

Request for Letters of Interest
New York State Contract Reporter

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Contract Number: D214187

OWNER'S ENGINEER FOR THE DESIGN-BUILD CONTRACT, TANY 12-18B/D214134, TAPPAN ZEE HUDSON RIVER CROSSING PROJECT AT MP 14.67 IN THE NEW YORK DIVISION

Description:

The NYS Thruway Authority seeks to retain a qualified engineering firm to provide Owner's Engineer services for Design-Build Contract TANY 12-18B/D214134, Tappan Zee Hudson River Crossing (TZHRC) Project at Milepost 14.67, in the New York Division.

Details of the Design-Build Contract can be found at: <http://www.thenewtzb.ny.gov/>. A new Hudson River Crossing is anticipated to include a signature main span, approach spans, connections to the existing Thruway, ancillary buildings, ancillary maintenance access routes, maintenance of highway and marine traffic, coordination of uninterrupted toll plaza operations, protective security measures, work over and adjacent to railroad facilities, installation and integration of ITS and security components, and demolition of the existing Tappan Zee Bridge. This Project will be subject to a Project Labor Agreement (PLA), Federal Highway Administration's (FHWA) Record of Decision in accordance with the National Environmental Policy Act (NEPA), and environmental and other permits and approvals. The Project will require a combination of day and nighttime work. The anticipated award for the Design-Build Contract is October 2012, with the notice to proceed anticipated for November 2012. The estimated cost of the Design-Build Contract is between \$ 4.6 billion and \$5.6 billion dollars and the duration of the Contract is estimated to be approximately six years.

The selected firm will support the Authority's Oversight Team to ensure compliance of the Design Build Contractor's (DB Contractor) design, construction, and QC/QA work with the Contract documents. The Authority's / Agencies' Oversight role is described in detail in the Design-Build Contract Request for Proposal (RFP) in: Part 2 – DB 111 thru 113; and in Part 3, Section 2 – Project Management available at:

<http://www.thenewtzb.ny.gov/bidprocess/index.html>.

REQUIREMENTS: The firm will provide construction oversight, materials testing and independent verification staff for the project. The firm's staff will ultimately report to the Authority's Project Director and/or designee. At the Authority's discretion, the Firm may also be required to provide expert staff to assist and support project management, project administration and design oversight activities that are being undertaken by others.

THE FIRM'S STAFF WILL BE REQUIRED TO PERFORM THE FOLLOWING TASKS AND ACTIVITIES, TO INCLUDE, BUT NOT BE LIMITED TO:

Development and Analysis of:

Construction Compliance Engineer/ Construction Compliance Monitor (CCE/CCM)

Daily Reports;

Non-Conformance Reports;

Order on Contracts; and

Force Account Records.

Review and processing of:

Payment Requests;

Value Engineering Requests; and

Time Extension Requests.

Conduct Compliance Verification of DB Contractor's Quality Systems:

Provide project level Statistical Based verification software to evaluate Design Builders

QA material test data with Owner Verification material test data.

Conduct Compliance Monitoring and Verification of:

On-site materials and provide on-site AASHTO Accredited Construction Materials

Laboratory;

Off-site fabrication; and

Material plants.

Conduct Independent Assurance Sampling and Testing Program.

Conduct Construction Compliance related to:

Project Safety;

Environmental Commitments;

Site Security; and

Work Zone Traffic Control.

Review and Verification of:

Order on Contracts / Review Force Account Records;

Hazardous & Contaminated Substance Activities Reports;

Mitigation activities;

Permit compliance;
Air quality monitoring;
Noise monitoring;
Storm water controls;
Other Environmental Performance Commitments (detailed in Part 3, Section 3 of the RFP); and As-Built Drawings.

Review of DB Contractor's deliverables and documents:

Quality Plan;
Traffic Management Plan;
Safety Plan;
Environmental Compliance Plan; and
Public Involvement Plan.

Development and implementation of select environmental compliance activities pertaining to:

Threatened and Endangered Species (i.e., capture, tagging, and tracking fish);
Hydrographic surveys (i.e., of river bottom before and after project);
Benthic surveys (i.e., invertebrate study); and
Other activities related to Permit compliance and Environmental Performance Commitments (detailed in Part 3, Section 3 of the RFP)

The Owner's Engineer agreement may include the design and implementation of compensatory mitigation work associated with compliance activities required for the TZHRC project. Work may include:

Oyster Bed Restoration;
Channel Restoration;
Wetlands Enhancement; and
Invasive Species Eradication

IN ADDITION, THE FIRM MAY ALSO BE REQUIRED TO PROVIDE EXPERT STAFF TO ASSIST WITH PROJECT MANAGEMENT, PROJECT ADMINISTRATION, AND DESIGN OVERSIGHT ACTIVITIES, TO INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:

Earned Value Management;
Risk Management; and
Claim and Dispute Avoidance

Compliance Verification of DB Contractors Quality Systems.

Review and Verification of:

DB Contractor's Quality Assurance Firm Qualifications and Quality Assurance Documentation;
CPM Schedule;
Design Compliance Engineer /Design Compliance Monitor (DCE/DCM) Reports;

Non-Conformance Design Reports; Quality Certifications;
Monthly project schedule updates;
Subcontractor reports;
DBE Plans and goals; and
Small Business Enterprise and M/WBE voluntary participation

Review of DB Contractor's deliverables and documents:
Project Management Plan;
Security Plan;
Commissioning Plan;
Design Documents; and
Project Closeout

Submitting firms and their personnel shall provide demonstrated evidence of having provided these services to other agencies on major bridge projects over navigable waterways. The firms shall possess and demonstrate expertise in construction inspection of the facilities described above including sampling and testing in accordance with 23 CFR 637 independent assurance programs. Demonstrated construction inspection expertise shall also include for anticipated structures such as cable stayed, tied arch or other long span bridges as well as short approach spans. Other areas of expertise that may be required include familiarity with document and data management systems typically used on major projects.

It is anticipated that the firm may need to provide the following staff on a full time basis during peak periods of construction: One Construction Oversight Manager (ASCE Level VIII) with documented previous experience in major project design-build, One Design Compliance Engineer (DCE) (ASCE level VII), Construction Compliance Engineers (CCEs) (ASCE level VII), Environmental Engineer (ASCE VII) one Scheduler (ASCE level V), One Office Engineer (ASCE level V), Security Officer (PC II certified) and other key titles as appropriate. In addition, the firm shall provide Construction Compliance Monitors (CCMs), Environmental Specialists, fish observers (as approved by the National Marine Fisheries Service), cultural resources professionals, Electrical and Systems Engineers with background in ITS, testing firms and material compliance monitors, and other professionals as necessary to facilitate the various requirements of oversight. All engineering staff shall be ASCE or NICET grade, and all other staff shall have similar licenses or certifications relevant to their field of expertise that are current. Additionally, the laboratory (home & field) shall be certifiable within reasonable time from selection notification. As this project has been deemed a Critical Infra-Structure project, all employees who have regular access within the Project Limits or have a need to access to Sensitive Security Information (S.S.I.) and or Confidential Information shall be required by the Authority to obtain either a Transportation Worker Identification Credential(s) (TWICtm) or Secure Worker Access Consortium (SWAC) card(s). Additionally, this agreement will be managed similar to a Design/Construction Inspection term agreement. Therefore, the successful firm will demonstrate the capability to provide a variety a design and construction monitoring expertise on short notice for unknown durations. Unlike Design or Construction Inspection term

agreements, the Owners Engineer will not be primarily responsible for design or construction inspection work; but will assist the Authority with its oversight role. The Design-Build Contract will include design and construction quality control and quality assurance.

ELIGIBILITY: Firms that are participating with the shortlisted Design-Build Contractor teams that have been deemed qualified to submit a proposal for TANY 12-18B/D213134, are eligible to propose for this agreement in accordance with 23 CFR 636.116. Firms that participated with Design-Build Contractor Teams that were not shortlisted are also eligible to propose for this agreement. However, firms that are a part of the selected Design-Build Contractor team will be precluded from selection for this assignment. Additionally, firms that have directly participated in the Design-Build procurement, evaluation and/or selection process are also not eligible for selection. Firms submitting letters of interest must either identify and report any potential conflicts that may arise through their involvement with this Project or certify that there are no potential conflicts in accordance with 23 CFR 636.116 (this requirement applies to the prime and all sub-consultants).

ADDITIONAL ELIGIBILITY GUIDANCE

To further clarify the above, the Design-Build Procurement Best Value Selection for the Tappan Zee Hudson River Crossing Project may occur concurrently with the selection process for the OE assignment. Therefore, in the event that any of the firms that are proposed in the OE procurement are also included in the team that is chosen for award through the Design-Build Best Value Selection, the proposing OE Team that is affected will be allowed to substitute a firm of equal or better value at the sole discretion of the Authority

EVALUATION/SELECTION: Each firm will be evaluated based upon the information provided as described below for the letter of interest, SF 254 and the partial SF 330 package. Short listed firms may be invited to the Albany Administrative Headquarters to give a presentation on their qualifications.

SUBMITTAL/ADMINISTRATIVE: An interested firm must submit ten (10) copies of its letter of interest, limited to no more than five (5) typewritten pages. Please use staples only (do not use binders or covers when submitting a letter of interest). The letter must include the following: 1. An explanation of the firm's understanding of the assignment and an explanation of why the firm is best qualified for this assignment. 2. The firm's current and recent experience on projects of similar size and complexity. 3. The names, certifications and qualifications of the proposed firm staff members who will be used on this project. This must include information concerning recent relevant assignments. 4. For each of the proposed staff members, the individual's current assignments that require twenty (20) percent or more of that individual's time. If a staff member is working on fewer than two assignments that meet the 20 percent threshold, the firm shall list at least two of that person's largest assignments. Indicate a completion date of the person's work on each of these assignments. 5. The names of any other firms that will be involved in this project and the work to be assigned to each firm. This includes

all sub-consultants (including DBE firms) and subcontractors. 6. A certification that all firm staff members and all employees of sub-consultants and subcontractors who are former employees of the Thruway Authority (Authority), Canal Corporation or New York State and who will be performing work on this project are performing such services in accordance with the provisions of the Public Officers Law, other laws applicable to the service of current or former Authority or New York State employees, and/or the rules, regulations, opinions, guidelines or policies promulgated or issued by the New York Commission on Public Integrity. Firms are encouraged to visit the consultant section of the Authority's website at:
<http://www.thruway.ny.gov/business/consultants/guidelines.html> for additional detail concerning the content of letters of interest.

In addition, the firm must submit for a maximum of 5 projects, Part I –Contract-Specific Qualifications Section F (information blocks 20-25 for a maximum of one page per project) and section G (information blocks 26-29) of the Standard Form (SF) 330 Architect-Engineer Qualifications. DO NOT submit the entire SF 330. The partial SF 330 package shall not exceed six (6) pages. Ten (10) copies of the partial SF 330 shall be submitted with the letter of interest. By signing the letter of interest, the firm's representative is certifying that the information in the SF 330 is a statement of facts. The SF 330 form is available on the U.S. General Administration's website at:
<http://www.gsa.gov/portal/forms/download/116486>. Please do not staple any forms to the letter of interest.

LEGAL: Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005 (collectively referred to as the "Lobbying Law"), made major changes to the Legislative Law and State Finance Law relative to lobbying on government procurements. More specifically, the Lobbying Law created two new sections in the State Finance Law: Section 139-j addresses restrictions on "contacts" during the procurement process; and Section 139-k addresses the disclosure of contacts and the responsibility of bidders/proposers during the procurement process. The Lobbying Law applies to all procurements initiated on or after January 1, 2006. In this regard, a procurement means a contract or agreement involving an annual expenditure in excess of \$15,000 for a commodity, service, technology, public work, or construction; purchase, sale or lease of real property; or revenue contract.

This proposed agreement is subject to the provisions of the Lobbying Law. As such, firms are required to review the Thruway Authority/Canal Corporation Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence (TAP-335). These Guidelines can be found on the New York State Thruway Authority Website at:
<http://www.thruway.ny.gov/business/consultants/forms/index.html#law> or the Canal Corporation Website at
<http://www.thruway.ny.gov/business/purchasing/index.html#law>. Additionally, you must fill out and submit, with your letter of interest, one copy of each of the following: 1) a State Finance Law §§ 139-j and 139-k Contractor Disclosure of Prior Non-Responsibility Determinations Form (TA-W3053-9) and 2) a Certificate of Compliance

with the Authority/Corporation Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence (TA-W2111-9) for your firm. These forms are also available on the above listed websites. A firm's letter of interest will not be considered unless it is accompanied by both of these required forms, each fully executed for the firm. Please do not staple these forms to the letter of interest.

An interested firm and any proposed sub-consultants and subcontractors that the firm is proposing to use on this project must also have the following forms on file with the Authority and such forms must be less than one year old on the date listed in this notice for when letters of interest are due: 1) a Standard Form (SF) 254, Architect-Engineer and Related Services Questionnaire and 2) a State of New York Vendor Responsibility Questionnaire. If the firm has previously submitted these forms to the Authority and such forms will be less than one year old on the date when letters of interests are due, the firm does NOT need to send another copy. Both of these forms are available on the Authority's website at:

<http://www.thruway.ny.gov/business/consultants/forms/index.html>. All SF 254's must include the firm's construction experience using Profile Code 199 and a valid Federal ID number in Box #1. Please do not staple any forms to the letter of interest.

Each firm submitting a letter of interest must verify and ensure that it and its proposed sub-consultants and subcontractors have the required authorizations and certifications in order to practice engineering, surveying, etc. (www.op.nysed.gov) and to legally operate as a business in New York State (www.dos.ny.gov). If a firm and/or its proposed sub-consultants and subcontractors do not have the required certifications, the firm submitting the letter of interest will not be selected for the advertised assignment. DO NOT send the certifications with a letter of interest unless required to do so as part of the State of New York Vendor Responsibility Questionnaire.

*Disadvantaged Business Enterprise Goal: 20 %

Minority Sub-Contracting Goal: *%

Women Owned Sub-Contracting Goal: *%

Due Date: 10/18/2012

Contract Term: 72 months

Location: Rockland and Westchester Counties

Contact: William A. Ringwood Engineering Department
Thruway Authority, NYS
200 Southern Boulevard
Albany, NY 12209

Phone: 518-436-2902
Fax: 518-471-5808
bill.ringwood@thruway.ny.gov

Contact 2: Francis Henry, P.E. Engineering Department
Thruway Authority, NYS
200 Southern Boulevard
Albany, NY 12209
Frank.Henry@thruway.ny.gov

Submit To: Donald R. Bell, P.E., Acting Chief Engineer Engineering Department
Thruway Authority, NYS
200 Southern Boulevard
Albany, NY 12209
Phone: 518-436-2810