Notwithstanding NYCHA’s advance site investigations, Design-Builder will also be required to undertake all tests, inspections and investigations of the Project site as Design-Builder deems necessary to perform its obligations under the DBA.<br/><br/>Design-Builder will also represent in the DBA that it has taken steps necessary to ascertain the nature and locations of the Work and has received from the NYCHA a list of ongoing construction work at the buildings comprising the Project, and that it has investigated and satisfied itself as to the general and local conditions which can affect the Work site and/or the performance of the Work, including: (a) conditions bearing upon access, egress, transportation, waste disposal, handling, laydown, parking and storage of materials; (b) the availability of labor, water, electric power, other utilities and streets, sidewalks, alleys and roadways; (c) uncertainties of weather or other observable physical conditions at the job sites; (d) the character of equipment and facilities needed preliminary to and during the performance of the work; (e) the location of the buildings, their physical components and related systems; and (f) the operating procedures of the buildings.<br/><br/>Accordingly, as will be described in the DBA’s Excusable Event provisions, NYCHA will only provide compensation and/or schedule relief to Design-Builder for those unknown site conditions that: <ul style="list-style-type: none"> <li>(i) existed in, on or under a portion of the Project site prior to the date on which Design-Builder gains possession of the relevant portion of the Project site and that represents a materially different condition to that described in the available documents (provided by NYCHA) (the “<b>Available Documents</b>”); and</li> <li>(ii) are not conditions that could reasonably have been identified or discovered by an appropriately qualified and experienced contractor, engineer or expert working in that field exercising due care and skill and best management practice in the same or equivalent circumstances through review and analysis of (A) the Available Documents or (B) through the equivalent type of Project site access granted to Design-Builder, that, in each case, were available prior to the Proposal due date.</li> </ul> </li> </ul> |

| H. UNKNOWN CONDITIONS |  |   |
|-----------------------|--|---|
|                       |  | <ul style="list-style-type: none"> <li>• <b>Unknown Site Conditions</b> – Unknown site conditions, as described above, will include unknown hazardous environmental conditions, unknown geotechnical conditions, and unknown utilities.</li> <li>• <b>Relief</b> – If at any time during the performance of the Work (subject to any site validation period that may be include in the DBA), Design-Builder becomes aware of any unknown site condition, as described above, Design-Builder will be entitled to claim (under the Excusable Event mechanics) additional compensation and/or schedule relief, in accordance with the terms of the DBA.</li> </ul> |

| I. EVENTS OF DEFAULT |   |  |
|----------------------|---|--|
| 1.                   | <b>Design-Builder Defaults/ NYCHA Remedies</b>  | <p>The DBA will include market standard Design-Builder events of default, including without limitation (i) Design-Builder’s failure to observe or perform any material covenant, agreement, obligation, duty or provision of the DBA, including failure to achieve Substantial Completion by the guaranteed deadline; or (ii) Design-Builder abandons the prosecution of the Work. Certain such events of default will be subject to market cure periods.</p> <p>NYCHA anticipates including a process for remedial plans, in appropriate scenarios, to avoid any hair-trigger termination scenarios.</p> <p>Following the occurrence of a Design-Builder events of default, and the expiration of any applicable notice and cure period, NYCHA will have market rights and remedies, including, without limitation, the right to (a) terminate the DBA; (b) take possession of the sites and of all materials, equipment, tools and machinery thereon owned by Design-Builder; (c) finish the Work by whatever method NYCHA may deem expedient; and (e) draw on the Retainage and the relevant payment and performance bonds.</p> |
| 2.                   | <b>NYCHA Defaults / Design-Builder Remedies</b> | <p>The DBA will include market standard NYCHA events of default, including without limitation, failure to make any undisputed payment when due under the DBA. Certain such events of default will be subject to market cure.</p> <p>Following the occurrence of a NYCHA event of default, and the expiration of any applicable notice and cure period, Design-Builder will have market rights and remedies, including, without limitation, the right in certain circumstances to (i) suspend the Work and (ii) terminate the DBA.</p>  |

| J. M/WBE / SUBCONTRACTING |   |  |
|---------------------------|---|--|
| 1.                        | <b>Small Businesses, Certified Minority-Owned Business Enterprises and Women-Owned Business Enterprises</b> | <p>In July 2021, NYCHA established a program for greater participation in NYCHA procurements by New York City Department of Small Business Services, certified minority-owned business enterprises and women-owned business enterprises. Design-Builder will be required to comply with such program, as will be described in more detail in the RFP.</p>                      |
| 2.                        | <b>Subcontracting</b>   | <p>Design-Builder may have portions of the Work performed by Subcontractors, provided that Design-Builder comply with the self-performance requirements of the DBA. No contractual relationship shall exist between NYCHA and any Subcontractor with respect to the Work, but NYCHA will be a third party beneficiary of the subcontract agreements between Design-Builder</p> |

| <b>J. M/WBE / SUBCONTRACTING</b> |                      |   |
|----------------------------------|----------------------|---|
|                                  |                      | <p>and the Subcontractors. Design-Builder shall be fully responsible for all acts, omissions, failures or faults of any Subcontractor.</p> <p>Certain Subcontractor and Subcontracts will be subject to NYCHA's prior approval, as will be set forth in the DBA.</p> <p>All Subcontractors identified in the SOQ must be carried forward as Subcontractors performing the Work under the DBA, except where NYCHA expressly consents to the contrary (in writing).</p>   |
| <b>3.</b>                        | <b>Key Personnel</b> | <p>Design-Builder must retain, employ and utilize (or where applicable, must ensure that the relevant Key Subcontractor retains, employs and utilizes) the individuals specifically listed as Key Personnel (or any replacements approved) to fill the corresponding positions until all responsibilities of that position have been completed.</p> <p>All Key Personnel identified in the SOQ must be carried forward as the Subcontractors performing the Work under the DBA, except where NYCHA expressly consents to the contrary (in writing).</p> |

| <b>K. LEGAL ISSUES</b> |  |   |
|------------------------|--|---|
| <b>1.</b>              | <b>Project Labor Agreement</b>               | The DBA will be subject to a Project Labor Agreement ("PLA"). A copy of the PLA will be included or incorporated by reference in each RFP.  |
| <b>2.</b>              | <b>Intellectual Property</b>                 | The DBA will contain provisions providing that all design and construction documents prepared by Design Builder on behalf of NYCHA will become NYCHA's property upon making the applicable progress payment in connection with same, and NYCHA will be granted a fully paid up, royalty free right to utilize same.   |
| <b>3.</b>              | <b>Legal Requirements and Policy Matters</b> | <p>Pursuant to the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), Section 3 is a mandate that employment and other economic opportunities generated by federal assistance to public housing authorities shall, to the greatest extent feasible, be directed to public housing tenants and other low and very-low income persons or business concerns residing in the community where the project is located. Design-Builder will be required to comply with such Section 3, as will be described in more detail in each RFP.</p> <p>In furtherance of NYCHA's "Resident Employment Program," Design-Builder will be required to expend not less than 15% of the total labor cost component (including fringe benefits) of the total contract value on public housing Residents (i.e., legal tenants listed on a public housing lease), as will be described in more detail in each RFP. NYCHA will provide assistance and resources to facilitate Design-Builder's compliance with Section 3 and the Resident Employment Program's requirements</p> <p>Design-Builder will also be required to abide by all applicable NYCHA standard procedures governing on-site behavior and conduct as set forth in NYCHA's Human Resources Manual, including, but not limited to, (a) general rules of behavior for on-site contractors, (b) sexual harassment policy statement, (c) privacy policy, (d) internet policy, and (e) all other applicable internal NYCHA policies and procedures related to the performance of the SOW, as will be described in more detail in the RFP.</p> |
| <b>4.</b>              | <b>Indemnification</b>                       | Design-Builder will be required to release, defend, indemnify and hold harmless NYCHA and the City and their respective officials, employees, agents and authorized representatives for certain acts under the DBA in accordance with a market-standard indemnity clause (based on NYCHA Special Conditions (to be specified in the RFP) and HUD Form 5370).  |

| <b>K. LEGAL ISSUES</b> |   |  |
|------------------------|---|--|
|                        |   | With respect to Hazardous Substances (as defined in the DBA), the Design-Builder's indemnity obligation will be limited to cost/damages resulting from a release of Hazardous Substances due to the acts or omissions of, or exasperated by, the Design-Builder or its subcontractors.   |
| <b>5.</b>              | <b>Organizational Conflicts of Interest</b> | <p>Design Builder will be required to warrant that, to the best of its knowledge and belief, and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of the services under the DBA and Design-Builder's organizational, financial, contractual or other interests are such that: (i) award of the DBA may result in an unfair competitive advantage; or (ii) Design-Builder's objectivity in performing the services may be impaired.</p> <p>Design-Builder will be required to agree that if after award of the DBA it discovers an organizational conflict of interest with respect to the DBA or any task/delivery order under the DBA, Design-Builder will make an immediate and full disclosure in writing to NYCHA which shall include a description of the action which Design-Builder has taken or intends to take to eliminate or neutralize the conflict. NYCHA may, however, terminate the DBA or task/delivery order for the convenience of NYCHA if it would be in the best interest of NYCHA.</p> <p>In the event Design-Builder was aware of an organizational conflict of interest before the award of the DBA and intentionally did not disclose the conflict to NYCHA, NYCHA may terminate the DBA for default.</p> <p>Design-Builder will be required to include an organizational conflicts of interest section in all subcontracts and consulting agreements wherein the work to be performed is similar to the services provided by Design-Builder. Design-Builder will be required to include in such subcontracts and consulting agreements any necessary provisions to eliminate or neutralize conflicts of interest.</p> |
| <b>6.</b>              | <b>Governing Law</b>                        | The DBA will be governed by the laws of the State of New York without reference to the conflict of laws rules thereof.   |

**APPENDIX D**  
**PROTEST PROCEDURES**

<https://www1.nyc.gov/assets/nycha/downloads/pdf/Protest-Procedure.pdf>

## **APPENDIX E**

### **NYCHA ADVISORS**

- 1) Nixon Peabody LLP
- 2) AECOM
- 3) Macan Deve
- 4) Matrix New World Engineering
- 5) JCMS, Inc.

NYCHA reserves the right to update this list in its sole discretion.



**APPENDIX F**  
**NYCHA ANTI-CORRUPTION NOTICE**

[See attached]



The City of New York  
Department of Investigation

MARK G. PETERS  
COMMISSIONER

Dear Applicant,

As you already know, applying for a NYCHA contract takes substantial time and resources. Contractors who commit fraud or other corrupt acts make the process unfair for those who play by the rules.

You can help the NYC Department of Investigation's Office of the Inspector General for NYCHA fight fraud and corruption and level the playing field for honest companies.

If you know a contractor who:

- Engages in bid rigging/price fixing or other collusion;
- Offers a NYCHA employee a bribe or tip;
- Fails to pay the prevailing wage;
- Commits other labor law violations, including demanding employee "kickbacks"; or
- Engages in any other fraud, corruption, or criminal acts

Then let us know so we can look into the matter.

We work hard to keep confidential the identities of people who refer complaints to our office, and we accept anonymous complaints.

*Where Can You Report Fraud, Corruption or Criminal Activity?*

Contact NYCHA's Office of the Inspector General:

- 1) Call: (212) 306-3355
  - 2) E-mail: [ig@nycha.nyc.gov](mailto:ig@nycha.nyc.gov)
  - 3) Online complaint form: [http://www.nyc.gov/html/nycha/html/about/ig\\_main.shtml](http://www.nyc.gov/html/nycha/html/about/ig_main.shtml) (or go to the NYC Housing Authority's website and search for "Office of the Inspector General")
  - 4) Fax: (212) 306-6484
  - 5) Mail: New York City Housing Authority  
Office of the Inspector General  
250 Broadway, 8<sup>th</sup> Floor  
New York, NY 10007
-

**APPENDIX G**  
**COMMENT/QUESTION FORM**

**Please submit questions/comments in the following format.**

|     | RFQ Section/Title | Comment/Question<br>(Note: Comment/Question should not identify Proposer) |
|-----|-------------------|---|
| 1.  |                   |   |
| 2.  |                   |   |
| 3.  |                   |   |
| 4.  |                   |   |
| 5.  |                   |   |
| 6.  |                   |   |
| 7.  |                   |   |
| 8.  |                   |   |
| 9.  |                   |   |
| 10. |                   |   |

## EXHIBIT 1

### RFQ SUBMISSION CHECKLIST

|   |
|---|
| <b>Name of Proposer</b> (entity submitting the SOQ) |
|   |

**The Following items are to be included with the Proposer's submission:**

*See Section 4.2 of the RFQ for Packaging and Submission Requirements*

| Items Identified in RFQ Section 4.3.: |   |
|---------------------------------------|---|
| <input type="checkbox"/>              | (a) Cover Letter  |
| <input type="checkbox"/>              | (b) Proposer Team Member Information  |
| <input type="checkbox"/>              | (c) Legal Structure   |
| <input type="checkbox"/>              | (d) Teaming Agreement   |
| <input type="checkbox"/>              | (e) RFQ Contact Person  |
| <input type="checkbox"/>              | (f) Proposer Team Identification  |
| <input type="checkbox"/>              | (g) Team Experience   |
| <input type="checkbox"/>              | (h) Proposer Team Case Studies  |
| <input type="checkbox"/>              | (i) Design-Build Philosophy   |
| <input type="checkbox"/>              | (j) Financial Capabilities  |
| <input type="checkbox"/>              | (k) References  |
| <input type="checkbox"/>              | (l) Diversity Practices   |
| <input type="checkbox"/>              | (m) Safety Records and Resources  |
| <input type="checkbox"/>              | (n) Required RFQ Forms and Acknowledgements   |
| <input type="checkbox"/>              | (o) Minimum Qualification Documents   |
| Forms to be Completed by Proposer:    |   |
| <input type="checkbox"/>              | Exhibit 1 – RFQ Submission Checklist  |
| <input type="checkbox"/>              | Exhibit 2 - Minimum Qualifications Form   |
| <input type="checkbox"/>              | Exhibit 3 - RFQ Cover Page Form   |
| <input type="checkbox"/>              | Exhibit 4 - Proposer Team Member Information Form                                   |
| <input type="checkbox"/>              | Exhibit 5 - Case Study Information Form   |
| <input type="checkbox"/>              | Exhibit 6 – Project Relevancy Form  |
| <input type="checkbox"/>              | Exhibit 7 - Safety Questionnaire Form   |
| <input type="checkbox"/>              | Exhibit 8 - Key Personnel Form  |
| <input type="checkbox"/>              | Exhibit 9 - Acknowledgment of Addenda and Confirmation Form                         |
| <input type="checkbox"/>              | Exhibit 10 - Doing Business Data Form (NYC)   |
| <input type="checkbox"/>              | Exhibit 11 - Procurement and Lobbying Act Compliance Form                           |
| <input type="checkbox"/>              | Exhibit 12 - Certification of Payments to Influence Federal Transactions Form (HUD) |
| <input type="checkbox"/>              | Exhibit 13 - Certification Regarding Debarment and Suspension Form (HUD)            |
| <input type="checkbox"/>              | Exhibit 14 - Previous Participation Certification (HUD)                             |

## EXHIBIT 2

### MINIMUM QUALIFICATIONS FORM

This form shall be submitted with Package contents pursuant to Section 4.2 of the RFQ.

| Minimum Qualifications Item   | Minimum Qualifications Description   | Provided in RFQ Per Response Section 4.1 |                          |
|---|--|--|--------------------------|
| <b>PART I: APPLICABLE TO ALL SOQs</b>                                   |  | <b>Yes</b>                               | <b>No</b>                |
| a.  | <b>New York State Status</b><br>Provide required secretary of state documents pursuant to RFQ Section 4.1(a) for each Proposer Team Member   | <input type="checkbox"/>                 | <input type="checkbox"/> |
| b.  | <b>Authorization to Practice Engineering in New York</b><br>Provide required Certificate of Authorization to provide Professional Engineering Services in New York State pursuant to RFQ Section 4.1(b)    | <input type="checkbox"/>                 | <input type="checkbox"/> |
| c.  | <b>Authorization to Practice Architecture in New York</b><br>Provide required Certificate of Authorization to provide Professional Architectural Services in New York State pursuant to RFQ Section 4.1(c) | <input type="checkbox"/>                 | <input type="checkbox"/> |
| d.  | <b>Bonding Ability and Capacity</b><br>Provide required surety letter pursuant to RFQ Section 4.1(d)   | <input type="checkbox"/>                 | <input type="checkbox"/> |
| e.  | <b>Insurance Coverage</b><br>Provide required letter from the insurance company pursuant to RFQ Section 4.1(e)   | <input type="checkbox"/>                 | <input type="checkbox"/> |
| <b>PART II: APPLICABLE WHEN PROPOSER SUBMITS SOQs FOR BOTH PROJECTS</b> |  | <b>Yes</b>                               | <b>No</b>                |
| (i)   | <b>Bonding Ability and Capacity (both Projects)</b><br>Provide required surety letter pursuant to RFQ Section 4.1(d)   | <input type="checkbox"/>                 | <input type="checkbox"/> |
| (ii)  | <b>Insurance Coverage (both Projects)</b><br>Provide required letter from the insurance company pursuant to RFQ Section 4.1(e)   | <input type="checkbox"/>                 | <input type="checkbox"/> |

### CERTIFICATION

I certify that all information provided herein is truthful and accurate and that I have read all RFQ requirements.

By: \_\_\_\_\_  
Name of Proposer

\_\_\_\_\_  
Name of Authorized Representative of the Proposer

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT 3**  
**RFQ COVER PAGE FORM**

| Complete the following:                               |   |
|---|---|
| Name of Proposer:                                     |   |
| This SOQ is submitted for:                            | <input type="checkbox"/> Project 1 – St. Nicholas Houses (Manhattan)<br><input type="checkbox"/> Project 2 – Todt Hill Houses (Staten Island) |
| If applicable (as discussed in Section 4.1, Part II): |   |
| Project Preference                                    | <input type="checkbox"/> Project 1 – St. Nicholas Houses (Manhattan)<br><input type="checkbox"/> Project 2 – Todt Hill Houses (Staten Island) |

**EXHIBIT 4**  
**PROPOSER TEAM MEMBER INFORMATION FORM**

[See attached]

## PROPOSER TEAM MEMBER INFORMATION FORM

**This form must be completed for the Proposer, if a single entity, or if two or more entities, then each Proposer Team Member must complete this form.**

1. Name of Proposer Team Member: \_\_\_\_\_
2. Date of Formation: \_\_\_\_\_
3. State of Formation: \_\_\_\_\_
4. EIN: \_\_\_\_\_
5. Number of Employees: \_\_\_\_\_

6. If a **corporation**, provide the following information for each officer:

| Position      | Name of Individual | Years with Proposer/Proposer Team Member | Percentage Ownership/Membership (if applicable) |
|---------------|--------------------|--|---|
| CEO           |                    |  |   |
| President     |                    |  |   |
| Secretary     |                    |  |   |
| Treasurer/CFO |                    |  |   |
| Other (Title) |                    |  |   |
| Other (Title) |                    |  |   |
| Other (Title) |                    |  |   |
| Other (Title) |                    |  |   |

If an individual doing business as a **sole proprietorship**, please complete the following:

| Owner | Years in Operation |
|-------|--------------------|
|       |                    |

If a **joint venture, partnership, limited liability company ("LLC"), or other association**, provide the following for each member of the joint venture, each partner, each member or manager of the LLC, or other association member (attach additional pages if necessary):

| Name of Individual Or Entity | Principal Contact | Position | Years with Joint Venture/ Partnership/ LLC/Other Association | Percentage Ownership Interest |
|------------------------------|-------------------|----------|--|-------------------------------|
|                              |                   |          |  |                               |
|                              |                   |          |  |                               |
|                              |                   |          |  |                               |
|                              |                   |          |  |                               |



## PROPOSER TEAM MEMBER INFORMATION FORM

**Name of Proposer** (entity submitting the SOQ)

7. Has there been any change in ownership during the last three (3) years? ☐ Yes ☐ No

(NOTE: A corporation whose shares are publicly traded is not required to answer this question with regard to public trades.)

If "yes", please explain on a separate page.

8. Is the Proposer Team Member a subsidiary, parent, holding company or affiliate of another firm? ☐ Yes ☐ No

(NOTE: Include information about other firms if one firm owns 50% or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.)

If "yes", please explain on a separate page.

9. State gross revenue for each of the last three years:

2022: \_\_\_\_\_

2021: \_\_\_\_\_

2020: \_\_\_\_\_

10. Is the Proposer Team Member or any of its affiliates currently the debtor in a bankruptcy case? ☐ Yes ☐ No

If "yes," indicate the case number, bankruptcy court, and the date on which the petition was filed.

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Bankruptcy Court

\_\_\_\_\_  
Date Filed

11. In the last five years has any insurance carrier, for any form of insurance, refused to re-new an insurance policy due to non-payment or contractor losses? ☐ Yes ☐ No

If "yes," on a separate page provide the name of the insured, name the insurance carrier, the form of insurance, and the year of the refusal.

12. Please provide the following information for Proposer Team Member from most recent financial statement:

Current Assets: \$ \_\_\_\_\_

Current Liabilities: \$ \_\_\_\_\_

Total Net Worth: \$ \_\_\_\_\_

Current Ratio (Assets/Liabilities): \$ \_\_\_\_\_

Working Capital (Current Assets - Current Liabilities): \$ \_\_\_\_\_

Debt to Equity Ratio: \_\_\_\_\_

## PROPOSER TEAM MEMBER INFORMATION FORM

**Name of Proposer** (entity submitting the SOQ)

### History of Performance (Past Performance)

13. Has the Proposer Team Member or any of its affiliates ever been terminated for default on a construction or design contract? ☐ Yes ☐ No

If “yes,” explain on a separate page.

14. In the last five years has the Proposer Team Member or any of its affiliates, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason? ☐ Yes ☐ No

If “yes,” explain on a separate page. State the name of the organization debarred, the year of the event, the owner of the project, and the basis for the action.

*(NOTE: The following two questions (Questions 15 and 16) refer only to disputes between the Proposer Team Member and project owners. Do not include information about disputes with suppliers, other contractors, or subcontractors. Do not include information about “pass-through” disputes in which the actual dispute is between a subcontractor and a project owner).*

15. In the past five years has any claim in excess of \$50,000 been filed or made in court or arbitration against the entity or any of its affiliates concerning their work on a construction or design-built or design project, as applicable? ☐ Yes ☐ No

If “yes,” on a separate page identify the claim(s) by providing the project name, date of the claim, name of the claimant, the name of the entity the claim was filed against, a brief description of the nature of the claim, the court and case number, and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

16. In the past five years has the Proposer Team Member or any of its affiliates made any claim in excess of \$50,000 against a project owner concerning work on a project or payment for a contract and filed or made that claim in court or arbitration? ☐ Yes ☐ No

If “yes,” on a separate page identify the claim by providing the name of claimant, the project name, date of the claim, name of the Proposer Team Member (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court and case number, and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

## PROPOSER TEAM MEMBER INFORMATION FORM

**Name of Proposer** (entity submitting the SOQ)

17. Has the Proposer Team Member or any of its affiliates (or any manager of an affiliate if the affiliate is not a person) ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public entity? ☐ Yes ☐ No

If “yes,” explain on a separate page, including identifying who was found liable or guilty, the court and case number, the name of the public entity, the civil or criminal verdict, the date and the basis for the finding.

18. Has there been more than one occasion during the last five years in which the Proposer Team Member or any of its affiliates was required to pay either back wages or penalties for failure to comply with the State’s prevailing wage laws? ☐ Yes ☐ No

If “yes,” attach a separate page, describing the violator, nature of each violation, name of the project, date of its completion, the public agency for which it was constructed, the number of employees who were initially underpaid and the total amount of back wages and penalties that were assessed.

19. During the last five years, has there been an occasion in which the Proposer Team Member or any of its affiliates have been penalized or required to pay back wages for failure to comply with the Federal Davis-Bacon prevailing wage requirements? ☐ Yes ☐ No

If “yes,” attach a separate page, describing the violator, nature of each violation, name of the project, date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the total amount of back wages and penalties that were assessed.

**EXHIBIT 5**  
**CASE STUDY INFORMATION FORM**

[See attached]

## CASE STUDY INFORMATION FORM

**Name of Proposer** (entity submitting the SOQ)

|  |  |                                     |  |
|--|--|-------------------------------------|--|
| Name of Proposer/Proposer Team Member:   |  |                                     |  |
| Project Name and Location:   |  |                                     |  |
| Original Contract Amount:  |  | Original scheduled Completion Date: |  |
| Final Construction Cost**:   |  | Actual Completion Date**:           |  |
| Reason for Difference if more than 10%:  |  | Type of Project:                    | <input type="checkbox"/> Residential <input type="checkbox"/> Commercial<br><input type="checkbox"/> Hotel <input type="checkbox"/> Dormitory<br><input type="checkbox"/> Other: _____ |
| Proposer's Role (Prime, Joint Venture, LLC, integrated DB team member, Sub etc.):  |  |                                     |  |
| Builder (Name):  |  |                                     |  |
| Designer of Record (Name):   |  |                                     |  |
| <b>Performance:</b>  |  |                                     |  |
| Percentage of work self-performed:   |  |                                     |  |
| Detailed description of work self-performed:   |  |                                     |  |
| Describe any work you subcontracted to others:   |  |                                     |  |
| List all Proposer Team Members and Key Personnel that were involved in this Project:   |  |                                     |  |
| Was the building occupied during the work? <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |                                     |  |
| <b>Project Reference:</b> NYCHA reserves the right to contact this organization or person and conduct a telephone interview for references. Confirm this reference is available. |  |                                     |  |
| Organization:  |  |                                     |  |
| Contact Person Name and Title:   |  |                                     |  |
| Telephone:   |  |                                     |  |
| Email:   |  |                                     |  |
| Address:   |  |                                     |  |
| City, State, Zip:  |  |                                     |  |

\* Match Project Number shown in Exhibit 6 (Project Relevancy Form).

\*\* For projects currently under construction, provide the estimated final construction cost and completion date.

*[Continued on next page]*

**CASE STUDY INFORMATION FORM**

|   |
|---|
| <b>Name of Proposer</b> (entity submitting the SOQ) |
|   |

**Provide a general description of the Project, including (to the extent applicable) (a) the SOW items undertaken (see RFQ Section 1.3), (b) role of Proposer Team Member(s) and/or Key Personnel, (c) issues relating to occupants/tenants, and (d) interactions with the client during the Project. Images may be included; however, no additional pages will be allocated for images.**

**EXHIBIT 6**  
**CASE STUDY RELEVANCY FORM**

[See attached]

## CASE STUDY RELEVANCY FORM

**Name of Proposer** (entity submitting the SOQ)

| Project Attributes                            | Case Study 1<br>Title,<br>Location  | Case Study 2<br>Title,<br>Location | Case Study 3<br>Title,<br>Location | Case Study 4<br>Title, Location | Case Study 5<br>Title, Location |
|---|---|------------------------------------|------------------------------------|---------------------------------|---------------------------------|
| <b>Relevant SOW Items</b>                     | <i>Insert check in box below to indicate SOW item addressed in each Case Study.</i> |                                    |                                    |                                 |                                 |
| Hazardous Material Abatement                  |   |                                    |                                    |                                 |                                 |
| Kitchen, Bathroom and Plumbing Upgrades       |   |                                    |                                    |                                 |                                 |
| Heating and Cooling, and Ventilation Upgrades |   |                                    |                                    |                                 |                                 |
| Domestic Hot Water Upgrades                   |   |                                    |                                    |                                 |                                 |
| Electrical Upgrades                           |   |                                    |                                    |                                 |                                 |
| Elevator Upgrades                             |   |                                    |                                    |                                 |                                 |
| Building and Apartment Interior Upgrades      |   |                                    |                                    |                                 |                                 |
| Building Exteriors and Envelope Upgrades      |   |                                    |                                    |                                 |                                 |
| Accessibility Upgrades                        |   |                                    |                                    |                                 |                                 |
| Site Security Improvements                    |   |                                    |                                    |                                 |                                 |
| Exterior Site Improvements                    |   |                                    |                                    |                                 |                                 |
| Energy and Water Efficiency Upgrades          |   |                                    |                                    |                                 |                                 |
| Tenant/Community Outreach and Communications  |   |                                    |                                    |                                 |                                 |
| Tenant Relocations                            |   |                                    |                                    |                                 |                                 |



**EXHIBIT 7**  
**SAFETY QUESTIONNAIRE FORM**

[See attached]

## SAFETY QUESTIONNAIRE FORM

**Name of Proposer** (entity submitting the SOQ)

### COMPLETE FOR EACH PROPOSER TEAM MEMBER

Any attachments and/or explanations that are required to be provided on separate pages, as requested in the questions below, shall not be counted against the page count limit.

Name of Proposer Team Member: \_\_\_\_\_

1. Is there an employee of the Proposer Team Member charged with safety responsibilities for the Proposer? ☐ Yes ☐ No

If yes, list name and title: \_\_\_\_\_

2. Does the employee listed above possess any of the following certifications, licenses, or has such employee completed any of the following courses?

New York City Certified Site Safety Manager ☐ Yes ☐ No

OSHA 500 Train the Trainer Program or the OSHA 502 Refresher Course ☐ Yes ☐ No

Safety Trained Supervisor in Construction (STS-Construction) ☐ Yes ☐ No

(Other) Insert additional lines if necessary. ☐ Yes ☐ No

3. Has Federal OSHA or OSH cited and assessed penalties against the entity or any of its affiliates for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five (5) years? ☐ Yes ☐ No

If "yes," on separate page describe the citations, state the case number, the party against whom the citation was made, date of citation, nature of the violation, project on which the citation was issued, owner of project, and the amount of penalty paid, if any.

4. Does the entity have an injury prevention program instituted pursuant to Occupational Safety and Health requirements? (A "No" answer is grounds for disqualification. There is no other or separate scoring of this answer) ☐ Yes ☐ No

5. At what frequency does the entity require documented safety meetings to be held for construction employees and field supervisors during the course of a project? ☐ Weekly ☐ Monthly

If other frequency, please describe.

☐ Other

## SAFETY QUESTIONNAIRE FORM

**Name of Proposer** (entity submitting the SOQ)

6. List the entity's Experience Modification Rate (EMR) (New York workers' compensation insurance) for each of the past three (3) premium years:  
(NOTE: An EMR is issued to your firm annually by your workers' compensation insurance carrier.)

2022: \_\_\_\_\_

2021: \_\_\_\_\_

2020: \_\_\_\_\_

If your EMR for any of these three (3) years is 1.00 or higher you must attach a one (1) page explanation.

7. List the entity's Total Recordable Case Incident Rate (TCIR):

2022: \_\_\_\_\_

2021: \_\_\_\_\_

2020: \_\_\_\_\_

8. List the entity's Days Away, Restricted or Transfer Case Incident Rate (DART):

2022: \_\_\_\_\_

2021: \_\_\_\_\_

2020: \_\_\_\_\_

**EXHIBIT 8**  
**KEY PERSONNEL FORM**

[See attached]

## KEY PERSONNEL FORM

|   |
|---|
| <b>Name of Proposer</b> (entity submitting the SOQ) |
|   |

| Name | Title | Proposer Team Member | Role with Proposer Team Member | Years with Proposer Team Member | Years of Professional Experience | Role for the Project | Time Commitment to the Project |
|------|-------|----------------------|--------------------------------|---------------------------------|----------------------------------|----------------------|--------------------------------|
|      |       |                      |                                |                                 |                                  |                      |                                |
|      |       |                      |                                |                                 |                                  |                      |                                |
|      |       |                      |                                |                                 |                                  |                      |                                |
|      |       |                      |                                |                                 |                                  |                      |                                |
|      |       |                      |                                |                                 |                                  |                      |                                |
|      |       |                      |                                |                                 |                                  |                      |                                |
|      |       |                      |                                |                                 |                                  |                      |                                |

**Attach resumes for each individual listed above.**

## EXHIBIT 9

### ACKNOWLEDGEMENT OF ADDENDA AND CONFIRMATION FORM

#### REQUEST FOR QUALIFICATIONS FOR COMPREHENSIVE MODERNIZATION DESIGN AND CONSTRUCTION SERVICES

RFQ Number: 382910 ☐ Project 1 – St. Nicholas Houses ☐ Project 2 - Todt Hill Houses

Proposer's Name: \_\_\_\_\_

Instructions: The Proposer must complete Part I **or** Part II of this form (CHECK ONE), whichever is applicable, and sign and date this form.

☐ Part I Proposer acknowledges receipt of all Addenda issued in connection with this RFQ, including the final Addendum issued:

Addendum # \_\_\_\_\_ dated \_\_\_\_\_ *Addendum # and date must be inserted.*

☐ Part II Proposer acknowledges that no Addenda were issued in connection with this RFQ.

By signing below, the undersigned, certifies that it (i) has read, understands and accepts the scope and requirements of the RFQ, including all attachments, and Addenda, if any, (ii) has read, understands and participated in the preparation of the response to the RFQ and has authorized and approved the delivery of the response to the RFQ to NYCHA, and (iii) has the capacity to execute and perform those elements, and has the capacity to meet all licensing, authorization, and surety requirements, and obtain all types of insurance, specified in the RFQ. Without limiting the foregoing, the Proposer expressly recognizes and accepts the terms and conditions of the Protest Procedure referred to in Appendix D (Protect Procedures) to the RFQ and agrees to be bound thereby.

The undersigned further stipulates that the information in this response to the RFQ is, to the best knowledge of the undersigned, true and accurate as of the RFQ Submission Deadline.

Signed as, and on behalf of, the Proposer:

#### Construction Lead

Company Name: \_\_\_\_\_

Authorized  
Representative Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

#### Design Lead

Company Name: \_\_\_\_\_

Authorized  
Representative Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT 10**

**DOING BUSINESS DATA FORM (NYC)**

[See attached]

# Doing Business Data Form

To be completed by the City agency prior to distribution

Agency \_\_\_\_\_ Transaction ID \_\_\_\_\_

**Check One**

☐ Proposal ☐ Award

**Transaction Type (check one)**

☐ Concession ☐ Economic Development Agreement ☐ Franchise ☐ Grant ☐ Pension Investment Contract ☐ Contract

Any entity receiving, applying for or proposing on an award or agreement must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. **Submission of a complete and accurate form is required for a proposal to be considered responsive or for any entity to receive an award or enter into an agreement.**

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York, as will the organizations that own 10% or more of the entity. No other information reported on this form will be disclosed to the public. **This Data Form is not related to the City's PASSPort registration or VENDEX requirements.**

**Please return the completed Data Form to the City office that supplied it.** Please contact the Doing Business Accountability Project at [DoingBusiness@mocs.nyc.gov](mailto:DoingBusiness@mocs.nyc.gov) or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

## Entity Information

*If you are completing this form by hand, please print clearly.*

Entity EIN/TIN \_\_\_\_\_ Entity Name \_\_\_\_\_

**Filing Status**

**NEW:** Data Forms submitted now must include the listing of **organizations**, as well as individuals, with 10% or more ownership of the entity. Until such certification of ownership is submitted through a change, new or update form, a no change form will not be accepted.

**(Select One)**

- ☐ Entity has never completed a Doing Business Data Form. Fill out the entire form.
- ☐ Change from previous Data Form dated \_\_\_\_\_. Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.
- ☐ No Change from previous Data Form dated \_\_\_\_\_. Skip to the bottom of the last page.

**Entity is a Non-Profit**

☐ Yes

☐ No

**Entity Type** ☐ Corporation (any type) ☐ Joint Venture ☐ LLC ☐ Partnership (any type) ☐ Sole Proprietor ☐ Other (specify) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ E-mail \_\_\_\_\_

*Provide your e-mail address in order to receive notices regarding this form by e-mail.*

## Principal Officers

Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the *Doing Business Database*, and indicate the date that the change became effective.

**Chief Executive Officer (CEO) or equivalent officer**

*The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.*

☐ This position does not exist

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

☐ This person replaced former CEO \_\_\_\_\_ on date \_\_\_\_\_

**Chief Financial Officer (CFO) or equivalent officer**

*The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.*

☐ This position does not exist

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

☐ This person replaced former CFO \_\_\_\_\_ on date \_\_\_\_\_

**Chief Operating Officer (COO) or equivalent officer**

*The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.*

☐ This position does not exist

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

☐ This person replaced former COO \_\_\_\_\_ on date \_\_\_\_\_



## Principal Owners

Please fill in the required identification information for all individuals or organizations that, through stock shares, partnership agreements or other means, **own or control 10% or more of the entity**. If no individual or organization owners exist, please check the appropriate box to indicate why and skip to the **Senior Managers** section. If the entity is owned by other companies that control 10% or more of the entity, those companies must be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals or organizations that are no longer owners at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Owners."

### There are no owners listed because (select one):

☐ The entity is not-for-profit ☐ The entity is an individual ☐ No individual or organization owns 10% or more of the entity

Other (explain) \_\_\_\_\_

### Individual Owners (who own or control 10% or more of the entity)

First Name \_\_\_\_\_ MI \_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

First Name \_\_\_\_\_ MI \_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

### Organization Owners (that own or control 10% or more of the entity)

Organization Name \_\_\_\_\_

Organization Name \_\_\_\_\_

Organization Name \_\_\_\_\_

### Remove the following previously-reported Principal Owners

Name \_\_\_\_\_ Removal Date \_\_\_\_\_

Name \_\_\_\_\_ Removal Date \_\_\_\_\_

Name \_\_\_\_\_ Removal Date \_\_\_\_\_

## Senior Managers

Please fill in the required identification information for all senior managers who oversee any of the entity's relevant transactions with the City (e.g., contract managers if this form is for a contract award/proposal, grant managers if for a grant, etc.). Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any transaction with the City. At least one senior manager must be listed, or the Data Form will be considered incomplete. If a senior manager has been identified on a previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Senior Managers."

### Senior Managers

First Name \_\_\_\_\_ MI \_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

First Name \_\_\_\_\_ MI \_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

First Name \_\_\_\_\_ MI \_\_\_\_ Last \_\_\_\_\_ Birth Date (mm/dd/yy) \_\_\_\_\_

Office Title \_\_\_\_\_ Employer (if not employed by entity) \_\_\_\_\_

Home Address \_\_\_\_\_

### Remove the following previously-reported Senior Managers

Name \_\_\_\_\_ removal date \_\_\_\_\_

Name \_\_\_\_\_ removal date \_\_\_\_\_

### Certification

I certify that the information submitted on these two pages and \_\_\_\_\_ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.

Name \_\_\_\_\_ Title \_\_\_\_\_

Entity Name \_\_\_\_\_ Work Phone # \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

## How Entities Should Complete the First Doing Business Data Form of 2018 to Certify Ownership Status

Entities filing a Doing Business Data Form (DBDF) must certify if an organization holds 10% or more ownership of the entity. To do so, they must complete the new 2018 DBDF.

The top of the new forms looks like this [doingbusiness@mocs.nyc.gov](mailto:doingbusiness@mocs.nyc.gov).

Unless an entity has never filed before, the first DBDF of 2018 should be completed with a filing status of “change from previous data form”. Many entities currently in the system will wish to file to certify no changes since previous form, or make changes that do not include certification of their organization ownership status. **Such entities MUST submit a 2018 DBDF to certify if there are organizations that own 10% or more of the entity before any no change or change DBDFs may be accepted.**

A new or change 2018 DBDF should certify organization ownership status in one of three ways:

1. If there are no owners at all, choose the appropriate reason in the box.
2. If the Filing Entity has no Organization Owners, but has Individual Owners (thus can't choose box #3) they have previously reported, they should write “There are no organization owners” in the “Other” line at the start of the Owner section.

3. If there are Organization Owners, their names should be entered in that section.

To inquire if an entity has filed a 2018 DBDF and certified their organization ownership certification please email [doingbusiness@mocs.nyc.gov](mailto:doingbusiness@mocs.nyc.gov) or call 212-788-8104.

**What is the purpose of the Doing Business Data Form (DBDF)?**

To collect accurate, up-to-date identification information about organizations that have business dealings with the City of New York in order to comply with Local Law 34 of 2007 (LL 34), a campaign finance reform law. LL 34 limits municipal campaign contributions from principal officers, owners and senior managers of entities doing business with the City and mandates the creation of a Doing Business Database to allow the City to enforce the law. The information requested in this DBDF must be provided, regardless of whether the organization or the people associated with it make or intend to make campaign contributions. No sensitive personal information collected will be disclosed to the public.

**Why have I received this DBDF?**

The contract, franchise, concession, grant or economic development agreement you are proposing on, applying for or have already been awarded is considered a business dealing with the City under LL 34. No proposal or application will be considered and no award will be made unless this DBDF is completed. Most transactions valued at more than \$5,000 are considered business dealings and require completion of the Doing Business Data Form. Exceptions include transactions awarded on an emergency basis or by "conventional" competitive sealed bid (i.e. bids that do not use a prequalified list or "Best Value" selection criteria.) Other types of transactions that are considered business dealings include real property and land use actions with the City.

**What individuals will be included in the Doing Business Database?**

The principal officers, owners and certain senior managers of organizations listed in the Doing Business Database are themselves considered to be doing business with the City and will be included in the Database.

- **Principal Officers** are the Chief Executive Officer (CEO), Chief Financial Officer (CFO) and Chief Operating Officer, or their functional equivalents. See the DBDF for examples of titles that apply.
- **Principal Owners** are individuals who own or control 10% or more of the organization. This includes stockholders, partners and anyone else with an ownership or controlling interest in the entity.
- **Senior Managers** include anyone who, either by job title or actual duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any contract, concession, franchise, grant or economic development agreement with the City. At least one Senior Manager must be listed or the Data Form will be considered incomplete.

**NEW FOR 2018: As of January 2018, the DBDF must report organizations, as well as individuals, that own 10% or more of the entity. A DBDF with such a certification, filed as a full (never filed before) or as a change form, must be submitted before an entity can then file a DBDF that indicates no changes since the previous form. Contact DBA at 212-788-8104 or at [doingbusiness@mocs.nyc.gov](mailto:doingbusiness@mocs.nyc.gov) to inquire if DBA has received such a form.**

**I have already completed a Doing Business Data Form, do I have to submit another one?**

Yes. An organization is required to submit a DBDF each time it enters into a transaction considered a business dealing with the City, including contract, concession and franchise proposals. However, the DBDF has both a Change option, which requires only information that has changed since the last DBDF was filed, and a No Change option. No organization should have to fill out the entire DBDF more than once.

If you have already submitted a DBDF for one transaction type (such as a contract), and this is the first time you are completing a DBDF for a different transaction type (such as a grant), please select the Change option and complete Section 4 (Senior Managers) for the new transaction type.

**Will the personal information on the DBDF be available to the public?**

No. The names and titles of the officers, owners and senior managers reported on the DBDF will be made available to the public, as will information about the organization itself. However, personal identifying information, such as home address and date of birth, will not be disclosed to the public, and home address will not be used for communication purposes.

**I provided some of this information in PASSPort; do I have to provide it again?**

Yes. Although a Doing Business Data Form and PASSPort request some of the same information, they serve entirely different purposes. In addition, the DBDF requests information concerning senior managers, which is not in PASSPort.

**What organizations will be included in the Doing Business Database?**

Organizations that hold \$100,000 or more in grants, contracts for goods or services, franchises or concessions (\$500,000 for construction contracts), or that hold any economic development agreement or pension fund investment contract, are considered to be doing business with the City for the purposes of LL 34. Because all of the business that an organization does or proposes to do with the City will be added together, the DBDF must be completed for all transactions valued at more than \$5,000 even if the organization doesn't currently do enough business with the City to be listed in the Database.

**No one in my organization plans to contribute to a candidate; do I have to fill out this DBDF?**

Yes. All organizations are required to return this DBDF with complete and accurate information, regardless of the history or intention of the entity or its officers, owners or senior managers to make campaign contributions. The Doing Business Data Form must be complete so that the Campaign Finance Board can verify whether future contributions are in compliance with the law.

**My organization is proposing on a contract with another firm as a Joint Venture that does not exist yet; how should the Data Form be completed?**

A joint venture that does not yet exist must submit a DBDF for each of its component firms. If the joint venture receives the award, it must then complete a form in the name of the joint venture.

**How long will an organization and its officers, owners and senior managers remain listed on the Doing Business Database?**

- **Contract, Concession and Economic Development Agreement holders:** generally for the term of the transaction, plus one year.
- **Franchise and Grant holders:** from the commencement or renewal of the transaction, plus one year.
- **Pension investment contracts:** from the time of presentation on an investment opportunity or the submission of a proposal, whichever is earlier, until the end of the contract, plus one year.
- **Line item and discretionary appropriations:** from the date of budget adoption until the end of the contract, plus one year.
- **Contract proposers:** for one year from the proposal date or date of public advertisement of the solicitation, whichever is later.
- **Franchise and Concession proposers:** for one year from the proposal submission date.

For information on other transaction types, contact the Doing Business Accountability Project.

**How does a person remove him/herself from the Doing Business Database?**

When an organization stops doing business with the City, the people associated with it are removed from the Database automatically. However, any person who believes that s/he should not be listed may apply for removal. Reasons that a person would be removed include his/her no longer being the principal officer, owner or senior manager of the organization. Organizations may also update their database information by submitting an update form. Removal Request and Update forms are available online <https://www1.nyc.gov/site/mocs/resources/forms.page> or by calling 212-788-8104.

**What are the campaign contribution limits for people doing business with the City?**

Contributions to City Council candidates are limited to \$250 per election cycle; \$320 to Borough President candidates; and \$400 to candidates for citywide office. Please contact the NYC Campaign Finance Board for more information at [www.nyccfb.info](http://www.nyccfb.info), or 212-306-7100.

**The DBDF is to be returned to the City office that issued it.**

If you have any questions about the Doing Business Data Form please contact the Doing Business Accountability Project at 212-788-8104 or [doingbusiness@mocs.nyc.gov](mailto:doingbusiness@mocs.nyc.gov).

**EXHIBIT 11**

**CERTIFICATION OF PAYMENTS TO INFLUENCE FEDERAL TRANSACTIONS FORM  
(HUD)**

[See attached]

# Certification of Payments to Influence Federal Transactions

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

Public reporting burden for this information collection is estimated to average 30 minutes. This includes the time for collecting, reviewing, and reporting data. The information requested is required to obtain a benefit. This form is used to ensure federal funds are not used to influence members of Congress. There are no assurances of confidentiality. HUD may not conduct or sponsor, and an applicant is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Applicant Name

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Title

Signature

Date (mm/dd/yyyy)

**EXHIBIT 12**

**CERTIFICATION REGARDING DEBARMENT AND SUSPENSION FORM (HUD)**

[See attached]

# Certification Regarding Debarment and Suspension

U.S. Department of Housing  
and Urban Development

## Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

b. Have not within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

### Instructions for Certification (A)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines this eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.



**Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions**

- 1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- 2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**Instructions for Certification (B)**

- 1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
- 2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- 3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- 4. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

- 5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- 6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
- 8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- 9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment.

|   |       |      |
|---|-------|------|
| Applicant                                   |       | Date |
| Signature of Authorized Certifying Official | Title |      |

**EXHIBIT 13**

**PREVIOUS PARTICIPATION CERTIFICATION (HUD)**

[See attached]

**US Department of Housing and Urban Development**  
Office of Housing/Federal Housing Commissioner

**US Department of Agriculture**  
Farmers Home Administration

|   |                            |  |   |
|---|----------------------------|--|---|
| <b>Part I to be completed by Controlling Participant(s) of Covered Projects</b><br>(See instructions)<br>Reason for submission: |                            | <b>For HUD HQ/FmHA use only</b>                    |   |
| 1. Agency name and City where the application is filed  |                            | 2. Project Name, Project Number, City and Zip Code |   |
| 3. Loan or Contract amount \$   | 4. Number of Units or Beds | 5. Section of Act                                  | 6. Type of Project (check one)<br><input type="checkbox"/> Existing <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Proposed (New) |

**7. List all proposed Controlling Participants and attach complete organization chart for all organizations showing ownership %**

| Name and address ( Last, First, Middle Initial) of controlling participant(s) proposing to participate | 8 Role of Each Principal in Project | 9. SSN or IRS Employer Number (TIN) |
|--|-------------------------------------|-------------------------------------|
|  |                                     |                                     |
|  |                                     |                                     |
|  |                                     |                                     |
|  |                                     |                                     |

Certifications: The controlling participants(s) listed above hereby apply to HUD or USDA FmHA, as the case maybe, for approval to participate as controlling participant(s) in the role(s) and project listed above. The controlling participant(s) certify that the information provided on this form and in any accompanying documentation is true and accurate. I/we acknowledge that making, presenting, or submitting a false, fictitious, or fraudulent statement, representation, or certification may result in criminal, civil, and/or administrative sanctions, including fines, penalties, and imprisonment. The controlling participants(s) further certify to the truth and accuracy of the following:

1. Schedule A contains a listing, for the last ten years, of every project assisted or insured by HUD, USDA FmHA and/or State and local government housing finance agencies in which the controlling participant(s) have participated or are now participating.
2. For the period beginning 10 years prior to the date of this certification, and except as shown on the certification:
  - a. No mortgage on a project listed has ever been in default, assigned to the Government or foreclosed, nor has it received mortgage relief from the mortgagee;
  - b. The controlling participants have no defaults or noncompliance under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
  - c. There are no known unresolved findings as a result of HUD audits, management reviews or other Governmental investigations concerning the controlling participants or their projects;
  - d. There has not been a suspension or termination of payments under any HUD assistance contract due to the controlling participant's fault or negligence;
  - e. The controlling participants have not been convicted of a felony and are not presently the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
  - f. The controlling participants have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency;
  - g. The controlling participants have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond;
3. All the names of the controlling participants who propose to participate in this project are listed above.
4. None of the controlling participants is a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part 0 and USDA's Standard of Conduct in 7 C.F.R. Part 0 Subpart B.
5. None of the controlling participants is a participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification, have not been filed with HUD or FmHA.
6. None of the controlling participants have been found by HUD or FmHA to be in noncompliance with any applicable fair housing and civil rights requirements in 24 CFR 5.105(a). (If any controlling participants have been found to be in noncompliance with any requirements, attach a signed statement explaining the relevant facts, circumstances, and resolution, if any).
7. None of the controlling participants is a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
8. Statements above (if any) to which the controlling participant(s) cannot certify have been deleted by striking through the words with a pen, and the controlling participant(s) have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances.

|   |   |  |                               |
|---|---|--|-------------------------------|
| <b>Name of Controlling Participant</b>    | <b>Signature of Controlling Participant</b> | <b>Certification Date (mm/dd/yyyy)</b> | <b>Area Code and Tel. No.</b> |
|   |   |  |                               |
|   |   |  |                               |
|   |   |  |                               |
| <b>This form prepared by (print name)</b> |   | <b>Area Code and Tel. No.</b>          |                               |

**Schedule A: List of Previous Projects and Section 8 Contracts.** Below is a complete list of the controlling participants' previous participation projects and participation history in covered projects as per 24 CFR, part 200 §200.214 and multifamily Housing programs of FmHA, State and local Housing Finance Agencies, if applicable. **Note:** Read and follow the instruction sheet carefully. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If no previous projects, write by your name, **"No previous participation, First Experience"**.

| 1. Controlling Participants' Name (Last, First) | 2. List of previous projects (Project name, project ID and, Govt. agency involved) | 3. List Participants' Role(s) (indicate dates participated, and if fee or identity of interest participant) | 4. Status of loan (current, defaulted, assigned, foreclosed) | 5. Was the Project ever in default during your participation<br>Yes No If yes, explain |  | 6. Last MOR rating and Physical Insp. Score and date |
|---|--|---|--|--|--|--|
|   |  |   |  |  |  |  |

### Part II- For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or refer to Headquarters after checking appropriate box.

|                                  |                        |   |  |
|----------------------------------|------------------------|---|--|
| Date (mm/dd/yyyy)                | Tel No. and area code  | <input type="checkbox"/> A. No adverse information; form HUD-2530 approval recommended.<br><br><input type="checkbox"/> B. Name match in system | <input type="checkbox"/> C. Disclosure or Certification problem<br><br><input type="checkbox"/> D. Other (attach memorandum) |
| Staff                            | Processing and Control |   |  |
| Signature of authorized reviewer |                        | Signature of authorized reviewer  | Approved<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |
|                                  |                        |   | Date (mm/dd/yyyy)  |

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## Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of the regulations published at 24 C.F.R. part 200, subpart H, § 200.210-200.222 can be obtained on-line at [www.gpo.gov](http://www.gpo.gov) and from the Account Executive at any HUD Office. Type or print neatly in ink when filling out this form. Incomplete form will be returned to the applicant.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. **Carefully read the certification before you sign it.** Any questions regarding the form or how to complete it can be answered by your HUD Account Executive.

**Purpose:** This form provides HUD/USDA FmHA with a certified report of all previous participation in relevant HUD/USDA programs by those parties submitting the application. The information requested in this form is used by HUD/USDA to determine if you meet the standards established to ensure that all controlling participants in HUD/USDA projects will honor their legal, financial and contractual obligations and are of acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify and submit your record of previous participation, in relevant projects, by completing and signing this form, before your participation can be approved.

***HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.***

***Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.***

**Who Must Sign and File Form HUD-2530:** Form HUD-2530 must be completed and signed by all Controlling Participants of Covered Projects, as such terms are defined in 24 CFR part 200 §200.212, and as further clarified by the Processing Guide (HUD notice H 2016-15) referenced in 24 CFR §200.210(b) and available on the HUD website at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/mfh/prevparticipation](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/prevparticipation).

**Where and When Form HUD-2530 Must Be Filed:** The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects listed in 24 CFR §200.214 and for the Triggering Events listed at 24 CFR §200.218.

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**Review of Adverse Determination:** If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration in accordance with 24 CFR §200.222 and further clarified by the Processing Guide. Request must be made in writing within 30 days from your receipt of the notice of determination.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law 42 U.S.C. 3535(d) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved controlling participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a controlling participant may not participate in a proposed or existing multifamily or healthcare project. HUD uses this information to evaluate whether or not controlling participants pose an unsatisfactory underwriting risk. The information is used to evaluate the potential controlling participants and approve only individuals and organizations that will honor their legal, financial and contractual obligations.

**Privacy Act Statement:** The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

**Purpose:** The information collected by form HUD-2530 is required for principals applying to participate in multifamily programs to become HUD-approved controlling participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility, and eligibility.

**Routine Use:** The information collected by this form will not be otherwise disclosed outside of HUD, except to public agencies and private sector sources for automated processing of your records and for requesting information about you for participant approval; to appropriate agencies, entities, and persons when it is reasonably necessary to mitigate a breach or related incident; to Federal, state and/or local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions or for other inquiries.

**Disclosure:** Providing the information is voluntary. You must provide all information requested in this application, including your SSN. Without prior approval or information, a controlling participant may not participate in a proposed or existing multifamily or healthcare project.

SORN ID/URL:<https://www.govinfo.gov/content/pkg/FR-2016-07-29/pdf/2016-18026.pdf>

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**Public reporting burden** for this collection of information is estimated to average three hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

A response is mandatory. Failure to provide any of the information will result in your disapproval of participation in this HUD program.