

NYCDOT Design-Build Program

March 4, 2021

Bill de Blasio
Mayor

Hank Gutman
Commissioner



Welcome



Introductions

- **Hank Gutman**, Commissioner
- **Margaret Forgione**, First Deputy Commissioner
- **Joseph Jarrin**, Executive Deputy Commissioner
- **Nancy Carolan**, ACCO
- **Robert Collyer, PE** Deputy Commissioner of Bridges
- **Tanvi Pandya, PE DBIA** Executive Director of Design-Build (Bridges)



Agenda

Introductions

Design-Build Planning

Best Practices

NYCDOT DB Projects

General Timeline & What's Next?

Q & A

Design-Build Planning

- Legislation
- NYCDOT Design-Build History
- DBIA Training & Industry Input
- Owner's Representative Services



Design-Build Legislation

Design-Build Planning

- DB Legislation passed in May, 2019 signed December 2019
- Three year time horizon (December 2022)
- The Act authorizes Design Build project delivery with the following stipulations:
 - Use of a Project Labor Agreement
 - Projects > \$10 M
 - Projects > \$1.2 M meeting additional requirements
 - NYCDPR, NYCHA, cultural institutions, public libraries, ROW accessibility improvements
 - Two-step procurement
 - RFQ and the development of a Short-List
 - RFP with the use of Best-Value Selection



NYCDOT Design-Build History

Design-Build Planning

- NYCDOT has a history with DB projects, dating back 25 years
- Past lessons learned are now being integrated with current DB best practices from the industry
- Processes developed during the initial DB BQE project are also being integrated into our current DB program
- Within the Department, a Design-Build Unit, operating in collaboration with a multi-disciplinary Design-Build Task Force, is dedicated to the implementation of our new DB program.



DBIA Training & Industry Input

Design-Build Planning

NYCDOT values and understands the importance of input from experienced members of the Design-Build community.

- In preparation for our Design-Build program, key staff from all relevant disciplines have completed **DBIA professional training**.
- In addition several staff have completed **DBIA certification training**, and are in the process of completing the certification process.
- Valuable input in the form of white papers and targeted meetings, has been received from both **ACEC** and **GCA**.
- In 2018, an informative **RFI process** was completed for the original BQE DB project, giving NYCDOT the opportunity to hold One-on-One meetings with both Contractors and Designers who offered input on Design-Build



Owner's Representation Services

Design-Build Planning

NYCDOT is procuring an Owner's Representative to support the Department, from procurement through project execution.

- **General Scope**

- DB Procurement
- Design Quality Assurance Oversight
- Construction Quality Assurance Oversight

- **Contract Arrangement**

- Task Order Contract
- Two firms chosen, with tasks assigned on a rotating basis
- Not precluded from bidding on DB jobs for which they were not assigned



Best Practices - Procurement

- Industry Engagement
- RFQ
- RFP
- Risk Allocation
- Project Labor Agreement



Industry Engagement

Best Practices

For successful D-B projects, Industry Engagement is not a “one-stop-shop”, but a continual building of relationship between the Owner and the Industry.

NYCDOT plans to engage with the Industry in the following ways:

- Pre-Procurement Meetings
- Request for Letters of Interest
- Industry Day
- M/W/DBE Outreach
- Stipends
- RFQ/RFP Industry Review
- One-on-One Meetings
- Risk Allocation Workshops

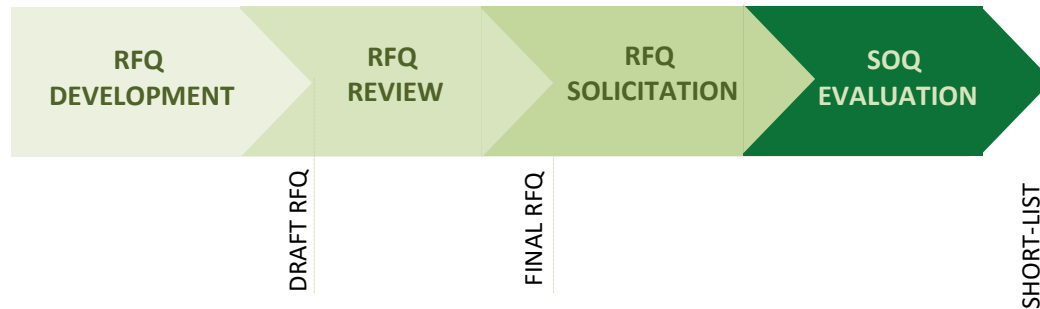


NYCDOT Two-Step Process

Best Practices

NYCDOT is following a two-step process, following the guidelines set forth in the NYSDOT Design-Build Manual.

Step 1: Request for Qualifications (RFQ)



Step 2: Request for Proposals (RFP)



RFQ Special Considerations

Best Practices

NYCDOT understands that building an effective Design-Build team hinges on having the right information spelled out in the RFQ. Special consideration will be given to:

- Defining the **Project Scope, Qualifications, and Key Personnel**, so that prospective proposers are fully aware of what expertise is needed
- Rationally defining **M/W/DBE requirements** so that they are relevant to the project needs and can be realistically obtained and maintained.
- The development of a rational **short-list** of the most qualified teams. Short-Lists will be comprised of a minimum of 3, but no more than 5 teams.
- The offering of **stipends** to teams who are not awarded the DB Contract. NYCDOT understands that the preparation of a qualified RFP proposal requires time and resource.



RFQ Contents

Best Practices

- Project Goals & Objectives
- Scope Definition
- Qualifications and Key Personnel
- General information on schedule, environmental process, project status, rules of contact, governing law, and bonding/insurance
- Explanation of the procurement process
- Explanation of the evaluation process, including the evaluation factors
- Protest procedures
- MBE/DBE Requirements
- PLA Status
- Department rights and disclaimers
- Explanation of Stipends



RFQ Evaluation Criteria

Best Practices

- **Pass/Fail Evaluation Factors**

- Legal
- Financial
- Responsiveness

- **Quality Evaluation Factors**

- Experience
- Past Performance
- Backlog/Capacity
- Project Understanding



RFP Special Considerations

Best Practices

NYCDOT understands that the benefits of DB hinge on several factors, including clarity of scope, the flexibility to allow for the best innovations and efficiencies to emerge, and clear and transparent communication that fosters trust.

- Special consideration will be given to the use of **performance-based requirements**. Prescriptive requirements will only be used when called for by design or site constraints.
- Evaluations will be defined by an open and transparent process that allows for clear communication. Special consideration will be given to the use of **One-on-One meetings and Alternative Technical Concepts**.
- NYCDOT is committed to awarding contracts based on a **Best-Value Selection**. Evaluation Criteria will be clearly defined in the RFP.



RFP Contents

Best Practices

- **Instructions to Proposers**
- **Contract Documents**
 - Design-Build Agreement
 - DB Section 100
 - Design Requirements
 - Special Provisions
 - Performance Criteria
 - PLA
 - MWBE/DBE Requirements
 - Utility Requirements
 - Construction Specifications
- **Engineering Reference Documents**
 - Reference Design Plans
 - Survey Plans
 - Subsurface Investigation Report
 - Previous Engineering Studies
 - As-Built Drawings
 - Inspection Reports



RFP Evaluation Criteria

Best Practices

- **“Pass/Fail” Factors**

- Legal
- Financial
- Proposal Responsiveness

- **Price Factors**

- Proposal Price
- Reasonableness of the Proposal Price
- Consistency with the Proposed Baseline Schedule;

- **Quality Factors**

- Experience and Qualifications
- Management Approach
- Technical Solutions



Risk Management & Risk Allocation

Best Practices

NYCDOT understands that the management of risk drives D-B Projects, and is one of the main differentiators between D-B and D-B-B.

Every project has risk. The difference between D-B and D-B-B is how risk is allocated and shared.

A detailed risk assessment will be performed for every project ,but generally, NYCDOT will own:

- Community related risks
- Risks associated with Unforeseen Site Conditions
- Risks associated with City/Agency approvals, such as Rail/Transit



Risk Management & Risk Allocation

Best Practices

Risk management is a process that extends from beginning to end of the D-B project.

Planning/Preliminary Design	Procurement	Design/Construction
<ul style="list-style-type: none">• Risk Register• Level of design development<ul style="list-style-type: none">• determined by identified design and construction risks	<ul style="list-style-type: none">• Industry engagement – RFI's, ATC's, Industry review of RFQ/RFP, Risk Allocation Workshops• Risk Register• Timing of RFQ and RFP release• Stipends• Allowances• Incentives	<ul style="list-style-type: none">• Risk Register• Dispute Resolution Board• Streamlined Communication protocols• Streamlined Change Order Process



Project Labor Agreement

Best Practices

- The Design-Build legislation mandates the use of a Project Labor Agreement (PLA).
- Currently, a City-wide Infrastructure PLA is being developed through the coordinated efforts of the Law Department, Mayor's Office, DDC, and NYCDOT.
- Every project will be evaluated for the need of a project-specific PLA, as required.



Best Practices – Contract Administration

- Role Definition
- Dispute Resolution
- Change Orders
- Insurance/Payments



Contract Administration - Role Definition

Best Practices

NYCDOT serves as the Lead Agency, responsible for:

- Quality Assurance Oversight
- Verification
- Acceptance

Owner's Rep

Assists with:

- Design Quality Assurance Oversight
- Construction Quality Assurance Oversight

Design-Build Team

Responsible for:

- Design
- Construction
- Field Conditions, Site Safety
- Quality Control/Quality Assurance
- Outside Agency Coordination
- Permits

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Change Orders & Dispute Resolution

Best Practices

- NYCDOT is currently working with MOCS, OMB and the Comptroller's Office to ensure the most efficient processing of change orders, should they arise.
- A Dispute Resolution Board (DRB), consisting of a representative(s) from NYCDOT and the DB team will be secured to handle all project disputes



Insurance/Bonding/Payments

Best Practices

- Lump sum contracts with periodic payments are anticipated for most projects
- Insurance- The appropriate insurance requirements to help manage or allocate the risk associated with the respective projects will be required.
- Bonding – Performance and payment bonding requirements will be imposed on all projects in keeping with the local, state and federal laws.



NYCDOT DB Projects

- Design-Build Project Selection
- Potential Projects



Design-Build Project Selection

NYCDOT DB Projects

What makes a project a good candidate for Design-Build?

- Schedule
- Clarity of Scope
- Flexibility
- Innovation/Creativity/Complexity

What else needs to be considered?

- Ownership and Access Issues
- Approval Process
- Project Type
- Stakeholder Involvement



Potential Projects: East 183rd/188th St Bridges

NYCDOT DB Projects

- **Existing Bridge Description**

- Two single-span bridges, spanning roughly 60 ft, with partially encased steel girders composite with a R/C deck, and supported on gravity wall abutments
- Crosses four tracks of Metro-North Rail Road

- **Anticipated Scope**

- Full Bridge Replacement

- **Anticipated Cost**

- \$40 M



East 183rd St Bridge



East 188th St Bridge



Potential Projects: Belt Parkway Bridges

NYCDOT DB Projects

- **Existing Bridge Description**

- Four roadway bridges, with span lengths ranging between 80 ft and 170 ft, made up of steel girders composite with a R/C deck and supported on R/C piers and abutments.

- **Anticipated Scope**

- To Be Determined

- **Anticipated Cost**

- \$156 M



Nostrand Avenue



Bedford Avenue



Ocean Avenue



Sheepshead Bay Road



Potential Projects: East 191st St Tunnel

NYCDOT DB Projects

- **Existing Description**

- Pedestrian tunnel, roughly 906 ft long, connecting the entrance at Broadway to the entrance at St. Nicholas Ave. at 191st St. Station

- **Anticipated Scope**

- To Be Determined

- **Anticipated Cost**

- TBD



What's Next?



General Timeline

What's Next?

- **Owner's Rep Service Agreement procured – Fall, 2021**

East 183 rd /188th St. Bridges	
Owner's Rep	Winter, 2022
Industry Day	Spring, 2022
RFQ	Spring, 2022
RFP	Fall, 2022



Next Steps

What's Next?

Procurement Website
Bridges Industry Day
Ferries Industry Day



Any Questions?

Thank you!