



**Request for Proposals (RFP) Design, Planning, and Engineering  
Services for**

**Clinton Market Collective Project**

January 2020

Section 1: Introduction

Capitalize Albany Corporation is looking for the most innovative, creative professional engineering and design teams that not only think outside the box, but will leave that box behind without a second thought. This is an opportunity to reinvent an existing, underutilized public space at the heart of a critical gateway into Downtown Albany, New York.

General Scope of Work:

- Conceptual Design (including Business Plan/Operating Model)
- Final Design (including 100% Drawings and Cost Estimates)
- Construction Documents (including Permits)
- Construction Observation and Administration (Bid Alternate)

Proposal Selection Timeline:

<u>RFP Issue Date:</u>	January 31 <sup>st</sup> , 2020	<u>Conduct Interviews:</u>	Week of March 9 <sup>th</sup>
<u>Information Webinar Session:</u>	February 13 <sup>th</sup> , 2020	<u>Finalist Selected:</u>	March 16 <sup>th</sup>
<u>Proposal Submittal Deadline:</u>	February 28 <sup>th</sup> , 2020	<u>Board Approval:</u>	March 24 <sup>th</sup>
<u>Review Proposals Received:</u>	Week of March 2 <sup>nd</sup>	<u>Contract Start Date:</u>	March 30 <sup>th</sup>

The site is virtually a blank canvas – with some interesting challenges – and our organization is currently requesting proposals from qualified and motivated respondents that specialize in urban park design/landscape architecture, engineering, and business/operations planning services for a professional services contract to complete a park redesign project at 11 Clinton Avenue (also known as Federal Park) in Downtown Albany. The subject property is a 0.38± acre parcel currently developed as an untapped, landscaped, open space bordered by Clinton Avenue on the south, Broadway on the east, North Pearl Street on the west, and the Leo W. O’Brien Federal building on the north (hereafter referred to as “the Park” or “11 Clinton Avenue”).

The objective of the project is to take the often-overlooked park and reimagine it as a focal point between the 2,800-seat Historic Palace Theatre and the elevated linear park project known as the Albany Skyway, which is set to open in 2021. Capitalize Albany Corporation seeks a full redesign of the Park into a more user-friendly, pop-up retail/public space, through an improved layout and intentional imaginative design elements. When updated, this park will create an entertaining, engaging, and flexible space for leisure activities and special events – all while incorporating amenities and functionality/accessibility for all, as well as areas/facilities/structures to locate food trucks and other vendors. Upon project completion, 11 Clinton Avenue will anchor Clinton Square as a gateway to Downtown Albany, and will see a significant increase in daily use, while helping to provide an enhanced, safer connection to and from destinations within Clinton Square and adjacent neighborhoods. Residents and visitors of the Capital Region will be warmly welcomed to Clinton Square and excited to return.

Section 2: Background

The City of Albany, situated on the western bank of the Hudson River, is 21.8 square miles, contains a diverse population of 97,856 as of the 2010 Census. Albany is the economic and cultural hub of the larger “Capital District”, a metropolitan area with a total population of more than 1 million as of 2013.

In September of 2018, the City of Albany was a Round III awardee for Governor Cuomo’s Downtown Revitalization Initiative (DRI) for the section of City referred to as Clinton Square. Through the DRI, the City of Albany will focus on making Clinton Square a welcoming entry to the capital city. This compact and walkable area, rich in history, arts and cultural assets, within easy reach of the Hudson River, is where five City investment zones converge. After an engaging six month planning process, 12 transformational projects for Albany’s Clinton Square neighborhood were announced as part of the \$10 million DRI award. The Clinton Market Collective project at 11 Clinton Avenue was

identified as one of the 12 projects selected for State funding, with the funding ultimately intended for design, engineering and construction of the park at 11 Clinton Avenue as a new market concept and proving ground for start-up businesses. The awarded concept was to include diverse pop-up retail, installments by local artists, signature events, enhanced pedestrian connections, and ultimately provides a venue for authentic local and regional experiences.

The successful Respondent team that ventures to activate this underutilized and under-amplified Park will address the needs of the neighborhood, understand the scope of work, and appreciate innovation along with existing asset enhancement.

Capitalize Albany Corporation, as owner of the property, is the awardee and project sponsor. Capitalize Albany Corporation (the “Corporation”) was established in 1979. The mission of the Corporation is “to facilitate strategic economic development and stimulate transformative investment throughout the City of Albany, making New York’s Capital a vibrant place to thrive.” As a catalyst for economic growth, Capitalize Albany Corporation facilitates transformational development projects, serving as the City of Albany’s economic development arm. A registered 501(c)(3) not-for-profit organization implementing programs and resources to create, retain, and attract business in the City of Albany. Powered by investors composed of Albany’s community and business leaders, Capitalize Albany manages and coordinates local economic development functions for the City of Albany. More information can be found on the Corporation’s website at [www.capitalizealbany.com](http://www.capitalizealbany.com).

### **Section 3: Project Overview**

11 Clinton Avenue, a currently underutilized space, was originally within the road bed of Clinton Avenue, one of the oldest streets in the City of Albany. Development scenarios are limited by significant public service utilities on the site and spatial constraints of the site itself. However, at the heart of Albany’s Clinton Square DRI application and the first impression that visitors have of the capital of New York State, this underutilized Clinton Avenue property greets more than 24,000 people arriving daily into Downtown. The Park’s premier location as the key gateway to the Capital, presents a unique opportunity and exemplifies the need for redevelopment into a productive, vibrant destination. Redevelopment must support adjacent arts and cultural assets and needs to connect Downtown to the contiguous neighborhoods, the Waterfront as well as Warehouse District. Reestablishing this Park as a landmark and active participant in the Downtown streetscape will contribute to the growing vibrancy and momentum present in the City of Albany.

The Project consists of performing professional consulting services for the Park including developing a business plan/operating model for the market, preparing and orchestrating public engagement, completing required on-site investigations, delivering conceptual and final designs, as well as preparing construction documents and cost estimations, as further outlined in this document. The work includes partnering with Capitalize Albany to design the facility to meet the requirements of the Corporation and the City of Albany. The final operating model and design must be financially feasible, allow for cost-effective maintenance and operations, enable the Park to remain active year-round, and consider public safety, while simultaneously incorporating innovative design/place making elements such as interactive art or lighting, unique surface treatments, landscaping, and creative seating options. The Corporation is looking to bring the Clinton Market Collective to life and is looking for a team of subject matter experts to lead the way.

The concept at 11 Clinton Ave should align with the Albany Skyway as well as complement and enhance the existing Downtown streetscape. It will garner attention as a direct entry to Downtown and link neighborhood recreation activities to forthcoming pedestrian attractions.

Potential project elements (but do not let this limit *your* ideas):

- Revegetation with a native grass mix
- New entry plaza – seating, gateway signage, and group gathering area
- New path network – accessible and natural pathways
- New market structures – to enable new and existing businesses to showcase their goods and services
- Enhanced gathering spaces – passive and active recreational areas with the prospective to new site amenities and consideration of art opportunities
- Improved lighting
- Signature feature emphasizing the proximity to the Hudson River waterfront, cultural amenities and other adjacent assets

This project is funded in part by a grant from Round III of Governor Cuomo's Downtown Revitalization Initiative through the NYS Department of State. Respondents may be subject to the terms of the NYS Master Contract for Grants -- Standard Terms and Conditions, which can be found online at <http://grantsreform.ny.gov>.

## Section 4: Project Duration

Respondents are advised that Final Design is anticipated to be substantially complete three (3) months from contract execution. Construction Documents are anticipated to be completed within six (6) months from contract execution. **Respondents should confirm their scope of work can be completed within this time frame.**

## Section 5: Scope of Work

The components outlined below should serve as a guide to the development of proposed services. Respondents should identify which of the following services their firms are qualified and prepared to provide. The Respondent's proposal shall define specific services according to the Respondent's approach and how said services will be approached.

The scope of work for this project includes all labor, supplies, equipment, and materials necessary to develop a business plan and design one engineered public park with all work and materials in full accordance with the applicable codes and regulations and any other legally constituted authorities having jurisdiction. The selected Respondent is expected to explore creative ways to utilize materials, lighting, amenities, landscaping, artwork, and other innovative ideas in a design that reinforces this park as a gateway to Downtown Albany and the NYS Capital and as a fully operational market concept. The completed facility shall be safe, cost effective to operate, and aesthetically attractive.

### General Scope of work:

- Conceptual Design (including Business Plan/Operating Model)
- Final Design (100% Drawings and Cost Estimates)
- Construction Documents (including Permits)
- Construction Observation and Administration (Bid Alternate)

### Tasks:

- Existing Conditions and Development Feasibility Assessment
- Conceptual Design (including Business Plan/Operating Model)
- Public Engagement
- Preliminary Design of Preferred Alternative
- Environmental /Economic Impact Analysis (including SEQR)
- Final Design and Engineered Construction Drawings
- Construction Documents (including Cost Estimates)
- Permits

The scope of work is comprised of the below tasks:

### **Phase 1 - Conceptual Design**

*Task A: Existing Conditions and Development Feasibility Assessment* - The selected Respondent team will provide a detailed electronic survey of the site that shows topography, property lines, land ownership, utilities, and easements. The selected Respondent will communicate with relevant agencies and departments as required to conduct this assessment. Respondent shall conduct site visits, geotechnical investigations, field reviews, and other work as necessary to verify existing geometric features, structures, drainage, signage, and other features. Respondent will document the conditions observed during these visits through photos, videos, field notes, and field measurements. The selected Respondent team will also identify all factors that would influence the redevelopment of the site including but not limited to: zoning, air rights, regulatory reviews, building code requirements, adjacent site constraints, property ownership, easements, encroachments, views, noise, access points, and connectivity to public transit and existing bicycle paths.

In addition, the selected Respondent team will research and analyze current market conditions, best practice market concepts and operating models to develop a business plan for the Clinton Market Collective that is financially feasible and appropriate, given the market demand in the City of Albany as well as the actual physical constraints of the site itself. The selected Respondent will examine at minimum of two market concepts with differing market operators (Capitalize Albany and at least one other). Data analyzed may include demographic; demand indicators (vacancy, absorption); area supply statistics e.g. change in total SF and new starts/projects; pricings/rents; and interviews with key stakeholders. Analysis may include benchmark communities to provide regional context, examination of broader best practices, and analysis of local compatibility.

*Task B: Conceptual Design (including Business Plan/Operating Model)* - The selected Respondent will develop a business plan/operating model for the Clinton Market Collective. This work will include, but not be limited to, development of a preferred market/programming concept, market operator(s), estimates of ongoing operational costs, estimates for sources of revenue from the preferred programming concept, and the estimated economic impacts of the Clinton Market Collective. The plan should identify options to advance redevelopment; close financial gaps, minimize risk and subsidy; and suggest operating models and partners.

The Business Plan should be used to inform the development of a minimum of two (2) distinctly different conceptual designs that are to include preliminary engineering drawings/development scenarios. The engineering study performed should identify: anticipated footing/foundation loads and configuration, subsurface utility impacts, overhead utility impacts, surface restoration, and an Engineer's Opinion of Cost. To the extent possible, scenarios should be guided by sustainable design precepts. Respondent shall evaluate alternatives to qualitatively compare cost, connectivity, safety, accessibility, construction phasing, environmental impacts, and any utility relocation requirements. It is imperative that, staff receive accurate information on product costs, installation, and maintenance, as well as other potential challenges. The conceptual design must include drawings, renderings showing installation within the existing context, and individual product specifications. These should include conceptual illustrations, site plans, and building massings for each scenario.

*Task C: Public Engagement* – The selected Respondent must design and conduct public engagement meetings to address public concerns and obtain ideas for the design and implementation of the proposed project. The Corporation welcomes the incorporation of creative public engagement activities such as a design competition or crowdsourcing of art installations, exhibits, programming, or other features of the Park. Respondents should propose a plan for the desired engagement. Respondent shall attend all major public outreach meetings, which are expected to be a minimum of two (2). These meetings may include City officials, business leaders, neighborhood associations and various regional stakeholders. These meetings may be held outside of normal working hours or held on the weekend. The Respondent

will be required to prepare materials for the public engagement meetings, such as printed materials and electronic files of color schematics of design options and other images and documents suitable for presentation.

*Task D: Preliminary Design of Preferred Alternative* – The selected Respondent will prepare conceptual plans, sections, elevations and renderings of a preferred alternative (to be selected by Capitalize Albany Corporation). Provide detailed engineer's cost estimate of the preferred alternative in sufficient detail to allow Capitalize Albany Corporation to review different costing scenarios in response to later discussions and study. The Preliminary Design shall be based upon the conceptual designs from City of Albany's Downtown Revitalization Strategic Investment Plan. The Preliminary Design shall include all required maps, tables, data, written discussions, and other information as identified in the contract and subcontract work plans. Preliminary Design will require interfacing with New York State Department of State for review and comment.

As part of the Preliminary Design, the selected Respondent shall prepare an estimate of annual operation and maintenance costs, excluding supervision of park users. The estimated operations cost shall include materials, utilities, City employee labor, and contracted services; labor such as preventive maintenance of equipment, regular maintenance of the facility, and standard operations; and annualized periodic major maintenance that is likely to occur over the first 20 years of operation. The estimate should show quantities and unit prices as well as developed totals. The Respondent shall provide options and recommendations for phasing of the final design and construction.

## **Phase 2 - Final Design**

*Task E: Environmental and Economic Impact Analysis* - Please note: the final project design must meet State environmental standards and satisfy the requirements of the State Environmental Quality Review Act (SEQRA). The selected Respondent team must provide the Corporation with the necessary elements for assessing the environmental and economic impacts of the Project, including but not limited to: tourism, job creation/retention, neighborhood connectivity, health impacts, tax revenue, local business attraction/retention and the Project's alignment with established local and regional plans. Survey will be conducted of hazardous materials in the ground and on any structures. This may include a Phase I and a Phase II assessment of the entire property, as required by any applicable laws and regulations. The selected Respondent will prepare a cost estimate for potential site remediation, if determined to be required. The selected Respondent will also assess hydrology, and suggest options for increasing infiltration rates and augmenting storm water retention. The selected respondent shall prepare, or cause to be prepared, all documents necessary to comply with the State Environmental Quality Review Act (SEQRA) through determination of significance. If a positive declaration is made, a Draft Environmental Impact Statement shall be prepared.

*Task F: Final Design and Engineered Construction Drawings* - The selected Respondent shall provide the Corporation with two (2) complete sets of the final design and engineered construction drawings and technical specification for compliance review. Drawings shall include all necessary layout information and construction details. Periodic review during the design phase is available and will be negotiated at the pre-work meeting. The selected Respondent must obtain the Corporation's approval prior to making changes to the approved plans and specifications, including schedule. A Final Design Report must be prepared for the Park to document: existing project conditions and needs; engineering considerations and design alternatives; economic and environmental impacts and associated mitigation measures; final design, information on materials to be used, construction cost estimates, and final business plan/operating model for the Project. The Respondent shall prepare materials for the final design report that can be used to present the final design to multiple audiences in a vivid, easily understandable format, including sufficient visual representation and marketing language to market the Park for sponsorship opportunities. These materials should include multiple images that demonstrate what the final design of the Park and specific features would look like.

### **Phase 3 - Construction Documents**

*Task G: Construction Documents* - The Respondent will design and detail all of the required project elements to fully define and locate all improvements permanent and temporary, including quantity and cost estimates, Project Manual Contract Proposal (Bid Form) and Technical Specifications. The scope of services for the Construction Document Phase shall include the following work: Cover sheet and general notes, Survey control diagram, Existing conditions, Site preparation and tree protection, Layout and materials plans with enlargements as necessary, Site grading, Site drainage plan/report and on-site storm water quality, Erosion and sediment control / storm water management - any EPA-mandated or state or local storm water requirements, Utility protection, Lighting and electrical, Signage, Revegetation, and Traffic Control with details as necessary for all improvements. Additionally please provide, Construction Cost Estimate, Construction Document Submittal Package including drawings and specifications, quantity and cost estimates, reports and calculations as appropriate, Construction Document Final Submittal Package including drawings and specifications, quantity and cost estimates, reports and calculations as appropriate, as well as miscellaneous meetings, communications and coordination as required to complete the work. Upon completion of this Project, Capitalize Albany Corporation should be equipped with all bid-ready documents necessary to move directly to construction of the Park.

*Task H: Permits* – The successful Respondent shall prepare the necessary permits or other approval applications and obtain the required permits or approvals. Prior to construction the Respondent shall provide documentation that the project is in compliance with 6 NYCRR Part 502, "Floodplain Management Criteria for State Projects" by obtaining a floodplain development permit, if local regulations establish such requirements, or by submitting a signed certification, by an official authorized to enforce local floodplain management regulations, that the project complies with the requirements of the statute.

#### **PLEASE NOTE:**

- Project documents (plans, specifications, etc.) must be stamped by a licensed NYS professional such as a New York State Professional Engineer, or Registered Landscape Architect, as appropriate, and should include complete specifications and drawings for the subject work. Corporate stamps are not acceptable for certification of the contract documents. Project drawings should include, but not be limited to, site plans, elevations, sections and details. Each drawing must be adequately labeled to identify significant features, materials and finishes; existing conditions and proposed work must be appropriately noted. In addition, drawings may include special notes complementing the technical specifications.
- As this project design is funded through NYS Downtown Revitalization Initiative funds, review of project documents may involve correspondence between New York State and the Corporation or selected Respondent. Partial or complete draft project documents may be submitted by Capitalize Albany to State staff for technical review. This review may result in recommended revisions that must be included in the current scope. Final design and construction documents are subject to approval by the Department of State. These documents must be certified by a licensed professional engineer, architect, or landscape architect and the appropriate seal must be affixed to these documents.

### **Phase 4 - Construction Observation and Administration (optional)**

*Bid Alternate* – The Respondent may propose additional services as a bid alternate to their proposal to assist with the construction phase of the project. These services may include attendance at pre-construction meetings; weekly site visits to review the status and quality of work and conformance to the Construction Documents; coordination, review and approval of all shop drawings submittals and samples; coordination of the selection of materials, colors and finishes; interpretation of the Construction Documents and response to Contractors' requests for information; assistance in issuing a punch list of all items that are not satisfactorily complete; and assistance with project close-out including final inspection and follow-up of punch list items.

## Section 6: Minimum Requirements

The minimum qualifications of the Respondent shall include, but not be limited to:

1. Have capable and demonstrable experience consulting and engaging with public/private entities as it relates to park and building design and engineering, as well as market research, analysis, and business planning consulting services.
2. Skilled in facilitating public involvement, developing schedules, preparing construction estimates, performing value engineering and life-cycle costing, analyzing alternative designs, understanding construction methods and techniques, performing constructability reviews, sequencing of work, and coordinating and communicating team activities throughout the design phases.
3. Have a minimum of five (5) years of experience performing or providing services of this type.
4. All interested firms shall have sufficient, readily available resources in the form of trained personnel, support services, specialized Respondents and financial resources to carry out the work without delay or shortcomings.
5. Located and authorized to do business in the United States.

## Section 7: Proposal Requirements

Based on a RFP release date of January 31, 2020, respondents shall submit one (1) printed original and three (3) printed copies of their proposal, as well as one (1) USB Drive containing an electronic (.pdf) copy no later than **5 p.m. EST, Friday, February 28th, 2020** to:

Christopher Medve  
Senior Economic Developer II  
Capitalize Albany Corporation  
21 Lodge Street  
Albany, New York 12207  
518.434.2532 x27  
[development@capitalizealbany.com](mailto:development@capitalizealbany.com)

Proposals shall be submitted in 8 ½ x 11 inch bound format (11 x 17 inch fold outs for diagrams or spreadsheets are acceptable). The proposal must be submitted in a sealed envelope, the outside of which must be marked as follows: **“Proposal Enclosed – Clinton Market Collective Design, Planning, and Engineering Services”**. All submitted proposals will be held, unopened, until **5:00 p.m. EST, Friday, February 28th, 2020**.

Responses to this RFP must include the following information:

### A. Letter of Submittal

The Respondent's proposal shall contain a cover letter of submittal acknowledging the Respondent's understanding of, and the requirements set forth by this Request for Proposals (RFP). The letter must be signed and dated by a person authorized to legally bind the Respondent to a contractual relationship. The letter should also contain the name and complete contact information for the principal.



## **B. Team Profile, Qualifications and Experience**

The Respondent shall include the following:

1. Information on the Respondent, including the legal name, year firm was established, and a brief description of the company.
2. Names and contact information for specific staff members who are anticipated to be assigned to the project including Project Manager, proposed Project Principal, other key personnel, support team and sub-Respondents, their role and anticipated time devoted to the project, and a detailed resume listing their individual work experience in this role on similar projects. Respondents may provide an organizational chart indicating roles of all individuals involved in this project.
3. Overview of the Respondent's client history and description(s) of similar work conducted. List at least three similar or comparable projects completed by the Respondent. Similar projects would include: urban park projects with design and engineering services, in particular those projects that have been completed at time of submission. Ideally, some projects will include complex engineering, sites with similar constraints, and similar goals and objectives to those identified for 11 Clinton Avenue. Respondents should also include examples of projects where market research and analysis has been conducted.
4. Description of the experience of the firm, and in particular of the Project Manager, Lead Designer, Lead Engineer and other designated staff members, in successfully executing projects of similar type and scale. Provide project experience on similar projects for the Project Manager, support team, and sub-Respondents. Include the contract amount for each project and the current status of the project. Indicate whether proposed Respondent team members supported the project, and what the initial project budget was as compared to final project cost, if available.

## **C. Project Approach, Scope of Work and Deliverables**

For each of the services the Respondent is seeking to provide, the proposal shall address the scope of work, including a complete description of the Respondent's proposed general approach, methodology, strategy, and typical schedule. The Respondent should include a work plan, including all general project requirements, proposed tasks, services and activities necessary to accomplish the scope of work outlined above. The work plan should be divided into various phases proposed to accomplish the project, with itemization of tasks to accomplish the proposed scope, proposed deliverables for each task, and a proposed schedule for completion of each deliverable. Respondent shall include an estimated number of meetings and an estimated number of hours needed for each task. The Respondent should provide detailed examples of each of the Respondent's proposed to be submitted under the proposed contract.

## **D. Cost Effectiveness**

The Respondent's submission should include proposed costs for the project broken down with a separate cost for each task identified in the scope of work. This estimate should include compensation and billing rates and include an estimate for reimbursable expenses. The total fixed-price fees proposed shall be considered to be inclusive of all fees and expenses [travel expenses, printing, reproduction, postage, etc.], which will be generated by the Respondent and all Sub-Contractors whose services are required to complete the work described in the section entitled Scope of Work, herein. No reimbursable will be paid beyond the total fixed-price fee proposal amount submitted in response to this RFP, unless otherwise negotiated and prior approval is documented in writing by the Corporation. If the Respondent anticipates that additional services will be required to complete the work and these additional services are not outlined in the Scope of Work, the Fee Proposal should describe these additional services in a distinct and separate line item. The Corporation will review these additional services outlined in the fee proposal and determine if these services are necessary to complete the work as outlined in the Scope of Work. State any exclusions, assumptions, or qualifications to the proposal. Negotiation on fee structure may be part of the selection process.

## **E. References and Quality of Performance History**

The Respondent shall provide a minimum of three (3) professional references for which they have provided work similar to the work proposed for this project within the past three (3) years.

**F. Equal Employment Opportunity and MWBE (certified Minority and Women-owned Business Enterprises)**

In keeping with requirements for funding from the New York State Department of State, Capitalize Albany Corporation shall be responsible for carrying out or causing to be carried out a program for providing for Equal Employment Opportunity (EEO) and Minority and Women-Owned Business Enterprise (M/WBE) participation in this project based on the requirements of the New York State Department of State. Capitalize Albany Corporation seeks to meet or exceed these goals, and as such MWBE Respondents are encouraged to submit proposals. The Respondent shall indicate if they are a MWBE certified firm.

The successful Respondent must submit, either with their bid or within seven business days of notification of selection, a Grants MWBE Utilization Plan, Contractor's Solicitation Log and documentation that NYS Certified Minority and Women-Owned Business Enterprises (MWBEs) were contacted during preparation of said bid. Participants that do not submit the Grants MWBE Utilization Plan, Contractor's Solicitation Log and evidence of their good faith efforts will be deemed non-responsive and their bid may be rejected. Evidence of good faith efforts is contact by certified mail, follow-up with phone contact and a summary of all contact and results. Prior to the award of a contract review and acceptance of the bid summary and all MWBE documentation by Department of State is required. MWBE documentation will be required of the successful Respondent throughout the term of the contract.

**G. Vendor Responsibility Questionnaire**

Pursuant to State Finance Law §§139-j and 139-k, this request for proposals ("RFP") includes and imposes certain restrictions on communications between a Vendor and Capitalize Albany Corporation during the procurement process. A Vendor is restricted from making contacts from the earliest notice of intent to solicit offers (in this instance, the release of this RFP) through final award and approval of the resultant contract by Capitalize Albany ("restricted period") to other than Capitalize Albany designated individuals unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Only email inquiries are allowed. The designated individuals for this RFP are Christopher Medve and Ashley Mohl at [development@capitalizealbany.com](mailto:development@capitalizealbany.com).

Upon selection, for all contracts that equal or exceed \$100,000, the contractor will be required to submit to the State a Vendor Responsibility Questionnaire: Construction – For-Profit. The questionnaire can be found online at [http://www.osc.state.ny.us/vendrep/forms\\_vendor.htm](http://www.osc.state.ny.us/vendrep/forms_vendor.htm). For any contracts which exceed \$15,000, Capitalize Albany requires the questionnaire to be submitted directly to Capitalize Albany. Capitalize Albany reserves the right to terminate this contract in the event it is found that any information provided by the Vendor in the questionnaire was intentionally false or intentionally incomplete. Upon such finding, the CAC may terminate the contract by providing written notification to the Vendor in accordance with the written notification terms of the contract.

**H. Non-Collusive Bidding Certification**

Additionally, in accordance with New York State Public Authority Law Section 287, each Respondent is required to complete and submit a "Non-Collusive Bidding Certification" with their proposal. Please find the required form attached to this RFP (see "Schedule D").

## **Section 8: Additional Submittal Requirements**

**A. Principal Contact and Information Requests**

The principal point of contact for all matters relating to this RFP, including any inquiries, is:

Christopher Medve  
Senior Economic Developer II  
Capitalize Albany Corporation, 21 Lodge Street, Albany, New York 12207  
518.434.2532 x27  
[development@capitalizealbany.com](mailto:development@capitalizealbany.com)

All inquiries regarding the RFP must be submitted in writing **on or before 5 p.m. EST, Tuesday, February 11<sup>th</sup>, 2020**. No response to inquiries received after this date will be given. Responses to inquiries will be posted to the Capitalize Albany website at [www.capitalizealbany.com](http://www.capitalizealbany.com).

An information session is scheduled for **Thursday, February 13<sup>th</sup>, 2020 at 3 p.m. EST**. In order to participate in the information session, an e-mail request must be submitted to [development@capitalizealbany.com](mailto:development@capitalizealbany.com) by **Tuesday, February 11<sup>th</sup>, 2020 at 5 p.m. EST**. This meeting is exclusively for representatives of licensed firms in the fields of design and engineering that have a bona fide interest in responding to this RFP. The e-mail request must indicate how the Respondent meets the minimum qualifications described in Section 6 of this RFP. Only Respondents that meet the minimum qualifications will be admitted to the information session.

Details on the informational webinar log-in instructions for the information session will be provided by **5 pm EST on Wednesday, February 12<sup>th</sup>, 2020** to all firms that have registered. The FAQs will be made available on the website on **Friday, February 14<sup>th</sup>, 2020**.

#### **B. Unnecessarily Elaborate Responses**

Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective response to this solicitation are not desired and may be construed as an indication of the respondent's lack of cost consciousness. Elaborate or expensive art work, paper, bindings, and visual and other presentations are neither necessary at this time nor desired by the Corporation.

#### **C. Incomplete Documents**

Each Respondent is responsible for having determined the accuracy and/or completeness of the data upon which it relied in making its proposal, and has an affirmative obligation to notify the Corporation immediately upon discovery of an apparent or suspected inaccuracy. If a successful respondent proceeds with any activity that may be affected by an inaccuracy, error in, or omission in the submitted proposal of which it is aware but has not notified the Corporation, that respondent must perform any work described in such missing or incomplete documents at the respondent's sole expense and at no additional cost to the Corporation. A proposer may submit an amended proposal before the deadline for receipt of proposals. Such amended proposals must be complete replacements for a previously submitted proposal and must be clearly identified as such in the Letter of Transmittal. Capitalize Albany Corporation staff will not merge, collate, or assemble proposal materials.

#### **D. Rejection of Proposals**

The Corporation reserves the right at its sole discretion to accept or reject any and all proposals in whole or in part, to waive any and all informalities, and to disregard all non-conforming, non-responsive or conditional proposals without penalty.

#### **E. Costs to Propose**

All costs incurred in the preparation of the submittal and participation in the selection process is the sole responsibility of the Respondent.

#### **F. Other Reserved Rights**

All information submitted becomes property of Capitalize Albany Corporation. The Corporation reserves the right to issue supplemental information or guidelines relating to the RFP as well as make modifications to the RFP during the proposal preparation period. Once the RFP is submitted, specific staff of the Respondent may not be changed without written notice to and consent of the Corporation. Respondents should note that the Corporation is a public benefit corporation subject to New York State's Freedom of Information Law (FOIL) – Respondents should conspicuously mark any sections of their proposal, which they consider proprietary. The Corporation makes no warranty to Respondents about whether such marked information is not releasable in accordance with FOIL.

#### **G. Insurance and Indemnification**

To the fullest extent permitted by law, the Respondent, its agents and assigns, shall defend, indemnify, and save harmless the Corporation as well as the Corporation's officers, employees and agents, from and against all claims, actions, causes of action, injuries, damages, losses, liabilities, and expenses (including, without limitation, reasonable attorney's fees and court costs) or other liabilities of any kind and character which arise out of or result from work under this engagement, other than claims for the Corporation's own gross negligence. The indemnification shall survive the expiration or earlier termination of this engagement.

Upon selection, the successful Respondent will be required to procure and maintain at its own expense insurance coverage including at minimum: workers' compensation and employer's liability insurance; general liability insurance with limits not less than \$1,000,000; professional malpractice insurance and/or errors and omissions insurance with limits not less than \$5,000,000 issued by an insurer licensed to do business in the State of New York; and automobile liability insurance, all naming the Corporation as additionally insured.

No work shall commence under the contract(s) until the selected Respondent has delivered to the Corporation or its designee proof of issuance of all policies of insurance required by the contract. If at any time, any of said policies shall be or become unsatisfactory to the Corporation, the selected Respondent shall promptly obtain a new policy and submit proof of insurance of the same to the Corporation for approval. Upon failure of the selected proposer to furnish, deliver and maintain such insurance as above provided – and detailed in contract negotiations – the contract may, at the election of the Corporation, be declared suspended, discontinued or terminated. Failure of the selected Respondent to procure and maintain any required insurance shall not relieve the selected Respondent from any liability under the contract, nor shall the insurance requirements be constructed to conflict with the obligations of the selected Respondent concerning indemnification.

#### **H. Conditions of Submittal**

Respondents are responsible for reviewing and certifying compliance with the Corporation conditions of submittal. Capitalize Albany Corporation will make no allowance or concession to any Respondent for any alleged misunderstanding of this RFP.

#### **I. Conflicts of Interest**

Neither the Respondents nor any other entity directly engaged by the Respondent shall have other interests which conflict, in reality or perception, with the interests of Capitalize Albany Corporation or the Project. The Respondent shall make written inquiry of all of its vendors, contractors and sub Respondents concerning the existence of or potential for such conflict. In unusual circumstances, and with full disclosure to Capitalize Albany Corporation of such conflict of interest, the Corporation, in its sole discretion, may grant a written waiver for the particular respondent or a related entity.

### **Section 9: Evaluation and Selection Process**

#### **A. Evaluation of Respondent's Proposal**

Proposals will be evaluated upon the following nine criteria by Capitalize Albany Corporation staff and presented to the Board of Directors:

- Qualifications and experience of the Respondent with similar projects, including experience with dynamic urban park design, engineering, market research, analysis and business planning consulting services;
- Qualifications and experience of the specific staff assigned to the project;
- Demonstrated capacity through previous work analyzing and providing a detailed study, recommendations and a detailed implementation plan regarding urban park projects or other such

- transformative projects or plans;
- Demonstrated understanding of the Project and awareness of the economic, social and environmental conditions in the City of Albany, New York and the greater Capital Region;
- Demonstrated capacity to communicate complex information creatively, efficiently and effectively with diverse stakeholders;
- Efficiency of proposed timeline and demonstrated ability of the Respondent to meet strict deadlines;
- Quality and completeness of the proposal for design, planning and engineering consulting services;
- Cost effectiveness of the proposal, including the fees to be charged by the Respondent; and,
- Quality of references.

The selection of a Respondent will not be based solely on the amount of fees to be charged by the Respondent. Considerable weight will be given to each of the criteria listed above. Additional weight will be considered in respect to exceptionally creative submissions, at the discretion of the evaluators.

#### **B. Clarification of Proposal Contents**

Corporation staff may contact the Respondent for clarification of any portion of the Respondent's proposal.

#### **C. Selection**

The selection of the Design, Planning and Engineering Respondent will be made by the Board of Directors of Capitalize Albany Corporation.

#### **D. Notification**

All Respondents will be notified as to the whether they were selected or not selected as eligible to provide services to Capitalize Albany Corporation.

#### **E. Professional Services Agreement**

Final approval for selection of a Respondent is tentatively scheduled for **March 24<sup>th</sup>, 2020**. The selected Respondent and the Corporation will negotiate professional services agreements including, but not limited to final scope, work plan, deliverables, and cost. All contracts will follow the Capitalize Albany Corporation procurement policies and guidelines in compliance with State of New York, and specifically, NYS Department of State and Downtown Revitalization Initiative requirements. The final agreement may also include additional services identified and agreed upon by both parties during the negotiation period. The agreements shall be governed by and construed according to the Laws of the State of New York and any disputes arising from the agreements shall be heard in a court of competent jurisdiction in the State of New York.

For more information on the Corporation's professional services procurement policies, please see the Corporation's policy manual ([www.capitalizealbany.com](http://www.capitalizealbany.com)).

### **Section 10: RFP Schedule**

The following project timeline is provided for scheduling information; however it is subject to change at the discretion of the Corporation:

<u>RFP Issue Date:</u>	January 31 <sup>st</sup> , 2020	<u>Conduct Interviews:</u>	Week of March 9 <sup>th</sup>
<u>Information Webinar Session:</u>	February 13 <sup>th</sup> , 2020	<u>Finalist Selected:</u>	March 16 <sup>th</sup>
<u>Proposal Submittal Deadline:</u>	February 28 <sup>th</sup> , 2020	<u>Board Approval:</u>	March 24 <sup>th</sup>
<u>Review Proposals Received:</u>	Week of March 2 <sup>nd</sup>	<u>Contract Start Date:</u>	March 30 <sup>th</sup>

## **Section 11: List of Attachments**

- Schedule A – Location and Existing Conditions Photos
- Schedule B – Downtown Revitalization Initiative Concept Renderings for 11 Clinton Avenue and Clinton Avenue Streetscape
- Schedule C – Concept Rendering of the Broadway Gateway to the Albany Skyway
- Schedule D – Non-Collusive Bidding Certification







**Schedule B — Downtown Revitalization Initiative Concept Renderings**  
Request for Proposal – Design Services

Capitalize Albany Corporation







*Perspective Entrance to Skyway Project - 11 Clinton Ave Park faces this site*



*Perspective Aerial looking east - including Skyway Project*



**NON-COLLUSIVE BIDDING CERTIFICATION REQUIRED BY  
SECTION 139-D OF THE STATE FINANCE LAW**

SECTION 139-D, Statement of Non-Collusion in bids to the State:

**BY SUBMISSION OF THIS BID, BIDDER AND EACH PERSON SIGNING ON BEHALF OF BIDDER CERTIFIES, AND IN THE CASE OF JOINT BID, EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, UNDER PENALTY OF PERJURY, THAT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF:**

[1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor;

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and

[3] No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

**A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE FOREGOING CERTIFICATION, THE BIDDER SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE:**

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR  
STATEMENT.]

Subscribed to under penalty of perjury under the laws of the State of New York, this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ as the act and deed of said corporation or partnership.

**IF BIDDER(S) (ARE) A PARTNERSHIP, COMPLETE THE FOLLOWING:**

NAMES OF PARTNERS OR PRINCIPALS	LEGAL RESIDENCE
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
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**IF BIDDER(S) (ARE) A CORPORATION, COMPLETE THE FOLLOWING:**

NAME	LEGAL RESIDENCE
<hr/>	<hr/>
President:	<hr/>
<hr/>	<hr/>
Secretary:	<hr/>
<hr/>	<hr/>
Treasurer:	<hr/>
<hr/>	<hr/>
President:	<hr/>
<hr/>	<hr/>
Secretary:	<hr/>
<hr/>	<hr/>
Treasurer:	<hr/>

**Identifying Data**

Potential Contractor\_\_\_\_\_

Address\_\_\_\_\_

Street

City, Town, etc.

Telephone\_\_\_\_\_

Title\_\_\_\_\_

If applicable, Responsible Corporate Officer

Name\_\_\_\_\_

Title\_\_\_\_\_

Signature\_\_\_\_\_

Joint or combined bids by companies or firms must be certified on behalf of each participant.

\_\_\_\_\_  
Legal name of person, firm or corporation

\_\_\_\_\_  
Legal name of person, firm or corporation

By\_\_\_\_\_

Name

\_\_\_\_\_

Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Address\_\_\_\_\_

Street

Address\_\_\_\_\_

Street

\_\_\_\_\_  
City

State

\_\_\_\_\_  
City

State