

**CHANGE
THE COURSE**

NYC Waterfront Construction Competition

SUBMISSION DEADLINE: NOVEMBER 16, 2012

 **NYCEDC**

Executive Summary

Overview

The New York City Economic Development Corporation (NYCEDC) is seeking proposals for innovative and cost-saving solutions for completing marine construction projects in New York City (NYC).

One of NYC's defining features is its diverse and expansive waterfront. A maritime city with 565 miles of waterfront, NYC has more shoreline than Boston, San Francisco, Los Angeles, Portland and Seattle combined. Mayor Michael R. Bloomberg has made the re-imagining and reactivation of New York's "6th Borough" – the "Waterfront" – a central economic development priority. The City of New York has worked to transform its shoreline, creating jobs, building new parks, and cleaning its waterways.

Despite this ongoing transformation, problems on the waterfront still remain. Nearly half of NYC's 565 miles of shoreline is owned by the City and includes a wide range of structures, some of which are deteriorating. These structures will require rehabilitation or replacement in the coming years and decades. This work has become increasingly expensive, driven by the cost of materials, labor, outdated construction methods, technologies, regulations, and other factors.

Through this Request for Expressions of Interest (RFEI), NYCEDC is seeking competitive proposals that will change the course of waterfront construction and help the City of New York build and maintain waterfront infrastructure in the most cost effective and long-term sustainable manner.

Submissions should provide creative approaches to address critical factors that drive the cost and duration of maritime construction in NYC. The winning submissions should generate meaningful cost savings and include a detailed plan outlining the steps required to implement the proposed solution.

Process

This competition will have two phases. The RFEI is Phase I. The final selection and award for Change the Course – NYC Waterfront Construction competition (CTC) will be based on responses to a future Request for Proposals (RFP/Phase II) to be released after this RFEI/Phase I process is completed. NYCEDC anticipates that the future RFP will be based in part on responses to this RFEI **and that the RFP may only be solicited from and open to certain respondents to this RFEI, selected by NYCEDC, in its sole discretion.** It is expected that the RFP will be released soon after review of the RFEI submissions.

Respondents selected at the end of the RFP/Phase II, at NYCEDC's sole discretion, may be eligible for awards in the categories of 1st, 2nd and 3rd place, in the amounts of \$50,000, \$25,000 and \$15,000 (USD), respectively, after entering into a contract with NYCEDC substantially in the form at Appendix E. NYCEDC reserves the right to make additional awards.

In addition to receiving recognition in press announcements and/or events, selected respondent(s) will be required to present their ideas to an exclusive field of City agency representatives and maritime construction professionals at a forum and/or in other manners, to be determined at a later date.

RFEI Purpose

NYC Waterfront Structures

As the City continues to reclaim and transform its waterfront, one of the main challenges it faces is an aging infrastructure, which includes a wide range of structures, such as piers, wharfs, low-level platforms, and bulkheads.

Many of these structures include timber elements, which are susceptible to marine borer activity. Since the United States Clean Water Act was passed in 1972 the rate of deterioration due to marine borers has dramatically increased. While previous rehabilitation efforts involving wrapping timber piles with Polyvinyl Chloride (PVC) have proven ineffective, even the more effective concrete encasement solution requires rehabilitation over time. As with any aging infrastructure in the water, whether it is constructed with timber, concrete or steel, the structures will have to be rehabilitated or replaced, and historically this work is very expensive.



East River bulkhead with heavy spalling at joints.

Competition Goals

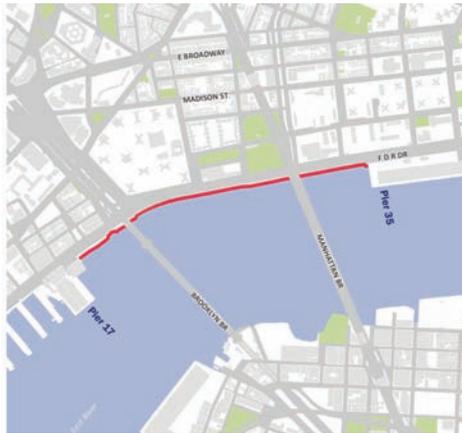
The goal of the CTC competition is to solicit proposals that:

1. Identify influences and factors which drive the increasing costs and duration of marine construction in NYC (for example: obsolete technologies, permitting processes, current regulations, environmental issues, outdated science studies, labor issues and efficiencies, etc.); and
2. Propose solutions to said influences and factors that are cost effective, sustainable and ethically sound.

The long-term outcome should be for the City of New York to build and maintain waterfront infrastructure in a more cost effective, efficient and sustainable manner.

Respondents will be expected to provide innovative and cost effective solutions. To ensure that proposals address existing challenges on New York City's waterfront assets, responses should address any or all of the conditions in one or both of the below areas (Representative Sites). **(Respondents are advised that this is not a request for proposals or bids for design or construction or other work related to specific waterfront structures.)**

1. **Lower Manhattan Waterfront:** The structures between Fulton Fish Market (at the South Street Seaport) and Pier 35 along the East River in Manhattan.
2. **Hudson River Park Pier:** The substructure of Pier 40, on the Hudson River, in Manhattan.



Lower Manhattan Waterfront



Hudson River Park Pier

The Representative Sites have been selected as concept proving grounds on the basis that they are highly representative of historic NYC waterfront structures. Current waterfront property inspections and engineering reports of these two sites, which document existing conditions and historic repairs, are included in this RFEI at Appendix B. NYCEDC's Waterfront Inspection Guidelines, which defines the NYCEDC's procedure for determining the adequacy of a waterfront structure, have also been included at Appendix B.

Eligibility Criteria

NYCEDC is seeking responses from individuals and/or teams which can include, without limitation, policy experts, engineering firms, contractors, manufacturers, developers, construction managers, environmental engineers, entrepreneurs, academic institutions, or students, as well as other interested and concerned parties.

Submission Requirements

Each RFEI response must include a response for each of the sections described below in order to be considered complete.

1. Respondent Information

1.01 Individual or Teams

Responses should include a profile of the respondent or members of the responding team, including names, relevant background information and credentials. *(Respondents who are selected will be required to complete background clearance checks, please see Terms and Conditions for additional information.)*

1.02 Contact Information

Respondents should include the name, address, telephone number, and email address of the individual who is authorized to act on behalf of the respondent and who is available to answer questions or requests for additional information.

2. RFEI (Phase I) Competition Narrative

Respondents should clearly demonstrate, in an approximately **three (3) to five (5) page proposal**, with an optional additional **five (5) pages of graphics**, how their ideas will achieve the competition's goals of identifying and proposing solutions to address the influences and factors that drive the high cost and long duration of marine construction in NYC. Respondents should be innovative in their proposals, and new ideas are strongly encouraged; additionally, submissions should reflect ethical and environmentally responsible solutions.

Respondents should address each of the following three (3) areas of concern: construction materials, constructability, and regulations (as more fully explained below). Respondents may choose to focus more heavily on one or two of these areas. However, at a minimum, the submission must state whether their proposed recommendation has implications in each of the three areas, and if so, discuss those implications in detail. For example, if a respondent proposes a new construction material that is implementable within existing City, state, and federal regulations, the respondent should state that the proposal requires no regulatory changes. If the proposal does require regulatory changes, the respondent should state the changes required and provide a recommended approach to implementation.

Areas of Concern:

1. **Construction Materials:** After reviewing the provided waterfront property inspections and engineering reports for the two sites listed above, respondents should include in their proposals specific construction materials that could be used to achieve the goals. Respondents should make specific recommendations regarding types of materials that could replace existing materials.

Material suggestions could apply to but are not limited to the following structural elements:

- a. Piles
 - b. Bulkheads
 - c. Platforms
 - d. Sacrificial anodes
 - e. Other elements
2. **Constructability:** Respondents should explain the difference between their approach, and current common practices used on the NYC waterfront. Respondents should provide an outline of how the new materials will be installed and/or how new methods of construction will be implemented in order to achieve the goals. Respondents are encouraged to address such areas as current labor practices, means and methods of construction, construction equipment/tools and other areas that affect how waterfront construction is performed.
3. **Regulations:** Respondents should review current procedures, regulations, and policies (City, New York State and U.S. Federal regulations). Respondents are encouraged to recommend responsible changes to these regulatory requirements to achieve the goals. All existing procedures, regulations or policies are eligible for consideration –although respondents should thoroughly detail any proposed changes to legislation or other regulatory restrictions to achieve the goals.

The proposal should include:

1. Explanation of how the respondent's proposal addresses each of the three areas of concern: Construction Materials, Constructability (including labor issues if applicable), and Regulations.
2. Explanation of how the proposal addresses some or all conditions in one or both of the Representative Sites.
3. Estimated cost savings (along with methodology for calculation).
4. Implementation plan outlining steps required to implement the solution (e.g., regulatory changes needed and approach to achieve these changes, required purchases and procurements, etc.) as well as the associated timeframe.
5. Summary of the overall impact respondent's recommendation will have on marine construction in NYC.

Below is a sample RFEI submission outline. Respondents are encouraged to be creative and original, the below outline is provided only to demonstrate how one may formulate a response to the above areas of concern.

- Introduction / Executive Summary.
- Identify current cost drivers for marine construction in NYC.
- Preliminary cost saving estimates and benefit analysis (old v. new).
- Engineering and technology recommendations overview.
- Construction means and methods overview.
- Effects on marine life / environment.
- Maintenance requirements and sustainability.
- Labor rules, labor laws and labor pool.
- Regulations: City, New York State and US Federal regulations, permitting requirements.
- Any other relevant concerns.

Awards

Submissions will be selected by an NYCEDC internal panel, and screened by an advisory committee, selected by NYCEDC at its sole discretion. The internal panel will consist of employees of NYCEDC. The advisory committee will likely consist of member(s) from the Hudson River Park Trust, U.S. Army Corps of Engineers, New York State Department of Environmental Conservation, academic institutions, and engineering and construction professionals. Advisory committee and panel members will be identified on the competition website, www.nycedc.com/ChangeTheCourse. Finalists, if any, of the RFEI/Phase I will be selected by the internal panel that will judge the RFEI/Phase I submissions on the criteria identified below and in accordance with the submission requirements outlined above. It is expected that finalists from the RFEI/Phase I will then advance to the RFP/Phase II and be given additional submission requirements and written instructions for the Phase II submissions. Such submissions also will be selected by the NYCEDC internal panel, and screened by an advisory committee, based on Phase II submission requirements. At the conclusion of the RFP/Phase II, monetary awards may be given to three (3) selected respondents, after entering into a contract with NYCEDC substantially in the form at Appendix E. NYCEDC reserves the right to make additional awards.

1. First Place: \$50,000 (USD)
2. Second Place: \$25,000 (USD)
3. Third Place: \$15,000 (USD)

In addition to recognition in press announcements and/or events, selected respondent(s) may also be required to present their ideas in a symposium to an exclusive field of NYC agency representatives and maritime construction professionals.



New Fulton Fish Market

Review Process

Selection Criteria

All proposals will be evaluated based upon the full scope of the competition goals and requirements as well as the quality and plausibility of the recommendation(s). Specifically, all responses will be evaluated based on the following criteria:

- **Proposal completeness:** the degree of completeness of the response in meeting the specific requirements and goals of the competition.
- **Cost savings achieved:** shown through supporting documentation.
- **Feasibility of the proposal:** the practicality of implementation and achievability of cost savings.

Additionally, respondents should compare their approach to more conventional approaches using current engineering methods, construction techniques, cost factors, environmental regulations, and other factors which comply with current regulation.



New waterfront construction at Pier 15.

Q&A and Logistics

Questions and Answers

Potential respondents can submit questions and general inquiries regarding the competition by emailing **ChangetheCourse@nycedc.com** no later than October 26, 2012 at 4:00 PM EST. Answers to questions will be posted on the NYCEDC website (www.nycedc.com) no later than November 2, 2012.

Timeline:

- RFEI/Phase I submissions deadline: All entries must be delivered by **4:00 PM EST November 16, 2012**
- Announcement of RFEI short list, if any, for the RFP/ Phase II: **4:00 PM EST November 30, 2012**
- Estimated RFP /Phase II Submissions deadline: **4:00 PM EST January 25, 2013**
- Estimated Presentations to Selection Panel: **January 28-31, 2013** (to be scheduled individually)
- Awards Announced: **February 2013**

How to Submit RFEI/Phase I

One (1) hard copy and one (1) electronic version of the proposal submission on either a USB flash drive or on CD in searchable PDF (and Excel where applicable) format identified by "Change the Course – The NYC Waterfront Construction Competition" and the name of the respondent on the envelope must be delivered by 4:00 PM EST on November 16, 2012. Proposals must be delivered to the following address:

Maryann Catalano
Senior Vice President, Contracts
NYCEDC
110 William Street, 6th Floor
New York, NY 10038

Statement of Agreement

The respondent must also submit a statement signed by an authorized principal or officer of the respondent that states that the respondent has read this RFEI and the Appendices, including Appendix C, and fully and agrees to the terms and conditions set forth therein (See Appendix D for an example).

Appendices

Appendix A

Background on Agencies

- A. New York City Economic Development Corporation (NYCEDC)
- B. Hudson River Park Trust

Appendix B

Waterfront property inspections and engineering reports

- A. Waterfront Inspection Guidelines
- B. Pier 40 Condition Monitoring Inspection Report
- C. East River Bulkhead Fulton Fish Market to Pier 35 Letter Report
- D. Fulton Fish Market Inspection Report

Appendix C

Conditions, Terms and Limitations

Appendix D

Statement of Agreement

Appendix E

Form Contract

Appendix F

Doing Business Data Form

Appendix A

Background on Agencies

A. New York City Economic Development Corporation (NYCEDC)

NYCEDC is New York City's primary engine for economic development, charged with leveraging the City's assets to drive growth, promote entrepreneurship, strengthen infrastructure, create jobs, and improve quality of life. At NYCEDC, we work to:

- **Transform the City's physical infrastructure:** We make critical investments in City infrastructure to allow movement of goods and people, attract businesses, and improve quality of life. These investments build new neighborhoods through area-wide developments, develop mixed use space and amenities such as schools and parks, sustain the working waterfront, and improve transportation resources on land, air, and water.
- **Manage City assets:** We maintain physical assets to keep them in a state of good repair and attract business.
- **Transform the City's economy:** We build sustainable jobs and industries by helping incumbent businesses transition to new business models, attracting new industries, and promoting entrepreneurship.

B. Hudson River Park Trust

Hudson River Park, the longest waterfront park in the United States, has transformed five miles of decaying piers and parking lots along Manhattan's West side into a beloved, urban recreational paradise. Attracting 17 million visits each year, the Park offers a myriad of recreational and educational activities for local residents and visitors alike, and plays a critical role in protecting the Hudson River environment itself.

In its brief history, Hudson River Park has also served as an important catalyst for economic development and job creation. Over the past decade, it has attracted \$3 billion in new construction at 94 new buildings in adjacent neighborhoods. The inspiration for numerous waterfront parks, city- and nation-wide, Hudson River Park represents the next great era in the history of urban parks – the birth of the waterfront park.

The Hudson River Park Trust was created by State legislation to serve as a unique city-state entity overseeing the design, construction and operation of Park. The Trust does not receive any public operating monies, relying instead on income generated within the Park as well as private support for 100% of its annual operating budget.

In order to ensure the future success and ongoing sustainability of the Park, the Hudson River Park Trust works alongside Friends of Hudson River Park, which serves as its primary advocacy, support, and fundraising partner.

In 1999, the Trust began the massive effort to begin repairing and rebuilding the Park in sections. Different architectural teams work on each section to provide design experiences that enhance the unique and vibrant neighborhoods bordering the park – all the while maintaining the feeling of a unified whole.

Today, people visit Hudson River Park to cycle the busiest bikeway in America, to sunbathe on green beaches, and to connect with the river. More than 135,000 people enjoyed free concerts, movies and dances here last summer. Over 400,000 people of all ages play on the Park's beloved athletic fields and courts. And 7,500 children participate in free educational programming each year.

Hudson River Park is deeply loved and appreciated by New Yorkers not only for the magnificent open space it provides, but also because it serves so many needs.

Appendix B

Waterfront property inspections and engineering reports

- A. Waterfront Inspection Guidelines**
- B. Pier 40 Condition Monitoring Inspection Report**
- C. East River Bulkhead Fulton Fish Market to Pier 35 Letter Report**
- D. Fulton Fish Market Inspection Report**

See www.nycedc.com/ChangeTheCourse for complete reports.

Appendix C

Conditions, Terms, and Limitations

In addition to those stated elsewhere, this RFEI and any transaction resulting from this RFEI are subject to the conditions, terms and limitations stated below:

A. Reference citations of the papers for the Phase I/RFEI submission should conform to the official ASCE *Authors' Guide to Journals and Practice Periodicals*, which can be found on the ASCE Publications website. A complete bibliography should also be included, if appropriate.

B. Employees of The City of New York or NYCEDC, and the Advisory Committee or any of its respective affiliates, subsidiaries, and their immediate family (spouse, parents and step-parents, siblings and step-siblings, and children and step-children) and household members (people who share the same residence at least three (3) months out of the year) of such employees are not eligible to respond to this RFEI.

C. The competition will occur in **two (2) phases**. The RFEI /Phase I is an open submission to eligible respondents. The RFP/Phase II may be open only to semi-finalists selected from the RFEI/ Phase I. NYCEDC reserves the right to select as many or as few or none of the respondents from Phase I for eligibility for Phase II based on the quality of the proposals and the selection criteria.

D. All individuals and team members represent and warrant that any materials submitted on behalf of the individual and team members shall be wholly original material not published elsewhere; shall not violate any copyright, trademark or other applicable law; and shall not, to the best of each individual or team members knowledge, constitute a defamation or invasion of the right of privacy or publicity, or an infringement of any kind, of any rights of any third party. To the extent that any materials submitted on behalf of the individual and team members incorporates non-original material, each individual and team members represents and warrants that copies of all necessary permissions and clearances, in writing, for the use of such non-original material shall be obtained.

E. NYCEDC and the City of New York are not responsible for lost, late, misdirected, undeliverable or incomplete submissions due to system errors or failures or faulty transmissions or other telecommunications malfunctions; and/or submissions not received resulting from any hardware or software failures of any kind, lost or unavailable network connections, or failed, incomplete or garbled computer or telephone transmissions, typographical or system/human errors and failures, or faulty transmissions, or for any problems or technical malfunction(s) of any telephone network or lines, cable connections, or satellite transmissions, computer online systems, servers or providers, computer equipment, or submissions not received by NYCEDC on account of technical problems or traffic congestion on the Internet, the Web Site, any other web site, or any combination thereof, including other telecommunication, cable, digital or satellite malfunctions which may limit an entrant's ability to participate. NYCEDC and the City of New York are not responsible for any malfunction of the Web Site or error in the collection, processing or retention of entry information. NYCEDC and the City of New York are not responsible for any injury or damage to any Team Member's or any other person's computer related to or resulting from downloading any materials related to the Competition. NYCEDC and the City of New York are not responsible for any oversights, omissions, or errors on their part.

F. Potential awardees must continue to comply with RFEI requirements. The potential awardees will be notified by email, telephone, or mail after the date of the selection. If a potential winner cannot be contacted, or NYCEDC fails to receive a fully signed agreement by a date to be determined by NYCEDC from individuals or team members, if the agreement is not signed by the due date, entry in the CTC competition will be void. In the event that a potential awardee(s) of the competition is disqualified for any reason, including for not successfully completing a background check, NYCEDC may award to an alternate winner chosen based on the selection criteria.

G. The City and NYCEDC, and their respective officers, employees, and agents, make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFEI or the physical conditions of the Representative Sites, or any other matter. All due diligence is the responsibility of the respondent and respondents are urged to satisfy themselves with respect to the information contained herein, and all limitations or other arrangements affecting the Site. As stated in the RFEI, NYCEDC has made available for review at Appendix B, the current waterfront property inspections and engineering reports of the Representative Sites and NYCEDC's Waterfront Inspection Guidelines. Neither NYCEDC nor the City will be responsible for any injury or damage arising out of or occurring during any visit to the Representative Sites.

H. A respondent submitting a proposal in response to this RFEI may be rejected if it or, if the respondent is a business entity, any of its principal shareholders, principals, partners or members is determined, in NYCEDC's sole discretion, to be within a category of persons or entities with whom or which the City or NYCEDC will not generally do business or otherwise not to be a "Qualified person" as defined by NYCEDC. Respondent and all officers and principals thereof must complete a background questionnaire and shall be subject to investigation by NYCEDC and the City's Department of Investigation. Any designation may be revoked in NYCEDC's sole discretion in the event any derogatory information is revealed by such investigation.

I. Neither NYCEDC nor the City is obligated to pay and shall not pay any costs incurred by any respondent at any time unless NYCEDC or the City has expressly agreed to do so in writing.

J. Only proposals from principals will be considered responsive. Individuals in representative, agency or consultant status may submit proposals only at the direction of identified principals, where the principals are solely responsible for paying for such services.

K. This is a Request for Expressions of Interest not a Request for Bids. NYCEDC shall be the sole judge of each response's conformance with the requirements of this RFEI and of the merits of the individual proposals. **NYCEDC reserves the right to waive any conditions or modify any provision of this RFEI with respect to one or more respondents, to require supplemental statements and information from any respondents, to establish additional terms and conditions, to encourage applicants to work together, or to reject any or all responses, if in its judgment it is in the best interest of NYCEDC and the City to do so.** If all proposals are rejected, this RFEI may be withdrawn and the competition may be re-released under the same or different terms and conditions. In all cases, NYCEDC shall be the sole judge of the acceptability of the proposals. NYCEDC will enforce the submission deadline stated in the RFEI. The timing of the conditional selection may differ depending upon the degree to which further information on individual proposals must be obtained or due to other factors that NYCEDC may consider pertinent. **All proposals become the property of NYCEDC. Each respondent is granting to NYCEDC, the City and the City's agencies, a royalty-free, perpetual, and non-exclusive license for use of the respondent's submission, in any way, on any NYCEDC, City or City agency current or future project.**

L. Except as specifically provided herein, the selected respondents will pay all applicable taxes payable with respect to the project.

M. All proposals and other materials submitted to NYCEDC in response to this RFEI may be disclosed in accordance with the standards specified in the Freedom of Information Law, Article 6 of the Public Officers Law ("FOIL"). The entity submitting a proposal may provide in writing, at the time of submission a detailed description of the specific information contained in its submission, which it has determined is a trade secret and which, if disclosed, would substantially harm such entity's competitive position. This characterization shall not be determinative, but will be considered by NYCEDC when evaluating the applicability of any exemptions in response to a FOIL request.

N. Upon submission of a proposal to this RFEI, respondents, and their representatives and agents, shall treat their proposals and all information obtained from NYCEDC or the City in connection with this RFEI (the "Confidential Information") confidentially, and shall not discuss, publish, divulge, disclose or allow to be disclosed the Confidential Information to any other respondents or any other person, firm or entity, including press or other media, without NYCEDC's prior written approval. Respondents shall refer all press and other inquiries concerning the RFEI and the Confidential Information, without further comment, to NYCEDC.

Appendix D

Statement of Agreement



Date:

New York City Economic Development Corporation
110 William Street, 6th Floor
New York, NY 10038
Attn: Maryann Catalano, Senior Vice President, Contracts

Dear Ms. Catalano:

This letter hereby certifies that [Respondent] has read this RFEI and the Appendices fully and agrees to the terms and conditions set forth in this RFEI and Appendices.

Sincerely,

Respondent:

Respondent Title: [must be authorized principal or officer of the respondent]

Appendix E

Form Contract

See www.nycedc.com/ChangeTheCourse for Form Contract.

Appendix F

Doing Business Data Form

See www.nycedc.com/ChangeTheCourse for Doing Business Data Form.