



LOWER MANHATTAN DEVELOPMENT CORPORATION

REQUEST FOR QUALIFICATIONS for CONSULTING SERVICES For Opportunity Downtown Programs

The Lower Manhattan Construction Command Center (LMCCC), a division of the Lower Manhattan Development Corporation (LMDC), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development Corporation, seeks statements of qualifications for Consulting services relating to Opportunity Downtown Programs.

April 17, 2006

Deadline for responses: May 8, 2006, 5:00 PM EST

Questions must be submitted in writing no later than April 21, 5:00 PM EST to Vincenza A. Restiano, Director Opportunity Downtown Programs by e-mail at vrstiano@renewnyc.com. Addenda to this RFQ, including responses to any questions, will be posted on the LMDC web site www.renewnyc.com by April 26, 2006, 5:00 PM EST.

LMDC and LMCCC will not accept, and cannot respond to, questions via 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. LMDC defines Lower Manhattan to mean 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 16-member Board of Directors, of which half was nominated by the Governor of the State of New York and half 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 billion has been allocated to LMDC and another \$783 million is anticipated through a second grant. (*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 website: <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.

LMCCC 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.

LMCCC is funded in part by federal funds administered by LMDC and accordingly follows administrative, financial and legal policies and procedures of LMDC.

C. Overview of Services Requested and the Submission Process

LMCCC needs the services of a firm to provide consulting services in connection with Lower Manhattan development projects. In fulfilling its responsibility of providing opportunities to minorities and women, especially M/WBE firms, for the development and revitalization of Lower

Manhattan, LMCCC will need to obtain the services of one or more firms to generally provide assistance in implementation of the Opportunity Downtown Programs. Opportunity Downtown Programs will coordinate initiatives, public outreach, and information related to the following: minority and women business and work participation in the rebuilding efforts and job opportunities during the rebuild. LMCCC seeks to create a pool of qualified firms from which it may select one or more firms to provide such services in the future. Firms interested in submitting a statement of qualifications to provide such services are required to follow the recommended guidelines and instructions contained in this Request for Qualifications ("RFQ"). In the event it becomes necessary to revise any part of this RFQ, revisions will be provided by addenda posted on the LMDC web site: <http://www.renewnyc.com>.

Statements of Qualification should provide a straightforward, complete and concise description of the firm's capabilities and qualifications to provide opportunities to minorities and women, especially M/WBE firms to the LMCCC. Please prepare eight (8) copies of your statement of qualifications and work samples. Each copy of the statement of qualifications should be bound in a single volume and include any documentation you may wish to submit.

Any firm submitting a statement of qualifications in response to this RFQ may be required to give an oral presentation of their qualifications to LMCCC. This oral presentation may provide an opportunity for the firms to clarify or elaborate on their qualifications but will in no way change the original submission. Engagement staff should be present at the oral presentation. LMCCC's request for an oral presentation shall not constitute retention of the firm for future services.

Statements of qualifications must be received no later than **5:00 PM EST, May 8, 2006**. Deliver all statements of qualifications to:

RFP/RFQ PROCESSOR
Lower Manhattan Development Corporation
One Liberty Plaza, 20th Floor
New York, NY 10006
Attn: LMCCC Opportunity Downtown Programs RFQ

LMDC and LMCCC may reject any or all statements of qualifications submitted if such election is deemed to be in the best interest of LMDC and LMCCC. LMDC and LMCCC assume 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:

- **April 17, 2006 – RFQ Issued**
- **May 8, 2006 – Responses Due**
- **May 15, 2006 – Oral Presentations Conducted (if required)**
- **May 22, 2006 – Qualified Firm(s) Selected**

Subject to annual review and approval by the LMDC Board of Directors, the selected firm(s) will be retained for one year with options for LMDC and LMCCC to renew for up to an additional two years.

II. ANTICIPATED SCOPE OF SERVICES

LMCCC seeks one or more firms to assist LMCCC in its planning, development and revitalization work in Lower Manhattan. Specifically, LMCCC would like to create a pool of several firms that it deems qualified from which it can draw on to obtain consulting services for Opportunity Downtown Programs in the future on an as-needed basis. A firm's selection into this pool does not necessarily guarantee actual retention of such firm for the proposed services.

LMCCC requests statements of qualifications for one or more firms to provide consulting services to LMCCC in the future, as requested, which will include, but will not be limited to the services identified below.

A. Background: Summary of Opportunity Downtown Programs and the Lower Manhattan Opportunity Committee

In order to be in compliance with NY State Executive Order No. 133 issued by Governor George Pataki and NY City Executive Order No. 53 issued by Mayor Michael Bloomberg which address certain requirements related to equal employment opportunities and meaningful opportunities for minority and women-owned businesses to participate in contracting and subcontracting, LMDC and LMCCC established Opportunity Downtown Programs in furtherance of these requirements. LMCCC has established the Lower Manhattan Opportunity Committee (LMOC), described below.

The LMOC has brought together representatives from all public agencies involved in the redevelopment of Lower Manhattan to foster greater communication about ways to increase participation by minorities and women in the rebuilding effort. The LMOC efforts include the following:

- Establish reciprocity in certification of M/WBEs
- Establish procedures (Mentoring and Protégé program) to aid in compliance with guidelines and outreach to minority and women-owned firms, groups, and individuals
- Monitor for and address barriers to participation and/or discriminatory working conditions within the downtown construction effort

B. Services Needed

We seek firms that can assist LMCCC's Opportunity Downtown Programs in its mandate to ensure, in a meaningful way, participation by minorities and women in employment,

contracting and subcontracting opportunities and to assist us to provide a central focus—to coordinate initiatives, public outreach and information. LMCCC requires consulting services to assist in the development of a Pilot Program and the evaluation of current Public Agency Programs. The firms will assist in the efforts of LMOC to:

- Identify and analyze agency programs
- Assist in working with the Mentoring Committee of the LMOC for the development of a successful M/WBE Program as a model for the LMOC members – especially in the areas of:
 - Contractor training
 - Access to capital
 - Access to bonding
 - Establishment of a union transition program
- Assist in enforcing E.O. 50 which monitors EEO compliance and workforce diversity
- Assist in encouraging Apprentice Programs in compliance with Coordinated Construction Act
- Assist in centralizing certification efforts with all agencies
- Establish a core mentoring curriculum to share with public and private entities
- Assist with networking events with public and private owners
- Assist with labor issues

C. Anticipated Schedule for Services

- Work should be accomplished within one to three years, as requested by LMDC and/or LMCCC.

III. SUBMISSION REQUIREMENTS

Please letter your responses exactly as the questions are presented herein, and limit to ten (10) one-sided pages, except work samples, which must be included in a separate, bound appendix. LMDC and LMCCC have no preference that all services be 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 qualified to provide. LMDC and LMCCC will review all statements of qualifications without prejudice as to which services are proposed.

Interested firms are invited to submit statements of qualifications that contain the following information:

A. Experience, Structure, and Personnel

1. A history of the firm's experience providing consulting 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 LMCCC.
3. Samples of up to five (5) major projects that the firm has completed in the areas of consulting services related to M/WBEs and minority and women workforce. 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 LMCCC superior to that of other firms or information about your firm's specialty or particular skill to perform a specific requested service.

B. Fees

1. Whether the firm would be willing to agree to a fee cap.
2. The normal hourly rate of each principal and staff member whose resume is provided or whose job category may be required, and the rate that would be charged to LMCCC.
3. A list of anticipated reimbursable expenses and the rate charged for each.
4. Any reduced fees offered to other municipalities, governmental entities, economic development or nonprofit organizations, and civic organizations.
5. Any other fees or charges.

NOTE: Although proposed fees will be taken into account, LMDC and LMCCC reserves the right to negotiate a lower or different fee structure with any firm that is selected.

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

On a single cover sheet in your statement of qualifications, 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(s) or individual(s) that are anticipated to work on a LMCCC project;
4. Telephone, fax, and wireless numbers for firm principal(s) or individual(s) that are anticipated to work on a LMCCC project;
5. E-mail address for firm principals or individuals that are anticipated to work on an LMCCC project;
6. The Street address of lead firm or individual;
7. The year the firm or individual practice established;
8. The M/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.

D. 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 LMCCC, that could be created by providing services to LMCCC.
 2. Indicate what procedures will be followed to detect and notify LMDC and LMCCC 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 LMCCC.
 4. Indicate if the firm has ever had a prior contract with any governmental entity terminated for any reason, and provide a detailed explanation.
 5. Submit a completed Standard 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.
- E. Nondiscrimination Policy (NOTE: Does not count toward 10-page limit)
1. Firms with fifty (50) or more employees shall submit a copy of their nondiscrimination or affirmative action plan.
 2. Firms with less than fifty (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 E above must be included or addressed in the submission.

IV. CRITERIA FOR SELECTION

In evaluating statements of qualifications submitted pursuant to this request, LMDC and LMCCC 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 LMCCC.
- Experience of firm and employees to be assigned to a LMCCC project in general, and in particular, providing consulting services related to M/WBEs and to opportunities for minorities and women workforce to municipalities, economic development organizations, or other governmental entities.
- Quality of work product as demonstrated through submitted work samples.

- Demonstrated knowledge of opportunity programs.
- Experience of the firm with comparable organizations and types of services.
- Innovative or outstanding work by firm that demonstrates the firm's unique qualifications to provide opportunity programs.
- Number, complexity, and nature of programs handled by the firm.
- Selected firm's staff ability, availability and facility for working with LMDC and LMCCC directors, officers, staff and consultants.
- Conformity with or exceeding applicable LMDC's and LMCCC policies as noted herein, including specific policies relating to nondiscrimination and affirmative subcontracting goals.
- Proposed fee structure relating to services the firm(s) would provide.

V. CONTRACT REQUIREMENTS

Selected firm(s) will be required to enter into a formal contract with LMDC and LMCCC that will include the terms and conditions set forth in Schedule A to this RFQ. The contents of the statement of qualifications prepared by the selected firm(s), with any amendments approved by LMDC and LMCCC, will become a part of the contract awarded as a result of this RFQ process. Entering into such a contract does not guarantee that selected firms will be hired to perform consulting services during the term of the contract.

The selected firm(s) will be required to:

- Work with LMDC and LMCCC staff and its consultants to provide consulting services to LMCCC 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 and LMCCC request, to make such records available to LMDC and LMCCC 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 RFQ, 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 and LMCCC.
- Comply with applicable law governing projects initiated or supported by LMDC and LMCCC, including all applicable HUD requirements and regulations.

LMCCC may select more than one firm that responds to this RFQ to create a pool of qualified firms from which to draw from for LMCCC's future consulting services needs.

As set forth in Schedule A to LMDC and LMCCC contracts (Attachment 4), LMDC may terminate any contract entered into as a result of this RFQ at any time, provided that written notice has been given to the contractor at least thirty (30) days prior to such proposed termination date.

VI. MISCELLANEOUS CONDITIONS

A. Obligation Only on Formal Contract

The issuance of this RFQ and the submission of a response by any candidate firms or the acceptance of such response by LMDC and LMCCC do not obligate LMDC and LMCCC in any manner. Legal obligations will only arise on the execution of a formal contract by LMDC and LMCCC and the firms selected by LMCCC. Responses to this RFQ will be prepared at the sole cost and expense of the candidate firms. No materials submitted in response to this RFQ will be returned.

B. LMDC Reservation of Rights

LMDC and LMCCC may (i) amend, modify, or withdraw this RFQ, (ii) revise requirements of this RFQ, (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 RFQ, in whole or in part, if LMDC and LMCCC deems it in its best interest to do so. LMDC and LMCCC 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, ESDC, and LMDC and LMCCC 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 and LMCCC’s participation in projects or initiatives, and/or the use of LMCCC funds. LMDC (and LMCCC) is a subsidiary of ESDC and its non-discrimination and affirmative action policy will apply to this RFQ and any resulting contract(s). LMDC and LMCCC has established a 20% M/WBE participation goal for the entire redevelopment project. The selected firm shall be required to use its best efforts to provide for the meaningful participation of United States M/WBEs, 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 as subcontractors of M/WBEs, shall be included as part of the response to the RFQ. 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. If you require M/WBE listings, please call the AAU at (212) 803-3224.