



LOWER MANHATTAN DEVELOPMENT CORPORATION

REQUEST FOR PROPOSALS Program Coordination Services

The Lower Manhattan Development Corporation ("LMDC"), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development Corporation, seeks proposals to provide Program Coordination Services to support the operations of the Lower Manhattan Construction Command Center (LMCCC)

July 5, 2005

Pre-proposal conference: Monday, July 11, 2005 9:00 AM EST

Deadline for responses: August 12, 2005 5:00 PM EST

A mandatory pre-proposal conference will be held on July 11, 2005 at 9:00AM at LMDC's offices located at 1 Liberty Plaza, 20th Floor, New York, NY 10006. Questions must be submitted in writing and received no later than 5:00PM on July 15, 2005 **marked** "Attention: Dan McCormack" by mail to LMDC at the address above or by facsimile to: (212) 962-2431. Addenda to this RFP, including responses to the written questions, will be posted on the LMDC web site www.RenewNYC.com by July 20, 2005. LMDC will not accept, and cannot respond to, questions via any other methods.

I. GENERAL INFORMATION

A. Mission and Structure of the Lower Manhattan Development Corporation

The Lower Manhattan Development Corporation (“LMDC”) was established in late 2001 to develop and revitalize Lower Manhattan in the aftermath of the September 11, 2001 terrorist attacks. As it relates to the work of LMDC, Lower Manhattan refers to all areas in Manhattan south of Houston Street.

LMDC is a subsidiary of the New York State Urban Development Corporation, doing business as Empire State Development Corporation (“ESDC”), a political subdivision and public benefit corporation of the State of New York, created by Chapter 24 of the Laws of New York, 1968, as amended. LMDC is governed by a sixteen member Board of Directors, eight of whom were nominated by the Governor of the State of New York and eight of whom were nominated by the Mayor of the City of New York.

LMDC is funded by federal appropriations administered by the United States Department of Housing and Urban Development (“HUD”) through its Community Development Block Grant (“CDBG”) program. To date, approximately \$2.8 billion has been allocated to LMDC under such appropriations. (See Defense Appropriations Act of 2002, Public Law 107-117 and Supplemental Appropriations Act of 2002 for Further Recovery from and Response to Terrorist Attacks on the United States, Public Law 107-206). Partial Action Plans relating to the expenditure of some of these funds are available on LMDC’s web site: <http://www.renewnyc.com>.

B. Mission and Structure of the Lower Manhattan Construction Command Center

In November of 2004, the Governor of New York and the Mayor of New York City signed joint Executive Orders creating the Lower Manhattan Construction Command Center (“LMCCC”) and charging it with coordination and oversight of all Lower Manhattan construction projects. The Center will take steps to minimize the impact of ongoing construction on residents, businesses, and workers in Lower Manhattan. The LMCCC will bring together private developers, public agencies, utilities, businesses, and residents in one location. In addition to its oversight and coordination responsibilities, the LMCCC and its Director provide a forum for expeditious and consistent decision-making on disputes among agencies. The Executive Director will report directly to both the Governor and the Mayor.

C. Overview of Services Requested and the Submission Process

LMDC needs the services of a firm to provide program coordination efforts for the LMCCC in connection with lower Manhattan redevelopment projects. LMDC may also utilize this firm to provide additional miscellaneous program coordination services for construction projects anticipated to be funded by private and public stakeholders. LMDC may select one or more

firms to provide some of the requested services, or LMDC may select a single firm to provide all services requested. Firms interested in submitting proposals to provide such services are required to follow the recommended guidelines and instructions contained in this Request for Proposals ("RFP"). In the event it becomes necessary to revise any part of this RFP, revisions will be provided by addenda posted on the LMDC web site: <http://www.renewnyc.com>.

Proposals should provide a straightforward, complete and concise description of the firm's capabilities to satisfy the requirements of the RFP. Please prepare ten (10) copies of your proposal and work samples. Each copy of the proposal should be bound in a single volume and include any documentation you may wish to submit.

Firms submitting a proposal in response to this RFP may be required to give an oral presentation of their proposal to LMDC. This oral presentation may provide an opportunity for the firms to clarify or elaborate on the proposal but will in no way change the original submission. Engagement staff should be present at the oral presentation. LMDC's request for an oral presentation shall not constitute acceptance of a proposal.

Proposals must be received no later than 5:00 PM EST, August 12, 2005. Deliver all proposals to:

RFP/RFQ PROCESSOR
Lower Manhattan Development Corporation
One Liberty Plaza, 20th Floor
New York, NY 10006
Attn: LMCCC Program Coordination Services

LMDC reserves the right to reject any or all proposals submitted if such election is deemed to be in the best interest of LMDC. LMDC assumes no obligation, no responsibility and no liability for costs incurred by the responding firms prior to the issuance of a contract.

The current schedule for this effort is as follows:

- July 5, 2005– RFP Issued
- July 11, 2005 – Pre Proposal Conference
- July 15, 2005 – Deadline for submitting questions
- July 20, 2005 - Addendum and answers to questions posted on www.RenewNYC.com
- August 12, 2005 – Responses Due
- August 18-19, 2005 – Oral Presentations Conducted
- August 22, 2005 – Firm Selected

Subject to annual review and approval by the LMDC Board of Directors, the selected firms will be retained for an initial three years with an option for LMDC to renew for an additional two years.

II. ANTICIPATED SCOPE OF SERVICES

LMDC is seeking one or more firms to assist LMCCC in its planning, coordination and administration work in lower Manhattan. LMDC requests proposals for one or more firms to provide services including but not limited to the scope of work described generally below.

A. Purpose and Project Area

The Program Coordination Firm, selected through this RFP process will begin work with LMDC/LMCCC upon award of contract. LMDC anticipates utilizing the services of a firm to assist in the oversight and coordination on both public and private capital projects, including, but not limited to, the deconstruction of 130 Liberty Street, Fulton Street Transit Center, WTC Memorial and Redevelopment Plan, Promenade South (Route 9A/West Street), South Ferry Subway Station and the World Trade Center Transportation HUB.

WTC Memorial and Redevelopment Plan

LMDC will undertake, in cooperation with the United States Department of Housing and Urban Development (HUD) and the Port Authority of New York and New Jersey (Port Authority), the World Trade Center Memorial and Redevelopment Plan ("WTC Plan"). The WTC Plan includes the construction of World Trade Center Memorial and memorial-related improvements, as well as commercial, retail, museum and cultural facilities, new open space areas, new street configurations, and certain infrastructure improvements at the World Trade Center and several adjacent parcels immediately to the south, including 130 Liberty Street. Construction associated with Freedom Tower, the iconic 1776-foot office tower at the northwest corner of the site, began on July 4, 2004 and will continue based on its recent redesign.

130 Liberty Street

On September 11, 2001, the building located at 130 Liberty Street was damaged when debris from the World Trade Center broke windows and cut a 15 story gash in the north façade of the building. The building is 42 stories with approximately 1.5 million square feet of office space. LMDC acquired the entire parcel from Deutsche Bank on August 31, 2004. The acquisition of the parcel paves the way for full implementation of the WTC Plan by allowing underground truck security and bus parking, the fifth office tower, and additional open space to the north of the office tower to be located off of the World Trade Center site. LMDC has issued scaffolding, cleaning, and deconstruction bid documents that provide for the building to be removed down to the top of the foundation walls including but not limited to removal and disposal of all interior walls, stairs, ceilings, floor coverings, Mechanical, Electrical and Plumbing (MEP) items, exterior skin, superstructure concrete and structural steel. This work is expected to begin this summer.

Fulton Street Transit Center

The Metropolitan Transportation Authority (“MTA”) and MTA New York City Transit (“NYCT”) have begun construction on a new Fulton Street Transit Center at Fulton Street and Broadway, incorporating six existing Lower Manhattan subway stations. The \$750 million project will improve access to and connections between 12 subway lines for hundreds of thousands of daily commuters and Lower Manhattan residents and visitors, and will link NYCT facilities with PATH service and the rebuilt World Trade Center site.

Promenade South (Route 9A, West Street)

A landscaped Promenade is under construction in the southern portion of Route 9A, between West Thames Street and Battery Place. The Promenade will increase and improve pedestrian circulation through the area and will help to make nearby parks and neighborhood destinations more accessible. By incorporating urban design features and amenities, the Promenade will strengthen east-west and north-south connections and will “enliven” the pedestrian experience. The eastern sidewalk of Route 9A will be widened where feasible to improve accessibility, provide street trees, and add aesthetic enhancements. On the west side of Route 9A, a series of unique urban spaces, designed for varied uses, will be built.

South Ferry Terminal

The MTA and NYCT are developing plans for an improved South Ferry Terminal for the 1/9 subway lines, to be located underneath Peter Minuit Plaza in Lower Manhattan, adjacent to Battery Park and the Staten Island Ferry Terminal. The \$400 million project will correct existing physical and operating deficiencies which limit train capacity and reduce subway reliability for millions of customers each year. The new station will reduce customer travel times, provide additional station entrances with ADA accessibility, and will offer a new free transfer between the 1/9 subway lines and the R/W subway lines at Whitehall Street.

WTC Transportation HUB

The permanent World Trade Center Transportation Hub will feature seamless pedestrian connections between the World Trade Center, including the permanent PATH Terminal, and the World Financial Center and the Fulton Street Transit Center. Lower Manhattan residents, commuters and visitors will enjoy far faster access to ferry service along the Hudson River, and to 14 Lower Manhattan subway lines – the 1/9, 2/3, 4/5, N/R, A/C/E and J/M/Z. The World Trade Center Transportation Hub also is being designed to accommodate potential rail service to John F. Kennedy International Airport or other destinations. The permanent PATH Terminal is expected to begin serving passengers by the end of 2006 and all other elements of the Hub to be completed by 2009.

B. Technical Scope of Work

PART 1.0 GENERAL INFORMATION

1.1 Introduction

The Program Coordinator (“PC”) will be the primary day-to-day coordinator of the Lower Manhattan construction projects, working under the direction of the LMCCC. The PC will be responsible for coordinating and organizing logistics, scheduling, and other actions relating to the various construction projects, in addition to taking all appropriate steps to insure all construction proceeds in a coordinated manner, maintaining the overall agreed-to program schedule and implementing measures to minimize disruption to the Lower Manhattan residential and business community. The PC will have the authority and the responsibility to coordinate with the owners, developers, designated agency representatives, project construction managers and contractors (“Stakeholder”) engaged in the pre-construction, construction and close-out phases of the projects.

A sample of projects is included as Attachment 6, though this is a representative list and does not include all projects that may be under the jurisdiction of the LMCCC. Each Stakeholder will remain responsible for the management of their respective construction project. During final design and pre-construction, the PC will review and provide input to the construction bid documents to insure that coordination initiatives (provided in more detail in this scope of services) are included in each set of construction bid documents. The PC, working with the individual Stakeholders will also insure that all mitigation measures, as identified in the project’s environmental studies and New York State Coordinated Construction Act for Lower Manhattan (effective July 27, 2004), are included in the bid documents.

A major portion of the scope is the identification, analysis, design and subsequent recommendation of relocated and temporary facilities for the Stakeholders. The PC will determine and develop a master construction staging plan which will identify storage areas for goods and materials, project lay-down areas, potential concrete batching plants, construction employee transportation plans and logistics plans.

1.2 Personnel Qualifications and Staffing Requirements

The PC will provide the personnel necessary to appropriately staff the project and to accommodate the requirements of the LMCCC. Such personnel will be experienced and knowledgeable in applicable laws, regulations, statutes, and codes. The PC will supply to the LMCCC copies of all matriculations/degrees, licenses, and accreditations for all key personnel assigned to the project, and will be subject to the approval of the LMCCC.

PART 2.0 SCOPE OF SERVICES

The PC will provide comprehensive program coordination services under the direction of the LMCCC and the designated Stakeholder Project Executives. The PC will be responsible for all program coordination functions necessary to assist LMCCC and Stakeholders with the development of tools to ensure the redevelopment proceeds in a coordinated and expeditious manner.

The PC will be directly responsible for developing, updating and maintaining the follow:

- Development and upkeep of a Master Program Schedule;
- Development and upkeep of a Master Maintenance and Protection of Traffic Plan;
- Development and upkeep of a Master Utility Plan;
- FTA/HUD compliant Project Management Plan;
- Project Quality Assurance/Quality Control (QA/QC);
- Administration and management of various LMCCC operations;
- Progress reports and fiscal status of the project;
- Integration of the construction and maintenance work conducted by City agencies including, but not limited to, NYCDOT, NYCDOB, NYCDDC, NYCDOS, NYCDEP and utilities including Con Edison, Verizon, Empire City Subway (ECS), with the construction schedule;
- Development of Environmental and Compliance Protection Programs;
- Development of a program construction staging and logistics to include staging areas material storage sites and transport systems, concrete batch plant sites and an employee transportation program plan;
- Development of a Master Permit Program; and
- Development of a Program Security Plan and Credentialing Program
- Develop a Program Safety Plan
- Provide a report and recommendations concerning a workforce mobility strategy for the construction phases of the project
- Establish and manage an Alternative Disputes Resolution (ADR) process for the projects

The PC will provide supplemental Specialized Consulting Services for an additional level of effort within the Technical Scope of Work, on an as needed basis and as mutually agreed upon. Upon request from the LMCCC, PC will submit for LMCCC's approval a scope of work and a budget including estimated personnel-hours for any such Special Service requested. Upon approval by LMCCC, PC shall commence performance of any such Special Services.

2.1 Final Design and Pre-Construction Phase

PC will coordinate the design/engineering consultant's efforts with the PC's work. The PC will be required to identify all systems that will permit construction to begin expeditiously. All required actions to prepare for construction are included in this phase and will serve to supplement and compliment the responsibilities of the Stakeholders.

Program Management Responsibilities

- A. Ensure that the evolving plans and designs are prepared in ways that minimize adverse impacts to affected facility operations;
- B. Evaluation of construction firms and recommendation to LMCCC on firm's ability to handle work-load, potential conflicts of interest, and identification of other ongoing or anticipated projects/assignments in lower Manhattan. Assemble and analyze data with regards to construction/engineering firms qualifications;
- C. In conjunction with the design/engineering consultants, fully analyze alternative approaches to designing and building the project, and recommend the best way to divide the work for ease of construction;
- D. Develop a utilization and placement plan for heavy equipment and equipment transport;
- E. Develop a generic Site Security Plan application to be applied to all projects including:
 - 1. Develop a security assessment for the protection of the construction sites;
 - 2. Develop detailed construction security plan including system for credentialing all employees.
- F. Develop a methodology (Construction Management Plan) to ensure that those services necessary for overseeing and administering the program's construction management activities are in place:
 - 1. Set up systems for monitoring, managing, documenting, and reporting on construction progress;
 - 2. Establish a comprehensive safety program;
 - 3. Establish project file documents;
 - 4. Establish testing and inspection procedures and documentation comply with established procedures;
 - 5. Establish and implement a QA/QC program;
- G. Develop, obtain, and manage the requirements for interagency and master utility agreements, approvals, and permits;
- H. Meet and coordinate with internal agencies, outside agencies, stakeholders, local communities, and state and federal organizations throughout project development to keep participants informed about progress. Prepare and distribute minutes;
- I. Develop a Lower Manhattan partnering plan and agreement. This plan should be designed to create an environment that is less litigious and is based on the desire of all parties to get the job done well. The partnering plan should include goals and objectives to be implemented throughout the construction, systems testing, start-up, and close-out phases of the project;
- J. In conjunction with the design/engineering consultants, develop and manage the staging and phasing plans to be used during construction to ensure minimal

impact on all facility operations, Lower Manhattan residents and businesses and on-going city services.

- K. Develop a Lower Manhattan Project Staging and Logistics Plan. Such plan would identify staging areas for all projects, identify possible concrete batch plants, identify locations for material storage, develop a program-wide transportation plan for project employees and develop a program-wide construction clean-up program.
- L. Conduct reviews of engineering design and the ability to construct, bid, operate, and maintain the project including formal Value Engineering and Constructability Reviews. The reviews should focus on the following: incorporation of value engineering opportunities, meeting of operational and functional objectives, bidability of design, contractibility, and cost effectiveness. Prepare documentation and establish and implement a detailed review action item management plan.

Program Scheduling & Reporting:

- A. Develop and maintain: 1) a Master Project Schedule, and 2) a technical information system to effectively address critical issues throughout the final design/pre-construction, construction and close-out phases. All project information will be integrated through the use of a Work Breakdown Structure (WBS). The WBS will provide a system for summarizing detailed scheduling information. The WBS will also serve as the basis for the orderly collection of project information through an Integrated Project Management Control System.
- B. Establish and implement an Integrated Project Management Control System (PMCS) for the entire program. The PMCS should include systems for scheduling, document control, and status reporting components. Modules that will be contained in the PMCS and their functions include the following:
 - 1. Master Project Schedule (MPS). This schedule will integrate all project activities. The MPS will also provide a summary-level focus on program and project milestones and interface points. The MPS will serve as an early warning system to identify potential problems well in advance. This schedule will be developed based on a Work Breakdown Structure and will be cost loaded and resource loaded to provide a basis for financial planning.
 - 2. Project Reporting System (PRS). This system will produce reports, in various levels of detail, to provide the LMCCC with an organized and timely basis for directing the coordinated program. The PRS will include:
 - a. Monthly Executive Summary Report focusing on schedule proposed changes and problem areas (identifying responsible parties) within each phase;
 - b. Schedule Report comparing actual progress against scheduled progress and including recommendations for correcting delays or incorporating changes into the program's plan;

- c. Standardized monthly progress report for use throughout the program to:
 - i. Recommend corrective actions that will be taken where progress is behind schedule,
 - ii. Identify tasks completed, tasks that will begin and/or be completed in the following month, and
 - iii. Describe progress on other tasks.
- 3. Trend Program - Establish and initiate an overall project trend program to track and monitor changes in project scope, schedules, and other elements that could impact the cost and/or schedule.

Procurement and Contract Administration Responsibilities

- A. Prepare scope of work documents for other LMCCC consultants as needed. Recommend and manage procedures to pre-qualify consultants to develop short-lists. Recommend and manage selection procedures and assist the LMCCC in selecting consultant(s) and approving subcontractors. Support the LMCCC in the preparation of contract modifications for the other project consultants. The LMCCC will hold the contracts for all consultants.
- B. Working with the Stakeholders, develop a contracting strategy (number of contracts, types, sequence, etc.) and contract procurement plan/schedule. This plan should identify DBE/MBE/WBE opportunities, permanent materials, warranty tracking, long-lead items and equipment, items for system-wide procurement, etc., for all four phases. Recommend innovative contracting methods when appropriate, i.e., design/build, incentives, etc.

2.2 Phase II - Construction

In this phase, the PC will coordinate work with all construction contractors and agency representations. In addition, the PC will update and maintain control of the overall program schedule, documents, and any required procurement and subcontracting as identified by the LMCCC.

Program Management Responsibilities

- A. Perform system safety activities, including hazard analysis and a safety certification program, and review all contractor safety programs for conformity.
- B. Meet and coordinate with internal agencies, outside agencies, stakeholders, local communities, and state and federal organizations throughout redevelopment to keep participants informed about progress. Prepare and distribute minutes.
- C. If required by LMCCC or Stakeholders, prepare independent construction and project level estimates to support construction phase, and other studies and analyses. Review and comment on cost estimates prepared by others.
- D. Continue to monitor, track, and analyze the schedule and revise as necessary as a result of the trend program and risk based contingency analysis.

- E. Verify the adequacy of proposed contractors' personnel and equipment and the availability of materials and supplies to meet the construction schedule, including where appropriate independent expediting and verification of long lead materials and equipment as furnished by the Owner or the Contractor
- F. Coordinate long-lead items, delivery, acceptance, storage, protection, and security of all Owner materials, systems, and equipment. Expedite turnover to the appropriate contractors.
- G. Environmental – In coordination with LMCCC environmental engineers, the PC will assist LMCCC in monitoring Stakeholders compliance with Environmental Performance Commitments. LMCCC environmental engineers will be responsible for overseeing the Contractor's monitoring of noise, vibration, and air quality and water quality. They will also provide technical assistance to the Contractor in the preparation of environmental compliance plans, review Contractor environmental submittals, monitor Contractor compliance with environmental requirements, respond to construction-related hazardous waste encounters and prepare reports and documentation required by regulatory environmental agencies.

PART 3.0 DELIVERABLES

- A. Schedules: Computer-generated, utilizing the latest version of Primavera Project Planner® software.
 - 1. Master Project Schedules: Critical Path Method schedules, using the precedence diagram method, showing each activity, including interface activities, from Construction Award to Completion of the Work, properly ordered and sequenced.
 - a. Schedules will be sufficiently detailed to preclude the use of construction activity durations greater than 30 work days. Activity durations will include allowances for lost time and inefficiencies.
 - b. Schedules will show a clear and definable critical path(s) for the Work and each specified milestone. Requirements and events which impose limitations, and dates and milestones which constrain the time, will be clearly identified.
- B. Reports and Plans: Reports and plans will be paper copy, and diskettes, or CDs and will be 8½" x 11" with 11" x 17" foldouts, may contain color pictures, charts, and drawings and, will include an Executive Summary, followed by a detailed narrative.
- C. Presentations: Presentation materials will include, at a minimum, color renderings on glossy heavy stock paper (8½" x 11" and 11" x 17"), color renderings on glossy E size sheets mounted on presentation boards, color slides, material sample boards, fact sheets (8½" x 11" white bond paper with graphics), E size drawings mounted on presentation boards, and handouts (8½" x 11" white bond paper with graphics and color renderings).

C. Anticipated Project Schedule

It is anticipated that the initial term of the contract will be three years followed by two one- year renewal periods.

III. SUBMISSION REQUIREMENTS

Please letter your responses exactly as the questions are presented herein. Please limit your submission to ten (10) one-sided pages, not including work samples, which must be included in a separate, bound, appendix. Interested firms are invited to submit proposals that contain the following information:

A. Experience, Structure, and Personnel

1. A history of the firm's experience providing construction management/owner's representation services to economic development organizations, municipalities, other governmental entities, private developers, not-for-profits and civic organizations.
2. A description of the firm's organizational structure, including resumes of the principals, project manager(s) and professional staff who would work directly with LMDC should the firm be selected.
3. Samples of up to five (5) major projects that the firm has completed in the areas of Program Coordination. Samples may be redacted if necessary. Include the client, the name of a contact person who is able to provide a reference, a description of the nature of the work, the size and complexity of the project, and the amount and the agreed fee arrangements.
4. Any other information that you believe would make the firm's work on behalf of LMDC superior to that of other firms or information about your firm's specialty or particular skill to perform a specific requested service.
5. Firm's experience as Program Coordinator on large scale redevelopment projects.
6. Firm's experience coordinating multi-million dollar projects from the public and private sectors.

B. Methodological Approach

1. A description of how the firm intends to address the anticipated scope of services set forth in Section II of this RFP. In particular, a description of how the firm would propose to structure and staff a Program Coordination effort.
2. A statement explaining the firm's approach to construction management, including methods, analytical techniques, computer systems, or models, etc. that would be employed.

3. If the firm is not proposing to provide all requested services, please include a statement of which specific services the firm proposes to provide.

C. Fee

1. Total estimated firm fee for completion of the project.
2. A monthly rate for continued services after the completion of the initial contract term of three years.
3. The normal hourly rate of each principal and staff member whose resume is provided or whose job category may be required, and the rate used in the proposal.
4. A list of anticipated reimbursable expenses and the rate charged for each.
5. Any reduced fees offered to other municipalities, governmental entities, economic development or nonprofit organizations, and civic organizations.
6. Any other fees or charges.

NOTE: The fee proposal must be submitted in a separate, clearly marked, sealed envelope. The fees will not be opened until all proposals have been initially evaluated. Although proposed fees will be taken into account, LMDC reserves the right to negotiate a lower or different fee structure with any firm that is selected. LMDC reserves the right to request best and final offer fee proposals during the RFP evaluation process.

D. Contact Information (NOTE: does not count toward 10-page limit)

On a single cover sheet in your proposal, please provide:

1. The lead firm or individual name;
2. The lead firm's contact person;
3. License or certification information of lead firm principal or individuals working on the LMDC project;
4. Telephone, fax, and wireless numbers for firm principals or individuals working on the LMDC project;
5. E-mail address for firm principals or individuals working on the LMDC project;
6. The Street address of lead firm or individual;
7. The year the firm or individual practice established;
8. The MBE/WBE status of the firms (Minority-owned Business Enterprise or Women-owned Business Enterprise, as certified by New York State);
9. The type of work or specialty and size of firm; and
10. The signature of the lead individual, and the date of the signature.

- E. Conflicts of Interest (NOTE: does not count toward 10-page limit)**
1. Submit a statement describing any potential conflict of interest or appearance of impropriety, relating to other clients of the firm, or officers, directors, and employees of LMDC, that could be created by providing services to LMDC.
 2. Indicate what procedures will be followed to detect and notify LMDC and to resolve any conflicts of interest.
 3. Indicate any pending litigation and/or regulatory action by any oversight body or entity that could have an adverse material impact on the firm's ability to serve LMDC.
 4. Indicate if the firm has ever had a prior contract with any governmental entity terminated for any reason, and provide an explanation.
 5. Submit a completed Standard Business Background Questionnaire (Attachment 3).
 6. Submit a completed Contractor Disclosure Contracts Form and the Contractor Disclosure of prior Non-Responsibility Determinations form (Attachment 5) in compliance with New York State Executive Order 127.
- F. Non-discrimination Policy (NOTE: Does not count toward 10-page limit)**
1. Firms with 50 or more employees shall submit a copy of their nondiscrimination or affirmative action plan.
 2. Firms with less than 50 employees shall submit a statement of their commitment to equal opportunity and affirmative action from their chief executive officer.
 3. Each responding firm must also complete and submit both
 - (a) Attachment 1 relating to the anticipated workforce to be utilized on the contract, and
 - (b) Attachment 2 relating to the anticipated participation of minority and women-owned business enterprises as subcontractors, if any.

All information and documents described in subsections A through F above must be included or addressed in the submission.

IV. CRITERIA FOR SELECTION

In evaluating proposals submitted pursuant to this request, LMDC places high value on the following factors, not necessarily in order of importance:

- Approaches in methodology with respect to the anticipated scope of services that demonstrate maximum comprehension of and ability to provide such services to LMDC.
- Demonstrated knowledge of the construction industry, with particular knowledge of the various construction, labor, and environmental rules and regulations.

- Experience of firm and employees to be assigned to the project in general, and in particular, in providing program coordination/management services on large scale construction and redevelopment projects in New York City.
- Quality of work product as demonstrated in submitted work samples.
- Innovative or outstanding work by firm that demonstrates the firm's unique qualifications to provide program coordination services.
- Number, complexity, and nature of program coordination projects handled by the firm.
- Number, complexity, and nature of projects coordinating utility relocation, street reconstruction, and logistics schemes to minimize project disruptions.
- Selected firm's staff ability, availability and facility for working with LMDC directors, officers, staff and consultants.
- Experience in working as part of a complex consultant team on a project involving multiple government and private entity interests.
- Conformity with or exceeding of applicable LMDC's policies as noted herein, including specific policies relating to nondiscrimination and affirmative subcontracting goals.
- Projected cost of services.

V. CONTRACT TERMS AND REQUIREMENTS

The contents of the proposal prepared by the successful firms, with any amendments approved by LMDC, may, at LMDC's election, become a part of the contract that is signed as a result of this RFP Process.

The selected firms will be required to:

- Work with LMDC staff and its consultants to provide construction management services to LMDC on matters that may arise in connection with the planning, development, and revitalization of Lower Manhattan.
- Maintain accurate accounting records and other evidence pertaining to costs incurred in providing services, and on LMDC request, to make such records available to LMDC at all reasonable times during the contract period and for six (6) years after the date of the final payment to the firms under the contract.
- Assume sole responsibility for the complete effort as required by this RFP, and be the sole point of contact with regard to contractual matters.
- Refrain from assigning, transferring, conveying, subletting or otherwise disposing of the contract or its rights, titles or interest therein or its power to execute such agreement to any other person, firm, partnership, company, or corporation without the prior consent and approval in writing of LMDC.
- Comply with applicable law governing projects initiated or supported by LMDC, including all applicable HUD/FTA requirements and regulations.

LMDC may hire more than one firm that responds to this RFP. LMDC has no preference that all services are provided by the same firm and firms may choose to submit qualifications to provide less than all of the anticipated scope of services. Responding firms must specify which services they are proposing to provide. LMDC will review all proposals without prejudice regarding which services are proposed.

LMDC reserves the right to terminate any contract entered into as a result of this RFP at any time, provided that written notice has been given to the firm at least thirty (30) days prior to such proposed termination date.

VI. MISCELLANEOUS CONDITIONS

A. Obligation Only on Formal Contract

The issuance of this RFP, the submission of a response by any firm, and the acceptance of such response by LMDC do not obligate LMDC in any manner. Legal obligations will only arise on the execution of a formal contract by LMDC and the firm(s) selected by LMDC. LMDC's formal contract will consist of more than one schedule, including one substantially in the form of the accompanying "Schedule A" (Attachment 4). LMDC provides this form for informational purposes only and may amend its schedules from time to time.

Responses to this RFP will be prepared at the sole cost and expense of the proposing firms. No materials submitted in response to this RFP will be returned.

B. LMDC Reservation of Rights

LMDC may (i) amend, modify, or withdraw this RFP, (ii) revise requirements of this RFP, (iii) require supplemental statements or information from any firm, (iv) accept or reject any or all responses hereto, (v) extend the deadline for submission of responses thereto, (vi) negotiate or hold discussions with any respondent and to waive defects and allow corrections of deficient responses which do not completely conform to the instructions contained herein, and (vii) cancel this RFP, in whole or in part, if LMDC deems it in its best interest to do so. LMDC may exercise the foregoing rights at any time without notice and without liability to any proposing firm or any other party for their expenses incurred in the preparation of the responses hereto or otherwise.

C. Nondiscrimination and Affirmative Action Policies

It is the policy of the State of New York and LMDC to comply with all federal, state and local laws, policies, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action in working with contracting parties to ensure that Minority and Women-owned Business Enterprises ("M/WBEs"), Minority Group Members and women share in the

economic opportunities generated by LMDC's participation in projects or initiatives, and/or the use of LMDC funds. As a subsidiary of ESDC, LMDC follows ESDC's non-discrimination and affirmative action policy will apply to any contract entered into as a result of this RFP. LMDC has established a 20% M/WBE participation goal for its entire redevelopment project. The selected firm(s) shall be required to use best efforts to provide for the meaningful participation of United States M/WBE's, Minority Group Members and women in the execution of this contract. A copy of each responding firm's equal employment opportunity policy statement, Attachment 1 relating to the anticipated workforce to be utilized on the contract and Attachment 2 relating to the anticipated participation by M/WBEs as subcontractors, shall be included as part of the response to the RFP. The ESDC Affirmative Action Unit ("AAU") is available to assist you in identifying M/WBEs certified by the State of New York that can provide goods and services in connection with the contract anticipated by this RFP. If you require M/WBE listings, please call the AAU at (212) 803-3224.