

**DATE: 9/16/2021**

## **CONTRACT SOLICITATION NOTICE/PROJECT OVERVIEW**

**MTA-C&D IS NOW ADVERTISING FOR THE FOLLOWING:**

**SSE EVENT#:** 0000365032

**OPENING/DUE DATE:** 10/22/21

**TYPE OF SOLICITATION:** RFP

**DOCUMENT AVAILABILITY DATE:** 9/16/21

**SOLICITATION TITLE:** 6401: Design-Build Services for LIRR West Side Yard Flood Mitigation Measures.

DESCRIPTION

The Metropolitan Transportation Authority ("MTA"), by and through the MTA Construction & Development Company ("MTA C&D"), will be issuing a two-step Request for Proposals ("RFP") seeking entities interested in providing design-build services for LIRR West Side Yard flood mitigation measures. In the first step, MTA C&D will issue a Request for Qualifications ("RFQ") seeking Respondents who are qualified and prepared in all respects to perform the Work on schedule and within budget. In the second step, MTA C&D will issue an RFP for the Contracts to the Respondents determined by MTA C&D to be qualified in the first step. Respondents with current contracts to perform work on MTA projects must be in good standing and satisfactorily progressing the work on such contracts to be deemed qualified to participate in the solicitation for the Contracts.

It is anticipated that the Contracts will be funded in whole or in part by Federal grants.

Funding: 100% FTA DBE Goals: 22.5% Est. \$ Range: Over \$10M Contract Term: 18 Months

FOR ADDITIONAL INFORMATION, PLEASE SEE ATTACHED.

**(X) PRE-BID CONFERENCE LOCATION:**  
Virtual on Microsoft Teams

**DATE:** 9/28/21

**TIME:** 10:00AM

**( ) SITE TOUR LOCATION(s):**

**DATE:**

**TIME:**

**FOR MORE INFORMATION, PLEASE CONTACT:**

**PROCUREMENT REPRESENTATIVE:** Joseph Famiglietti

**PHONE:** 718-558-4755

REQUIREMENTS TO PARTICIPATE

**DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER:** ALL VENDORS MUST HAVE A DUN & BRADSTREET DUNS NUMBER IF THEY WISHTO PARTICIPATE IN THIS PROCUREMENT. VENDORS WHO DO NOT HAVE A DUNS NUMBER CAN REGISTER ONLINE AT [WWW.MYDNC.COM](http://WWW.MYDNC.COM). TO OBTAIN ONE FREE OF CHARGE. YOU MUST STATE THAT THE NUMBER IS REQUIRED FOR SAM (SYSTEM FOR AWARD MANAGEMENT)

**SYSTEM FOR AWARD MANAGEMENT (SAM):** VENDORS ARE ALSO REQUIRED TO REGISTER WITH SAM, A FEDERAL VENDOR DATABASE USED TO VALIDATE VEDNDOR INFORMATION, BEFORE REQUESTING BID DOCUMENTS. YOU CAN VISIT THEIR WEBSITE AT [www.sam.gov](http://www.sam.gov) TO REGISTER. A DUNS NUMBER IS REQUIRED FOR REGISTRATION.

\*\*\*\*\*WE CANNOT PROCESS DOCUMENT REQUESTS WITHOUT A MTA BIDDER/SUPPLIER NUMBER. PLEASE ACCESS THE MTA VENDOR PORTAL, [WWW.MYMTA.INFO](http://WWW.MYMTA.INFO), TO REGISTER AS A BIDDER\*\*\*\*\*

**Contract No. 6401****Project Overview****1. Introduction to the LIRR WSY Flood Mitigation Project**

The MTA's Long Island Rail Road ("LIRR") Hudson Yard facility was constructed in the late 1970's and completed in the early 1980's. Located on the west side of Manhattan, the Hudson Yard occupies approximately 28 acres of land, roughly delimited by 10th and 12th Avenues on its eastern and western perimeters, and West 30th and 33rd Streets on the southern and northern perimeters. The West Side Yard ("WSY") describes the portion of Hudson Yards which is to the west of the 11th Avenue viaduct, which bisects the Hudson Yard. The WSY is used to inspect, overhaul, clean and repair railroad cars used both for revenue and non-revenue service along LIRR and Amtrak lines.

In October 2012, Superstorm Sandy brought winds in excess of 80 mph, resulting in severe levels of tidal storm surge flooding, inundating the WSY and East River Tunnels with salt water. Control boxes, signals, lights, electrical conduits, and other equipment were damaged, and pumps and pump rooms were overwhelmed at both sites. Compounding the difficulties faced at that time, the drainage system failed, causing the WSY to be submerged under several feet of water instead of discharging it into the Hudson River. Therefore, LIRR is seeking to implement flood protection measures in the WSY to mitigate potential flooding.

**2. Contracting Methodology**

The Design-Build Contract will be awarded as a fixed lump sum price contract to the Respondent, in its capacity as a Proposer under the RFP, that submits the Proposal that MTA C&D determines, in its sole discretion, to offer the best value based on an evaluation of qualitative factors, as well as cost and schedule, following the two-step solicitation process. This method of procurement is intended to encourage development of innovative designs, planning and logistics while also optimizing schedule and the sharing of risks related to the Work.

**3. Key Project Elements**

The goal of this Project is to provide: 1. Concrete Perimeter Flood Walls, 2. Seepage cut-off barriers below concrete flood walls, 3. Flood Gates, 4. Sump pump installations, 5. Tide gate chamber construction, 6. Drainage system improvements, and 7. Workable aisles construction.

**4. Project Scope/Description**

MTA C&D seeks to identify and engage a qualified design-build team (the "Design-Builder") to perform design and construction of flood protection solutions for the WSY to mitigate potential flooding of the Long Island Rail Road tunnels under Manhattan, similar to what was experienced during Hurricane Sandy in October 2012. (the "Project" or "the Work"). The areas to be protected include the perimeter of the WSY along West 30th Street, 12th Avenue, and West 33rd Street.

**5. Procurement Process**

The procurement process will consist of two steps: (i) the Request for Qualifications; and (ii) the Request for Proposals as described in further detail below.

- A. Pursuant to the Request for Qualifications ("RFQ"), MTA C&D will invite entities or groups of entities ("Respondents") interested in competing to perform the Work to submit Statements of Qualifications ("SOQs") that detail, among other things, their qualifications and preparedness to formally submit proposals for the Contracts.
- B. MTA C&D will evaluate all SOQs received in accordance with evaluation criteria set out in the RFQ. Based on the results of the evaluation, and at its discretion, MTA C&D then expects to select Respondents (the "Shortlisted Respondents") with the capability, capacity, and experience necessary to undertake and successfully complete the Work as the Design-Builder, to participate in the second step of the process, the Request for Proposals ("RFP").

**Contract No. 6401****Project Overview**

- C. After shortlisting but prior to issuance of a final RFP, MTA C&D may, at its discretion, issue a draft RFP to the Shortlisted Respondents and carry out a series of one-on-one discussions with the Shortlisted Respondents in order to solicit feedback on the draft RFP. This draft RFP would include a draft form of Contract.
- D. With or without issuance of a draft RFP, the second step in the procurement process will involve inviting the Shortlisted Respondents to respond to the RFP. Through the evaluation of the Proposals submitted in response to the RFP, MTA C&D intends to ultimately select the Shortlisted Respondent whose Proposal, in MTA C&D's discretion, represents the best value to MTA C&D based on an evaluation of pricing and qualitative factors. While price will be a factor in the evaluation, design, technical approach and other qualitative factors will also be considered in determining best value. In particular, schedule will be a major determinative element in awarding the Contracts.
- E. The purpose of the RFP will be to allow MTA C&D to select the Design-Builder(s) and the Elevator Maintainer for award of the Contracts. The RFP will provide specific instructions on required submittals, the evaluation factors, the objectives and requirements for evaluation, and the evaluation criteria for the RFP step of the procurement.
- F. During Step 2, MTA C&D may offer a stipend to Shortlisted Respondents that submit Proposals responsive to the RFP requirements but are not awarded a contract.

**6. RFQ Availability**

The RFQ documents will be made available to all prospective Respondents on or about **September 16, 2021**. In order to obtain the RFQ documents, prospective Respondents need to complete and submit the order form available on the MTA's website by clicking the "Order Now" link.

**7. Evaluation of SOQs**

As described in more detail in the RFQ, SOQs will be evaluated to establish a shortlist of qualified Respondents. MTA C&D anticipates using a pass/fail process that incorporates qualitative assessments to evaluate the SOQs. Each Respondent's SOQ will be evaluated on a pass/fail basis for compliance with the SOQ submittal requirements, including:

- A. completeness of the SOQ and responsiveness to the requirements set forth in the RFQ;
- B. experience;
- C. past performance with regard to:
  - i. quality of work
  - ii. schedule compliance
  - iii. meeting D/M/WBE goal requirements
- D. organization and key personnel;
- E. project understanding and approach;
- F. responsibility; and
- G. financial strength.

Evaluations will include qualitative assessments where a Respondent may be deemed to fail (and not be shortlisted) even if the Respondent was responsive to the terms of the RFQ.

**8. Experience and Performance of Respondent Teams**

- A. During the RFQ process, MTA C&D will identify Respondents that include Lead Contractors and Lead Designers with:
  - i. experience in successfully managing, designing and constructing projects of size, type and complexity similar to the Contracts;

**Contract No. 6401****Project Overview**

- ii. a record of completing contracts on time and within budget;
  - iii. technical and management experience and expertise to plan, organize and execute the design and construction and assure the quality and safety of the Work; and
  - iv. qualified key personnel with experience managing and performing work in active rail stations, including without limitation, to project managers, construction managers, designers, safety managers and schedulers.
- B. The background and experience for the Lead Contractors and Lead Designers are expected to be as follows:
- i. the qualifications, accreditations, and experience of the Proposer and its team members including specific experience relevant to the nature, size, complexity, and composition of the Project. Provide a separate summary of the background and experience for each Major Participant.
  - ii. past project descriptions from the Proposer, the Lead Designer and key Subcontractors, including at least five (5) completed contracts that demonstrate that the Proposer has experience in the design, construction, fabrication, delivery and installation of Flood Mitigation Measures resistant to water surge of the same type and complexity required by the Work and under the restriction and conditions, schedule constraints and management oversight equivalent to those that will be encountered on this Contract. In addition, the Proposer must demonstrate that it has the equivalent of substantial experience in:
    - 1. Designing and Constructing railroad projects that include perimeter flood walls inclusive of seepage-cut-off walls; flood gates; storm water pumps; tide-chamber/gate; and integration of such components.
    - 2. Constructing flood storm surge resistant infrastructure for commuter railroads.
    - 3. Manufacturing remotely operable flood gates; storm water pumps; used for flood mitigation measures for commuter railroads.
    - 4. Installing, testing, and commissioning all flood mitigation measures and integrating with railroad operations.

**9. General Limitations on Respondent Team Membership**

- a. Subject to Section 10, and in addition to any other restriction or qualification on Respondent team membership and on the inclusion of Major Participants and Key Personnel:
  - i. with the exception of the Designer:
    - A. no Major Participant shall participate on more than one (1) Respondent team;
    - B. no Affiliate of any Major Participant shall participate on another Respondent's team;
    - C. Affiliated entities shall not participate on separate Respondent teams;
    - D. no firm that employs one or more of the individuals named as Key Personnel on one (1) Respondent team may serve any role on another Respondent team; and
    - E. no individuals serving a Key Personnel role on one (1) Respondent team may serve any role on another Respondent team.
- b. Respondents and Major Participants that are not selected as a Shortlisted Respondent are not restricted under this Section 9 solely on the basis of having been a member of such unsuccessful Respondent team. Following the public announcement identifying the Shortlisted Respondents, members of each unsuccessful Respondent team (including Major Participants) may seek to join the team of a Shortlisted Respondents, subject to the restrictions set forth herein.

**Contract No. 6401****Project Overview****10. Limitations on Exclusivity**

Designers or their Affiliates, which are not prohibited from participating on more than one (1) Respondent team under Section 9, may participate on more than one (1) Respondent team subject to compliance with the following requirements in order to protect the integrity of the procurement process:

- a. The engagement of a Designer or any of their Affiliates by two (2) or more Respondent teams shall be subject to: (i) the disclosure to all relevant Respondent teams that such entities and personnel are engaged by another Respondent team; (ii) the institution of Information Barriers acceptable to MTA C&D; and (iii) the prohibition of any such entity and their personnel sharing information (or being asked by a Respondent team to share information) regarding the procurement or the Design-Build Contract.
- b. If a Respondent elects to non-exclusively engage two (2) Designers for its SOQ, MTA C&D will treat such Designers as a Joint Venture in accordance with Paragraph 11. However, if MTA C&D determines that such arrangement does not represent a true Joint Venture and is not in the best interests of the RFQ and/or performance of the Work, MTA C&D may, in its discretion, require the Respondent to: (i) demonstrate that such arrangement reflects a true Joint Venture arrangement appropriate for Contract 6401; and/or (ii) finalize the engagement of one (1) but not both Designers with the revised engagement documented as an Organizational Change either under the terms of this RFQ or the equivalent terms of the RFP. In addition, Shortlisted Respondents and Proposers will be permitted, at their own initiative, to finalize the engagement of one (1) Designer, but not both Designers with the revised engagement documented as an Organizational Change either under the terms of this RFQ or the equivalent terms of the RFP.

**11. Joint Ventures**

- a. If any Major Participant is or expects to be a Joint Venture, or a newly formed or special-purpose entity, then all members or partners of that Joint Venture or other entity will collectively be considered to be a Major Participant, and shall be liable on a joint and several basis such that each and every obligation or undertaking stated to be fulfilled or performed by the Joint Venture will be the joint and several obligation or undertaking of each member and partner of such Joint Venture.
- b. Any information that must be submitted with its SOQ must also be submitted with respect to the Joint Venture itself and by each member or partner of the Joint Venture or other entity unless otherwise expressly provided herein. These requirements apply regardless of whether the relevant Joint Venture or other entity considers itself a partnership. This requirement applies to each member or partner of the Joint Venture submitting as the Respondent, as well to each Major Participant, such as the Designer.