The Empire State

New York State

Department of Transportation

DESIGN-BUILD PROCEDURES MANUAL

APPENDIX B

SAMPLE PROCUREMENT STRATEGY WORKSHOP OUTCOME-ROUTE 9A

This page is intentionally left blank.

Route 9A Design-Build Project

Procurement Strategy Workshop

April 28, 2004

The following attachments provide the results and recommendations from the Route 9A Procurement Strategy Workshop:

- Scope of Work for Design-Build Contract – ATTACHMENT 1
- Stakeholders – ATTACHMENT 2
- Project Goals – ATTACHMENT 3
- Risk Identification, Assessment and Allocation – ATTACHMENT 4
- Specific Project Approaches for Route 9A Project – ATTACHMENT 5
- RFQ Evaluation Factors – ATTACHMENT 6
- RFP Evaluation Factors (tentative) – ATTACHMENT 7
- Alternate Proposal Opportunities – ATTACHMENT 8

ATTACHMENT 1

SCOPE OF WORK FOR DESIGN-BUILD CONTRACT[1]

- Alternatives:
  1. Design and construct cut and cover tunnel (four lanes), four surface lanes, tunnel approaches and streets; construct promenade above tunnel. (By-Pass Alternative)
  2. Design and construct at grade roadway facility (eight lanes) with integrated promenade and pedestrian overpass. (At-Grade Alternative)
- Design and construct utility relocations as defined (some utilities may be 100% designed by Department).
- Coordinate all design and on-site construction (with emphasis on work listed below) with adjacent projects, transportation projects, building developments, PATH operations, and various special and commemorative events:
  - PA designed pedestrian concourse and subterranean elements
  - Promenade above tunnel (By-Pass Alternative)
  - Truck Ramp (as a separate item)
  - Slurry wall extension to the south: PA proposed; constructor TBD.
- Plan and execute comprehensive MPT, minimizing impact to traffic flow and maximizing public access during construction. Performance specifications should include "considerate construction". The activities may extend beyond mitigation of traffic and include public outreach, pedestrian issues, construction fencing, aesthetics, field office public communication, etc.
- Obtain all required and necessary construction permits and all other assigned permits.
- Execute all environmental mitigation assigned.
- Perform contact in conformance with EPC commitment.
- Support all SHPO coordination.
- Support and execute assigned tasks of a proactive public information/community relations program in conjunction with department.
- Conduct all design and construction quality control and design review for project.
- Maintain a safe project and develop a Construction Operation Plan that addresses safety and security issues.
- Design and construct maintainability into the project and provide both warranties and maintenance as required.
- Design, construct, and commission tunnel HVAC and mechanical systems. (By-Pass Alternative)
- Design, construct and commission ITS.

Note: 1. No Action Alternative – keep six lanes. Minor works required. Not Design-Build.

ATTACHMENT 2

STAKEHOLDERS:

Stakeholders	Significance (check one)			Relevant Time Period (see note 1) (check as required)				Areas of Project Influenced by Stakeholder
Governing Bodies Authorities/Groups	Major	Moderate	Minor	Procurement	Design	Construction	Approval to use or occupy	Short Description Areas that the stakeholder will be interested in and may hold right of approval or other means to exert influence
FHWA / FTA	X			X	X	X	X	No FHWA design review required.
U.S. Army Corps of Engineers			X			X		Marine transfer; flume
EPA		X		X	X	X		EPA involvement anticipated; air quality,
Governor Pataki	X			X				Alternative selection; schedule
Comptroller		X		X		X		Changes to contract
NYS DEC		X			X			Permits; EPC
City and State Legislature			X					Legislation for D/B not included in the analysis
Mayor's Office		X						
NYCDOT	X					X		
NYC DOT/OCMC	X						X	Traffic; work permits
FDNY/NYPD		X		X	X	X		Operations related; Safety and Security Design Criteria
NYC DDC			X				X	Coordination
Community Board No. 1	X				X	X		Considerate construction; communication
Battery Park City Authority	X					X		Coordination; agreements for property
Downtown Alliance	X					X		Coordination and communication; their own CM to work with Department oversight team.
Hudson River Park Trust		X				X		Coordination and communication; they will own the "park" after completion
Rudin Center for Transportation / Environmental Groups		X						Focal point for interest/ environmental and civic groups
LMDC	X							Coordination and communication primarily through Mayor's Office
Landmarks/SHPO		X		X				Sec 106; programmatic agreement will be in RFP.
WTC (Memorial)	X			X	X	X		Coordination and communication
Victim's Groups/consulting parties			X					Coordination
HUD		X			X			Funding
NYS DOB			X					Communication

Note 1: Relevant Time Period refers to time frame for each activity; i.e. "Procurement" if the stakeholder could influence the procurement process or procurement document, the stakeholder is noted to be "involved" during the time period.

ATTACHMENT 2

Stakeholders	Significance (check one)			Relevant Time Period (check as required)				Areas of Project Influenced by Stakeholder
Property Owners	Major	Moderate	Minor	Procurement	Design	Construction	Approval to use or occupy	Short Description of Areas that the stakeholder will be interested in and may hold right of approval or other means to exert influence
Brookfield Prop.		X			X	X		Coordination and communication
L. Silverstein		X			X	X		Coordination and communication
WFC Tenants		X			X	X		Coordination and communication
General								
Downtown Businesses			X			X		Access during Construction.
Lower Manhattan Residents			X			X		Access during Construction.
Public (Traveling Vehicle & Pedestrian)		X		X	X	X		Special clause. Considerate Construction.
Battery Park			X					
Labor Unions			X					
GCA		X						Coordination.
LMBCO		X				X		Coordination and communication
Styv High School			X			X		Communication
Manhattan Community College			X			X		Communication

ATTACHMENT 2

Stakeholders	Significance (check one)			Relevant Time Period (check as required)				Areas of Project Influenced by Stakeholder
Transit Authorities/ Transportation Agencies	Major	Moderate	Minor	Procurement	Design	Construction	Approval to use or occupy	Short Description of Areas that the stakeholder will be interested in and may hold right of approval or other means to exert influence
PANY&NJ/PATH	X			X	X	X		
MTA – Buses		X						Coordination and communication.
Private Buses		X						Coordination and communication.
NYCT		X						Coordination and communication.
LIRR		X						Coordination and communication.
MTA – So. Ferry/Fulton Street		X						Coordination and communication.
TBTA		X		X	X	X		Coordination and communication.
Utilities								
Verizon/ECS (and 15 other communications companies)	X			X	X	X		See "Risk Identification, Assessment and Allocation" Matrix.
Con Edison	X			X	X	X		See "Risk Identification, Assessment and Allocation" Matrix.
NYC DEP	X			X	X	X		See "Risk Identification, Assessment and Allocation" Matrix.

ATTACHMENT 3

PROJECT GOALS

Time:

- Open to traffic no later than (for chosen alternative):
    - June 2008 (By-Pass Alternative—Cedar Street)
    - December 2007 (By-Pass Alternative—Liberty Street)
    - June 2007 (At-Grade Alternative)
- Minimize construction duration

Quality:

- "Signature-Landmark" (quality exceeds minimum requirements) urban design
- Context and community sensitive urban design and considerate construction
- High quality, maintainable/durable construction
- Support and enhance the vision for the WTC Memorial and Lower Manhattan Redevelopment
- Maximize public access during construction
- Effective MPT for all modes, including pedestrians and bicycles
- Address stakeholder issues and coordinate with adjacent work
- Minimize impacts to community and environment

Cost:

- Do not exceed Project Budget for chosen alternative

ATTACHMENT 4

RISK IDENTIFICATION, ASSESSMENT AND ALLOCATION

Risk	Description /Effect	Probability	Impact	Rating[1]	Mitigation/Responsibility
Utility Relocations	Time (schedule); cost (who pays)				Get funding for utility relocation; D/B contractor can construct for utilities;
Public		3	3	**9**	D/B contractor constructs and responsible.
Private		3	3	**9**	MOU w/ utilities; Early Utility Action contract (i.e. Verizon) may be constructed by D/B contractor using 100% plans; Utilities and D/B responsible.
Adjacent Projects Haul Road Stabilization of Slurry Wall	Interference—time (schedule) & cost; risk of changes; staging;	3 3	3 3	**9** **9**	Coordinate the use of the existing Haul Road (schedule); develop alternative plan for haul road D/B contractor response to include a plan for contingency plan. Dept will control the agreement initially. Provide optional contract requirements for Route 9A Contractor to stabilize the retaining wall in the event it is not fully braced by the WTC Construction
Coordination with WTC work - Underground Pedestrian Way	Time (schedule) Design and funding.	2	3	**6**	PA agreement with Dept. Department Responsible

ATTACHMENT 4

Risk	Description /Effect	Probability	Impact	Rating[1]	Mitigation/Responsibility
Design consensus & coordination (stakeholders) Liberty Street Ramp Fitting into environment	Time; quality (flexibility)	2 2	3 2	**6** 4	Liberty Street Ramp – Dept. responsibility to build, but PA be responsible for cost implications. LMDC ROD - PA designs; their design must be resolved in time to be included in Dept's RFP. Department Responsible
Non-DOT approvals • Stakeholders • Political • Community Board No.1	Time; cost (change orders); permanent approval	1	1	1	
Law suits • NEPA • Property owners • Community groups	Time; cost (settlement or mitigation)	3	1	3	
Design-build culture change	Time; cost; quality	2	1	2	
Post construction failure	Quality; cost	1	3	3	
Schedule too tight	Time; cost (premium)	1.5	1.5	2-1/4	
Construction resources (labor & material availability) i.e. steel.	Cost; time	2	2	4	
Construction overload in Lower Manhattan	Quality (impact on public); cost	2	1	2	

ATTACHMENT 4

Risk	Description /Effect	Probability	Impact	Rating[1]	Mitigation/Responsibility
Maintaining traffic during construction Vehicular Pedestrians	Quality (impact on public)	 1 2	 1 2	 1 4	
Underground unknowns (geotechnical)	Cost; time	2	2	4	Geotechnical Investigation program underway.
Physical security design issues (especially tunnel) i.e. hardening	Quality; cost	1	1	1	
Design-build authorization by legislature	Time; cost (commitment to prepare D/B documents, etc.)	2	3	**6**	Alternate Schedule for DBB. Department responsible
NEPA (EIS & ROD)	Time	2	1	2	
PATH tunnel/ventilation	Cost; quality; Design requirements	1	2	2	
Price contingency in proposals	Cost	1	2	2	
Third party changes	Cost; time	3	3	**9**	Price for delay; Contingency fund Department responsible
Delay in ROW easements and agreements	Time	1	1	1	
Obtaining other environmental permits	Time	1	1	1	
Hazardous Materials	Time; cost	2	1	2	

ATTACHMENT 4

Risk	Description /Effect	Probability	Impact	Rating[1]	Mitigation/Responsibility
Construction failure during Construction (contractor caused issues)	Time	2	2	4	
Force Majeure	Time; cost	1	3	3	
Labor Disputes	Time; cost	3	2	**6**	Mitigate labor costs

Note: 1. The mitigation measures were discussed for Risks with ratings above 4.

ATTACHMENT 5

SPECIFIC APPROACHES FOR ROUTE 9A PROJECT
(in addition to procedures of the DBPM)

- One contract (design-builder), one responsible entity
- DOT manage NEPA process; other permits assigned to party that can best manage them
  - RFP should include requirements for D/B Contractor Team to have permit experience in NYC.
- DOT obtain ROW easements/agreements
- Utility relocations
  - Maximize relocations by the design-builder (may provide some; 100% designed for early action)
  - For relocations not by the design-builder, possible early utility action contract – (not DB)
- Design-builder will support Dept with public information and community relations
- Up-front stakeholder/interagency/intergovernmental coordination and agreements by DOT (covering design aesthetics, MPT, public access, physical security, WTC related design criteria; approvals; design review; construction coordination, etc.)
- Award fee incentive (positive incentive awarded to the contractor for higher level of performance, i.e. considerate contracting)
- Use of performance specifications[1]
- Evaluate use of long-term warranties and maintenance.
- Proposal bond and performance bond ($250 million)
- The following preliminary engineering by DOT:
  - Comprehensive geotechnical investigation
  - Identify utility relocations and negotiate utility agreements, locate utility routes
  - Project survey (baseline and coordinates)
  - Define ROW and Easement needs
  - Contractor Staging Areas
  - Aesthetic baselines – 100% by DOT[2]
  - Investigations necessary to define design and construction constraints (i.e., PATH, NYC and WTC)
  - EPC compliance (Dept established criteria/performance level and CM monitored)
  - Archeology – by DOT
- Partnering
- Use of Alternate Proposals (i.e., contractor's design different than the required criteria and/or performance specifications included in the RFP)
- Stipends (defined upfront)

Notes:

1. The “Plan Items for Design –Build” tables prepared by the Route 9A Team will need to be revised.

2. Landscaping Plans/Urban Design may not be available at the time the RFP is issued; however, an itemized list of landscaping materials can be included for proposal purposes.

ATTACHMENT 6

RFQ EVALUATION FACTORS (for Cut and Cover Tunnel and At-Grade Alternatives)[1]

(follow sample RFQ format in Exhibit II of DBPM)

- (Pass/Fail) Legal
- (Pass/Fail) Financial (include all requirements for large, complex projects)
- (Pass/Fail) Proposal Responsiveness
- Organization and Key Managers (high level) (This factor is in addition to those included in DBPM RFQ format)
- Experience
  - Design and Construction — emphasis on experience in cut and cover tunnel work, at-grade work, urban construction, New York City or large urban area, managing MPT, and innovative design solutions
  - Design-Build project delivery, other design-build projects, and other design-build projects by the same team/teaming arrangement (i.e. JV)
  - Community outreach
  - History with Federal requirements and federal process, i.e. DBE, etc.
- Past Performance including as Joint Venture or teaming structure being proposed (emphasis on experience in cut and cover tunnel work, at-grade work, urban construction, New York City or large urban area and managing MPT)
- Backlog/Capacity
- Project Understanding (emphasis on design-build in tunnel work, at-grade work, urban construction, New York City or large urban area and managing MPT)

Note: 1. RFQ Evaluation Factors will require information to be submitted for both the at-grade and cut and cover tunnel alternatives since the alternatives will still be under consideration at the time of the RFQ.

ATTACHMENT 7

RFP EVALUATION FACTORS (tentative) (for Cut and Cover Tunnel and At-Grade Alternatives)[1]

(follow sample RFP format in Exhibit III of DBPM)

- (Pass/Fail) Legal (including Joint Venture Agreements)
- (Pass/Fail) Financial
- (Pass/Fail) Proposal Responsiveness
- Management Approach (emphasis on managing a design-build project involving cut and cover tunnel work (or at-grade work) in an urban environment; public information plan; QC plan; public involvement; schedule; EPC management and compliance; team inter-coordination; logistics of labor access; material procurement; etc.)
- Key Personnel and Experience (those key personnel identified in management approach—emphasis on QC [design and construction]; safety; cut and cover tunnel (or at-grade) design and construction; MPT, public information/community relations, physical security hardening credentials and monitoring (different significance depending on whether By-Pass or At-Grade Alternative); etc.)
- Technical Solutions
  - Cut and Cover Tunnel design (incl. pumping) (By-Pass Alternative)
  - At-Grade highway design (At-Grade Alternative)
  - Project construction (methods, means and sequencing)
  - PATH protection concepts/ measures to protect existing structures
  - Physical security (different significance depending on whether By-Pass or At-Grade Alternative)
  - Slurry wall stabilization (may not be significant for At-Grade Alternative)
  - Utility relocations
  - Approaches and streets over tunnel (By-Pass Alternative)
  - Drainage
  - Sustainable design and construction i.e. waste recycling
  - Maintainability

- Project Support Information
  - Construction Control (protection plan)
  - Framework MPT Plan
  - Safety Plan
  - Considerate Construction / Public access and pedestrian accommodation.
  - Plan for awareness and confirmation of understanding regarding coordination with adjacent projects, LMDC (or its successor) and PATH; i.e. construction staging, material delivery, truck routing
- Price

Note: 1. These tentative RFP Evaluation Factors reflect factors for both the at-grade and cut and cover tunnel alternatives. The final RFP Evaluation Factors will reflect only factors relative to the chosen alternative.

ATTACHMENT 8

ALTERNATE PROPOSAL OPPORTUNITIES (for Cut and Cover Tunnel and At-Grade Alternatives)[1]

- Cut and cover tunnel design (By-Pass Alternative)
- At-Grade highway design (At-Grade Alternative)
- Utility relocations (including alternates to concept and/or 100% design plans provided to Contractor)
- Streets and park concepts and/or designs (seamless neighborhoods, landscaping and aesthetics)
- MPT criteria (changes to MPT requirements subject to concurrence of certain stakeholders within provisions of EIS mitigation commitments)
- NO changes to alignment, grade and geometry will be allowed.
- NO changes to Hardening Criteria and tunnel finish will be allowed (this has already been agreed to with PA)

Note: 1. List and description of Alternate Proposal opportunities will be adjusted to reflect either the at-grade or the cut and cover tunnel alternative chosen.