



**THE PORT AUTHORITY OF NY & NJ**

**Request For Qualification Information  
FOR**

**Construction Services**

**FOR THE  
Immediate Repairs Call-In Contracts During  
January 1, 2008 To December 31, 2009 At  
Various Facilities In New York And New Jersey  
RFQI # 14840**

**January 1, 2008**

**REQUEST FOR QUALIFICATION INFORMATION  
FOR  
CONSTRUCTION SERVICES  
FOR THE  
IMMEDIATE REPAIRS CALL-IN CONTRACTS DURING JANUARY 1, 2008 To  
DECEMBER 31, 2009 AT VARIOUS FACILITIES IN NEW YORK AND NEW JERSEY**

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**I. BACKGROUND**

In an effort to respond to emergency conditions at its facilities, The Port Authority of New York and New Jersey ("Authority") has undertaken an Immediate Repairs Call-In Program. The Authority's core businesses are transportation and trade. Its current facilities include interstate tunnels, interstate bridges, bus terminals, the Port Authority Trans-Hudson (PATH) rail transit system, a regional airport system, marine terminals, industrial parks, and the World Trade Center Site and Transportation Hub. Please visit our website at <http://www.panynj.gov> for more information about the Authority's business areas, facilities and programs.

The Authority is seeking a Heavy or Building General Contracting (H/B GC) firms that are committed to quality, has proven experience in performing work on a Call-In Basis and/or Emergency Response at Port Authority of New York And New Jersey facilities.

**II. SCOPE OF WORK**

- A. The Authority wishes to prequalify prospective bidders for Construction services. The selection process will evaluate the ability of each prospective H/B GC firm to be able to respond to emergency conditions 24 hours/day and perform the required repairs.
- B. It is anticipated but it is not guaranteed that the Work required by the Contract may include, but may not necessarily be limited to the following:

To respond within 24 hours of notification, to perform immediate repairs, as required, to ensure public safety and/or maintain essential facility operations. Providing staff support during the performance of structural integrity inspection work by providing construction services such as rigging, shoring and removal and restoration of building finishes for inspection access.

**III. ESTIMATED TOTAL CONSTRUCTION COST**

- A. The Authority estimates the value of construction work for each contract packages to not to exceed **\$1 million**. The Authority will determine, at its sole discretion, the number of contract packages to be issued under this contract.
- B. Contractor compensation will consist of the amount equal to the net cost of work and amount equal to the bid percentage of the net cost of the work order.

#### IV. CONTRACT SCHEDULE

- A. It is presently anticipated but it is not guaranteed that Bid Documents for these Contracts will be available to prequalified bidders beginning in **May 2008**. It is the present intention of the Authority to have all work under these Contracts completed by year-end 2010.

#### V. REQUIREMENTS

- A. The Authority will accept bids on these Contracts only from prequalified bidders. Notwithstanding prequalification to bid, bidders will be required to submit certain additional information with their bids and, if so required, shall submit further information after the submission of bids, all as will be stated in the Contract. The Authority reserves the right at any time to modify, waive or vary the terms and conditions of this Request for Qualification Information ("RFQ").
- B. The successful bidder will be required to have its staff, and that of its subcontractors and any other staff at the construction site or Authority facility undergo a criminal history background check and shall furnish proof to the Authority, in a form acceptable to the Authority, that such check has been performed.

The Authority shall have the right to inspect any records of the Contractor, subcontractors or others to ensure compliance with this requirement. No employee of the Contractor, any subcontractor or any other staff will be permitted at the construction site or Authority facility (including rental spaces) without proof that such check has been performed.

- C. These contracts may require access to Port Authority Confidential and Privileged Security Information. Confidential and Privileged Security Information is information belonging to the Port Authority that, if it were subject to unauthorized access, modification, loss or misuse could seriously damage the Port Authority, public safety, or homeland security. Protecting this sensitive information requires the application of uniform safeguarding measures to prevent the unauthorized disclosure of this sensitive security information and to control the authorized disclosure of this information within the Port Authority or when released by the Port Authority to outside entities. These procedures are identified in the Port Authority's "Handbook for Protecting Security Information".

To that end, the Security Capital Program maintains a secure collaborative Program Website called Livelink to store, share and distribute all Project documentation. For any information deemed to be Confidential & Privileged Security Information/SSI, Livelink is the only acceptable means of electronically distributing and sharing such information. The H/B GC Security Information Manager (SIM) will be responsible for identifying members of their team who will need to have access to Livelink and for assuring that those members have passed the requisite background checks and have completed the requisite Livelink access forms. The SIM will be responsible for maintaining their Livelink user account access list. In addition, the SIM will identify an individual who will be trained by the Port Authority in the use of Livelink and that individual will subsequently be responsible for training the H/B GC's team.

- D. The Port Authority maintains a set of CAD Standards which are available at:

<http://www.panynj-cadstandards.com> .

As described in the Standards, the Port Authority uses the latest release of AutoCAD. The H/B GC will be responsible for having a CAD Manager who is fully qualified to use AutoCAD and for assuring that all drawings developed or modified as a part of the CM/CG's work comply with these CAD Standards. The Port Authority maintains a CAD Support Desk which will be available for an initial review of the Standards with the CM/GC's CAD Manager. The CAD Support Desk will also audit drawings submitted by the H/B GC for compliance with the Standards.

- D. The Authority reserves the right, at its sole discretion, to require the successful bidder to furnish a Performance and Payment Bond for each contract.
- E. Prequalification to bid will not preclude the Chief Engineer of the Authority (Chief Engineer) from subsequently concluding, based upon either (a) analysis of additional information which may come to his attention or upon further analysis of the information upon which his approval was based, or (b) analysis of any information required pursuant to the Clause entitled "Qualification Information" of the "Information for Bidders" section of the Contract, that a bidder is not qualified to perform the Contract. Further, no approval shall limit or impair the reservation by the Authority of the unqualified right, in its sole and absolute discretion, to waive bid defects, reject all bids, or to accept that bid, if any, which in its judgment will under all circumstances best serve the public interest, as more fully set forth in the Contract.
- F. The Contract(s) will contain Clauses entitled "Certification of No Investigation (Criminal or Civil Anti-Trust), Indictment, Conviction, Suspension, Debarment, Disqualification, Prequalification Denial or Termination, etc.; Disclosure of Other Required Information" and "Non-Collusive Bidding and Code of Ethics Certification; Certification of No Solicitation Based on Commission, Percentage, Brokerage, Contingent Fee or Other Fee." (Copies of the Clauses currently being utilized are attached). By bidding on the Contract, the prospective bidder (and the other persons and entities connected with the prospective bidder to whom such Clauses by their terms apply) will be deemed to have made the certifications included in the Contract documents unless the prospective bidder submits a statement with its bid explaining why any such certification (s) cannot be made.

## VI. REQUIREMENTS AND INFORMATION TO BE SUBMITTED

Each prospective bidder shall submit the information requested below ***in 8½ in. by 11 in. bound volumes***. The information shall be presented ***in an organized fashion, and shall be categorized and sub-categorized in exact accordance with the following paragraphs***. The bound volumes shall ***include tabs*** for quick reference to the various sections described below. Prequalification information that is not submitted as described above may not be taken into consideration.

#### A. GENERAL INFORMATION

The prospective bidder must provide the following information:

1. Name and address of the prospective bidder.
2. Company organizational chart showing division of responsibility within its organization, and listing titles, duties and job descriptions for key personnel (management, technical, quality control and safety).
3. Name of contact person(s), address(es), and telephone number(s) of proposed subcontractor(s), if any, for performance of H/B GC services. Submit verifiable references for each proposed subcontractor.
4. Name, title and telephone number of the person to contact in the event that further information is required by the Authority.

Note: At any time after the opening of the responses, the Authority may request additional information relating to the prospective bidder's qualifications.

#### B. GENERAL QUALIFICATION INFORMATION

The prospective bidder must demonstrate the following to the satisfaction of the Chief Engineer of the Authority:

1. That it can supply the labor, supervision, materials, equipment, insurance and required expertise to complete the work of the Contract.
2. That it possesses the administrative and management procedures for: (i) financial record keeping, (ii) contract estimating, (iii) methods to review specifications and other bid documentation and (iv) procedures for determining current federal, state and local environmental, health and safety regulations.
3. That it possesses written safety and record keeping procedures.

The prospective bidder must submit the information requested on the attached Contractor's Qualification Statement.

#### C. PREREQUISITES

The prospective bidder must demonstrate the following experience to the satisfaction of the Chief Engineer. Each account of relevant experience shall include, at a minimum, the following information:

1. The prospective bidder shall demonstrate to the satisfaction of the Chief Engineer that it has been a H/B GC contracting firm conducting business in New York and New Jersey for a **minimum of five (5) years** and has experience in the major work categories as delineated in the scope of work.

2. The prospective bidder shall clearly demonstrate its qualifications as a H/B GC firm. The prospective bidder shall submit supporting documentation of a minimum of gross income of **\$2 million** each year, for the last three (3) years.
3. The prospective bidder should own sufficient equipment to support simultaneous immediate responses while maintaining normal business. A list of all owned equipment shall be submitted.
4. The prospective bidder must have sufficient labor resources to maintain multiple immediate responses. A list of all available manpower and trades shall be submitted.
5. The prospective bidder shall clearly demonstrate three (3) years experience in performing work on Call-In Basis and/or conducting emergency response 24 hours/day. A sample agreement with another entity, preferably government shall be submitted.

#### E. FINANCIAL STATEMENTS

The following information must be submitted:

1. Certified financial statements, including applicable notes, reflecting the prospective bidder's assets, liabilities, net worth, expenses, profit or loss and cash flow for the past three years.
2. If for the current year such certified financial statements are not available, submit either reviewed or compiled statements from an independent accountant setting forth the information described in subparagraph (1), above.
3. The prospective bidder must provide demonstrated evidence that he can provide a Performance And Payment Bond as indicated in paragraph **V.F** from a surety company duly authorized to carry on the business of suretyship in the state(s) in which the construction site is located, whose name appears on the current list of the Treasury Department of the United States as acceptable as surety upon federal contracts. As an alternative, the prospective bidder, if not bondable, must provide demonstrated evidence that he has acted as a CM/GC and was able to secure performance and payment bonds from his subcontractors which would also protect the Port Authority of NY/NJ.
4. Where statements submitted pursuant to either subparagraph (1) or (2) above show the position of the prospective bidder as of a date more than forty-five (45) days prior to the date on which responses to this RFQ are due, the prospective bidder shall also submit a statement in writing, signed by a duly authorized representative of the prospective bidder, that the present financial condition of the prospective bidder is at least as good as that shown on the statements submitted.

#### F. DISCLOSURE OF PAST OR CURRENT LITIGATION

The following information must be submitted (if bidder is a team, submit for each team member):

1. The prospective bidder shall provide certification that it has not been the subject of any legal or administrative action or proceedings brought by the New York State Department of Labor (NYSDOL), the United States Environmental Protection Agency (USEPA), the New York City Department of Environmental Protection (NYCDEP), the United States Occupational Safety and Health Administration (OSHA), or any other Federal, State or local agency having safety, health or environmental responsibility or function.
2. If the prospective bidder has been the subject of any administrative or legal actions initiated by any federal, state or local government agencies having safety, health or environmental responsibilities or functions, during the three (3) years preceding the date for submission of responses to this RFQ, such prospective bidder shall submit a description of same, and describe how such actions were or are being resolved.
3. If the prospective bidder has been associated with projects that have been prematurely terminated, such bidder or participant shall submit a description of such projects including circumstances surrounding termination.
4. The bid contract will contain other disclosure requirements pertaining to integrity and honesty.

#### F. CURRENT WORKLOAD DISCLOSURE

The prospective bidder shall provide a statement of work on hand, including any work on which a bid has been submitted, containing a description of the work, the dollar value, the location by city and state, the current percentage of completion and the expected date for completion.

#### G. CONTRACTOR'S QUALIFICATION STATEMENT

The prospective bidder must submit the information requested on the attached Contractor's Qualification Statement.

### VII. SUBMISSION INSTRUCTIONS

- A. The prospective bidder shall submit six (6) copies of the required qualification information in sufficient time so that the Authority receives it no later than 4:00 p.m. on **February 11, 2008** to:

Bid Custodian  
Procurement Contracts Manager  
One Madison Avenue, 7<sup>th</sup> Floor  
New York, NY 10010

Attention: Bid Custodian

The cover of your submittal must include the Contract Number and the title of the RFQ.

- B. In order to expedite the evaluation of the qualification information furnished, the prospective bidder must complete and submit the attached Contractor's Qualification

Statement and related attachments. Responses that fail to adhere to this stipulation may be excluded from consideration.

- C. Company brochures alone shall not be submitted for the purpose of demonstrating experience and technical expertise. Submittals should be tailored to the specific requirements of this RFQ.
- D. Any questions concerning this RFQ should be directed to Mitchell Yonkler either in writing to the Port Authority of New York and New Jersey, at the address shown above, by telephone at 212-435-3952, by FAX at 212-435-3959, or by email at myonkler@panynj.gov. Neither Mitchell Yonkler, nor any employee of the Authority is authorized to interpret the RFQ or give additional information as to its requirements; such interpretation or additional information will be given only by written addendum to this RFQ.

## **VIII. NOTIFICATION**

Notification as to whether a prospective bidder has been prequalified will be made only by a notice in writing, signed by the Chief Engineer or his designated representative on behalf of the Authority and mailed or delivered to the office designated by the prospective bidder in its response to this RFQ. It is presently anticipated, but not guaranteed, that prospective bidders will be notified whether or not they have been pre-qualified to bid on the Contract in February 2008.

## **IX. CERTIFICATION OF PARTICIPATION IN A STATE-REGISTERED APPRENTICESHIP PROGRAM**

By bidding on this Contract, each bidder and each person signing on behalf of any bidder certifies that the bidder participates in an apprenticeship program registered by the New York State Department of Labor. Participation in such an apprenticeship program shall mean that the bidder either (a) is a signatory to a collective bargaining agreement with a labor organization which sponsors an apprenticeship program registered with the New York State Department of Labor or (b) individually sponsors an apprenticeship program registered by the New York State Department of Labor and, in the case of both (a) and (b) above, such apprenticeship program shall be in the trade(s) in which Work is to be performed. This clause shall not apply to bidders who will perform all Work at the construction site through the use of subcontractors.

The foregoing certification, if made by a corporate bidder, shall be deemed to have been authorized by the Board of Directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of such certification as the act and deed of the corporation.

In any case where the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the signed bid a signed statement, which sets forth in detail the reasons therefore. If the bidder is uncertain as to whether it can make the foregoing certification, it shall so indicate in a signed statement furnished with its bid, setting forth an explanation for its uncertainty.

Notwithstanding that the certification may be an accurate representation of the bidder's status with respect to the enumerated circumstances provided for in this clause as requiring disclosure at the time that the bid is submitted, the bidder agrees to

immediately notify the Authority in writing of any change in circumstances during the period of irrevocability, or any extension thereof.

The foregoing certification or signed statement shall be deemed to have been made by the bidder with full knowledge that it would become a part of the records of the Authority and that the Authority will rely on its truth and accuracy in awarding this Contract. In the event that the Authority determines at any time prior or subsequent to the award of the Contract that the bidder has falsely certified as to any material item in the foregoing certification; willfully or fraudulently submitted any signed statement pursuant to this clause which is false in any material respect; or has not completely and accurately represented its status with respect to the circumstances provided for in this clause as requiring disclosure, the Authority may determine that the bidder is not a responsible bidder with respect to its bid on this Contract or with respect to future bids and may, in addition to exercising any other rights or remedies available to it, exercise any of the rights or remedies set forth in the clause of the Form of Contract entitled "Rights and Remedies of Authority". In addition, bidders are advised that knowingly providing a false certification or statement pursuant hereto may be the basis for prosecution of offering a false instrument for filing (see, e.g., New York Penal Law, Section 175.30 et seq.)

#### **X. RIGHTS OF THE PORT AUTHORITY**

The Port Authority reserves all its rights at law and equity with respect to this RFQ including, but not limited to, the unqualified right, at any time and in its sole discretion, to change or modify this RFQ, to reject any and all submissions, to waive defects or irregularities in submissions, to seek clarification of submissions, to request additional information, to request any or all submitters to make a presentation, to undertake discussions with one or more submitters. The Port Authority may, but shall not be obliged to, consider incomplete submissions or to request or accept additional material or information. The holding of any discussions with any submitters shall not constitute prequalification.

No submitter shall have any rights against the Port Authority arising from the contents of this RFQ, the receipt of submissions, or incorporation in or rejection of information contained in any submissions. The Port Authority makes no representations, warranties, or guarantees that the information contained herein, or in any addenda hereto, is accurate, complete, or timely or that such information accurately represents the conditions that would be encountered during the performance of the contract. The furnishing of such information by the Port Authority shall not create or be deemed to create any obligation or liability upon it for any reason whatsoever and each submitters, by making a submission or a bid, expressly agrees that it has not relied upon the foregoing information, and that it shall not hold the Port Authority liable or responsible therefore in any manner whatsoever. Accordingly, nothing contained herein and no representation, statement of promise, of the Port Authority, its directors, officers, agents, representatives, or employees, oral or in writing, shall impair or limit the effect of the warranties of the Proposer required by this bid or Contract and the submitter agrees that it shall not hold the Port Authority liable or responsible therefore in any manner whatsoever.

No compensation shall be due a submitter for preparation of qualification information or a bid.

Neither the Commissioners of the Port Authority, nor any of them, nor any officer, agent or employee thereof shall be charged personally with any liability by a Proposer or another or held liable to a Proposer or another under any term or provision of this RFQ or any statements made herein or because of the submission or attempted submission of qualification information or other response hereto or otherwise.