

NEW YORK CITY DEPARTMENT OF DESIGN AND CONSTRUCTION

DIVISION OF PUBLIC BUILDINGS

REQUEST FOR INFORMATION

**IN CONNECTION WITH
THE PROPOSED NEW YORK CITY BOROUGH-BASED JAIL SYSTEM DESIGN-BUILD
PROJECTS**

RFI Issuance Date: May 31, 2019
Project Website: <https://rikers.cityofnewyork.us/>
Response Letter Due Date: 5:00 PM
July 15, 2019

The responses to this Request for Information:

- MUST be submitted by email at NYCBBJ@ddc.nyc.gov by the due date specified above.
- MUST consist of one-page transmittal letter plus an attachment preferably having a maximum length of 20 pages with minimum font size of 12-point Times New Roman format. 11"x17" pages will count as two pages.
- MAY NOT contain marketing materials, budgetary information or proprietary information. Such materials will be discarded.

POINT OF CONTACT:

All inquiries regarding this RFI are to be directed to the following Point of Contact:

Anna Zardiashvili
New York City Department of Design and Construction
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Long Island City, NY 11101
NYCBBJ@ddc.nyc.gov

I. PURPOSE

The City of New York (the “City”) by and through its Department of Design and Construction (“DDC” or the “Department”) invites interested vendors to respond to this Request for Information (“RFI”) regarding future Design-Build (“DB”) solicitation(s) in connection with the proposed New York City Borough Based Jails System. The purpose of this RFI is to seek industry perspective and feedback on the design-build projects, as described below. Interested firms and parties are strongly encouraged to submit responses with detailed comments to the topics listed in Part III of this RFI. The City wants to be an owner of choice for DB projects.

II. BACKGROUND AND PROJECT OBJECTIVES

The City intends to design and construct four (4) new state of the art correctional facilities in New York City (the “Projects” or individually, the “Project”) as part of an initiative to close the Rikers Island Jail Complex. The new facilities will be borough-based, rather than centralized on Rikers Island. The City’s ultimate goal is to create a jail system that is smaller, safer and fairer and to ensure that the City’s jails are humane productive places for those who work or are detained there now and in the future. These new detention facilities will be focused on providing essential services while facilitating programs and services that aid those detained in finding a better path in life and improving access to community supports. The City’s goals also include that the facilities be designed to integrate, in operations and architecture, into existing neighborhoods as civic assets.

The planned closing of the Rikers Island Jail Complex and the creation of borough-based facilities offers the City a once-in-many-generations opportunity—and responsibility—to reimagine and radically reconstitute the culture, operations, and physical conditions of its jails in order to actualize the shared values of respect for human dignity and commitment to fairness. The City’s Justice Implementation Task Force developed the following principles to guide the human-centered design of future City jails:

- Strengthen community and family;
- Create engaging civic assets;
- Ease and broaden access to resources;
- Promote safety and security;
- Design dignified environments that reflect community living;
- Foster safe and positive social interaction;
- Support physical health and mental well-being;
- Consider the unique needs of individuals;
- Offer empowering choices; and
- Create positive and sustainable environmental conditions

The City expects that each Project will cost in excess of \$1 Billion and that construction will occur simultaneously for significant portions of the work. DDC is managing this Design-Build Program on behalf of the New York City Department of Corrections (“DOC”). To learn more about the City’s roadmap to closing Rikers, please visit: <https://rikers.cityofnewyork.us/>

To aid the City’s objectives, the State Legislature approved the New York City Rikers Island Jail Complex Replacement Act (the “Act”), providing the City with authority to procure and enter into

design-build contracts for the design and construction of the new correctional facilities. In compliance with the Act, the City must use a two-step solicitation process (Request for Qualifications (“RFQ”) and Request for Proposals (“RFP”)), and award the design-build contracts on the basis of best value. The Act expires in April 2020 and requires that all Requests for Qualifications be issued prior to expiration. A copy of the Act can be obtained here: <https://legislation.nysenate.gov/pdf/bills/2017/S7509C>.

DDC retained the services of a Program Management Consultant (the “PMC”) for the development and implementation of a Design-Build program for the New York City Borough Based Jails System (the “Design-Build Program”), as well as project management services for the Projects. The PMC retained to provide these oversight and management services is AECOM-Hill, Joint Venture.

The public review process for site selection for a capital project – the Uniform Land Use Review Procedure (“ULURP”) – is underway for the four (4) Projects anticipated to be part of the Design-Build Program. The ULURP applications for the Projects are expected to be voted on by the City Council in Fall 2019. For information about the ULURP process, and about the proposed locations and scope development for each Project, please visit: <https://a002-ceqraccess.nyc.gov/ceqr/ProjectInformation/ProjectDetail/13546-18DOC001Y#b>

III. SUBMISSION REQUIREMENTS

Interested parties are invited to provide a written response to this RFI. The response shall preferably not exceed 20 pages in length and must be submitted by email to NYCBBJ@ddc.nyc.gov. The response must be accompanied by a transmittal letter providing the following information:

- Contact information, including the legal name of the respondent, business address, name of contact, telephone number and email address.
- A summary of respondent’s background and experience related to the services required for the project described in this RFI, in particular experience in managing and overseeing complex design-build projects, municipal projects, construction of correctional/detention institutions, fast track construction projects and/or projects with aggressive project schedules.

DDC wishes to receive feedback on the following topics:

1. **PROCUREMENT ISSUES**: As explained in Part II above, the City has been authorized by the Act to use the design-build project delivery method for these Projects and intends to issue an RFQ on or before April 2020. The Act specifies that the RFQs must be issued on or before April 2020. At this time, there are at least four (4) design-build Projects needed to meet the City’s needs.
 - a. Provide feedback regarding the solicitation process, including but not limited to, the number of RFQs and RFPs to be issued for the Projects, the sequence of RFQ and RFP issuance, and number of awards. Are potential proposers interested/capable to perform more than one facility concurrently?
 - b. Provide comments regarding insurance, bid guarantees, bonding, and performance guarantees.

- c. Provide feedback based on other similar detention facilities regarding standardization of certain equipment for multiple facilities.
- d. Provide feedback and suggestions (strategies) on how to support and increase the involvement and capacity of the M/WBE marketplace.
- e. Provide specific examples of industry-positive and industry-negative DB projects with explanations as to why, including projects you were actively engaged on or decided not to participate.
- f. What is a reasonable amount, in terms of a dollar range, for a stipend available to the unsuccessful proposer(s) during the second phase of the RFP procurement competition?
- g. Thoughts regarding usefulness of intermediate technical submissions during the proposal preparation period and the types of submittals that may be appropriate, including an explanation of your recommendation.
- h. Technical reference materials that you think are critical to include with the RFP documentation. If information isn't available when the draft RFP is released, what suggestions would you have to make the release of information more productive?
- i. Particular areas of information that would be useful for DDC to provide to proposers to in the RFQ and/or the RFP. Please explain your recommendations.
- j. How much time you believe would be reasonable between the initial release of the draft RFP and the final proposal due date and an explanation as to what timeframe would be optimal.
- k. If your firm were to compete for these design-build contracts, what is the reasonable time duration DDC can ask you to hold the pricing in today's business environment?
 - l. What should DDC NOT do during the procurement and contract administration process?
2. **MARKET ISSUES:** Are there any major barriers in the foreseeable marketplace that you consider may impact the success of the Design-Build Program?
 - a. Significant Project(s) challenges, and potential approaches that DDC may wish to consider in overcoming these challenges, particularly in the context of correctional/detention projects.
 - b. Discuss any potential challenges involving supplier and subcontractor markets, particularly in the context of correctional/detention projects.
 - c. Barriers to participating or elements of the Project(s) that would make it difficult for your firm to participate, and any recommendations to mitigate the concern(s), if possible.
 - d. Are there any Department procedural changes you would recommend to mitigate risk and contingencies and to deliver the Project(s) on time and on budget?
3. Provide specific examples of the performance incentives offered to make DB projects attractive.
4. Project procedures that worked to make your previous DB projects successful, including information about projects where those procedures were implemented.
5. Project procedures that did not work and harmed or contributed to the failure of your previous DB projects?
6. Recommendations regarding the Project delivery to achieve best value for the Project(s), including but not limited to, design-build to budget, payment structure, work break-down structure, evaluation criteria, Quality Control, Quality Assurance, and overall process.
7. Discuss the top risk factors in connection with this Design-Build Program and describe how best to mitigate these risks. Include risks to the Design-Builder and risks to the City (DDC, DOC, etc.).

8. Protocols that you recommend to ensure open and effective communication between the DDC and all entities of the design-build team? Please address this question from both the contractor and the designer point of views.
9. What do you believe DDC and/or the City must do to ensure this Design-Build Program is a success? What should DDC and/or the City NOT do?

IV. ADDITIONAL INFORMATION

- A. This RFI does not commit DDC to any specific form of procurement or delivery method.
- B. This RFI does not initiate a formal procurement or represent a commitment to issue a RFQ or a RFP.
- C. This RFI is not intended as a formal offering for the award of a contract and participation by a respondent is not a requirement for participation in any future DB solicitation that DDC may undertake.
- D. Respondents to this RFI are encouraged but not required to address all topics contained in this RFI.
- E. Respondents to this RFI will not be deemed proposers on the Projects by virtue of providing a response, and no responder will have any advantage or disadvantage in any subsequent procurement process.
- F. DDC does not intend to grant or issue any agreements on the basis of this RFI.
- G. DDC, the City and their officials, agents and employees make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFI.
- H. Neither DDC nor the City shall be liable for any costs incurred by any respondent in the preparation, submittal, presentation, clarification or revision of its submission.
- I. Neither DDC nor the City shall be obligated to pay and shall not pay any costs in connection with the preparation of such submissions.
- J. All submissions shall become the property of DDC and the City and shall not be returned. Respondents acknowledge and understand that none of the information contained in the submissions shall be deemed confidential. Therefore, respondents should not submit any information that they deem proprietary or otherwise confidential in nature, as DDC may be required to disclose elements of those submissions in response to an information request under the New York State Freedom of Information Law and/or DDC may, in its sole discretion, publicly disclose those submissions.
- K. DDC at its sole discretion reserves, without limitation, the right to:
 - i. Withdraw the RFI at any time;
 - ii. Not to issue a RFQ or RFP;
 - iii. To discuss various approaches with one or more respondents (including parties not responding to the RFI);
 - iv. Use the submissions in any manner deemed to be in the best interests of DDC and the City, including but not limited to soliciting competitive submissions relating to

such ideas or proposals and/or undertake the prescribed work in a manner other than that which is set forth herein; and

- v. Change any terms of the RFI.