

# **Request for Proposals**

**for**

## **General Contracting Services**

**for**

**BioBAT, Inc.**

**and**

## **The Interstate Environmental Commission**

**Laboratory and office space in BioBAT at the Brooklyn Army Terminal**

### **1. Overview**

#### **1. 1 Introduction**

BioBAT, Inc. and the Interstate Environmental Commission seek proposals from qualified general contractors to build and fit-out BSL-2 laboratory and office space of approximately 2,800 square feet on the second floor of BioBAT.

#### **1. 2 Project Team**

BioBAT Inc., is a 501(c)(3) not-for-profit corporation formed by the Research Foundation for the State University of New York, on behalf of SUNY Downstate Health Sciences University, and the New York City Economic Development Corporation. BioBAT's mission includes developing affordable laboratory, manufacturing and office space for biotechnology and technology companies at the Brooklyn Army Terminal in Sunset Park, Brooklyn.

The Interstate Environmental Commission (IEC) is a tri-state water and air pollution control agency committed to protecting, conserving, and restoring the environment in the Interstate Environmental District (IED), particularly in the area of water quality.

BioBAT, as landlord, and IEC, as tenant, are negotiating a lease for approximately 2,800 sf of laboratory and office space on the second floor of BioBAT in Building A at the Brooklyn Army Terminal.

The project team consists of:

Landlord: BioBAT, Inc

Tenant: Interstate Environmental Commission (IEC)

Architect: Linearscape Architecture, PLLC

MEP/FP Engineers: MG Engineering (MGE)

### 1.3 Property Description

BioBAT occupies approximately 204,000 square feet on the ground, first, second and third floors of the southern third of Building A at the Brooklyn Army Terminal, located at 140 58th Street, Brooklyn, NY 11220. The Brooklyn Army Terminal is a 97-acre waterfront campus with several buildings and is owned by the City of New York and operated by New York City Economic Development Corporation.

The site is located in an M1-1 zoning district, which permits light manufacturing. The maximum Floor Area Ratio (FAR) in an M 1-1 district is 1.0.

This project will be built in the northwest quadrant of the second floor of BioBAT, which is already partially built out and occupied. Contractors must make reasonable accommodations to minimize disruption to the business of existing tenants in BioBAT.

### 1.4 Request for Proposal

This is a Request for Proposals to provide complete general contracting / construction services to build and fit-out approximately 2,800 square feet of BSL-2 laboratory and office space on the second floor of BioBAT at the Brooklyn Army Terminal. The project will be undertaken by BioBAT and IEC, who will select a single contractor to perform the Landlord's work and the Tenant's fit-out work.

This request seeks **two separate proposals** that encompass Landlord's work and Tenant's fit-out, which will be done simultaneously as detailed in the Scope of Work. There will be **separate construction contracts** for each portion of the work, which is broken down in the Scope of Work. Those portions of the work deemed to be Landlord's work in the Scope of Work shall be in the BioBAT construction contract. Those portions of work deemed to be Tenant Fit-Out in the Scope of Work shall be in the IEC construction contract. In no event shall the contractor look to BioBAT to pay for Tenant's Fit-Out or to IEC for Landlord's Work.

Provide all construction materials, labor, and related installation as indicated on the IEC at BioBAT Bid Documents dated September 3, 2021.

### 1.5 Grant Restrictions

**This is not a New York State or New York City project.** This Project is partially funded through grants from the City of New York, the State of New York and the federal government. **The successful bidder will be required to comply with all grant terms**, including, but not limited to, prevailing wage requirements, PASSPORT registration and clearance, review by the New York City Economic Development Corporation, Employment Reporting, compliance with Executive Order 50 and OSHA regulations and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 3701-3708), as supplemented by the U.S. Department of Labor's regulations (29 C.F.R. Part 5). All contractors and subcontractors will be required to maintain weekly payroll records which will be subject to review. All contractors and subcontractors will be required to submit compliance reports regarding equal employment opportunities pursuant to 41 C.F.R. Section 60-17. Contractors will be required to make affirmative efforts to include small

businesses, women-owned businesses and minority-owned businesses as subcontractors in accordance with 2 CFR 200.321.

**\*\*\*This project is being financed with public funds from city, state and federal sources. As such, all contractors participating in the project must adhere to the requirements of the funding agencies.\*\*\***

**Qualified small businesses, minority-owned businesses and women-owned businesses are strongly encouraged to submit proposals.**

## **2 Proposal**

### **2.1. Proposal Format**

The Contractor is requested to provide the following information in full. Any omissions may disqualify this bid at Owner's discretion.

- a. Please provide a short company overview, including:
  - i. Description of company, including ownership type
  - ii. Number of years the company has been in existence
  - iii. Organizational structure, key personnel, size of professional staff
  - iv. Firm's experience and a profile of its approach to construction services and approach to biotechnology and/or bioscience laboratory design services
- b. Description of services
- c. Proposed Project Team
  - i. Description of the qualifications of individuals who will comprise the service team, including years at firm, biotech experience and total experience.
  - ii. Identify the person or company your firm would expect to use for each role.
  - iii. Include Resumes and project lists for each team member
- d. Project management approach and philosophy (if this is not readily available, it can be provided at a later stage of the due diligence), including:
  - i. Approach and strategy for budget and cost control
  - ii. Approach and strategy for schedule maintenance
  - iii. Approach and strategy for quality control
- e. References
  - i. At least five recent and relevant projects completed, including size, scope, and completion date of the project
  - ii. At least three recent client references of similar projects, including contact information. It is Landlord's and Tenant's intention to contact these references. Therefore, it will be understood that the Landlord/Tenant will be authorized to contact any individual in this list.
- f. Fully completed bid form from Exhibit D and E, including but not limited to:
  - i. Basic company information, including a DUNS number, FEIN and whether the organization is a DBE
  - ii. Bid cost summary

- iii. Bid cost breakdown
  - 1. Overhead
  - 2. Contractor Fee
  - 3. Insurance
- iv. Project schedule
- v. Bid certification

**Respondents must include a proposed schedule for construction.**

## **2.2. Submitted Proposal**

The Contractor is responsible for all expenses incurred in the production of your proposal response. All submitted proposals will become the property of the Landlord/ Tenant and will not be returned.

## **2.3 Inquires**

Landlord's/ Tenant's agent for purposes of responding to inquiries about the RFP is:

David Norton, Interim Executive Director of BioBAT, [david.norton@downstate.edu](mailto:david.norton@downstate.edu).

Detailed plans and specifications for the Project are available from the architect, Linearscape Architecture, PLLC. Electronic copies are available free of charge. Contact: Ting Chin at [ting.chin@linearscape.com](mailto:ting.chin@linearscape.com).

Other persons are not authorized to discuss RFP requirements before the proposal submission deadline and the Landlord / Tenant shall not be bound by, and responders may not rely on, information regarding RFP requirements obtained from non-authorized persons. Questions must include the name of the questioner and his/her telephone number, fax number and/or e-mail address. Anonymous inquiries will not be answered.

Parties interested in submitting proposals must attend a walk-through of the project site at 10:00 AM on Friday, September 24, 2021. Meet at the BioBAT lobby at the southern end of the west side of Building A (facing the water) of the Brooklyn Army Terminal, 140 58<sup>th</sup> Street, Brooklyn, New York. **Attendance at the walk-through is mandatory.** Please advise in advance if you plan to attend the walk-through.

## **2.4 Proposal Terms**

BioBAT and IEC reserve the right to reject any or all bids, to waive or not waive informalities or irregularities in bids or bidding procedures, and to accept or further negotiate cost, terms, or conditions of any bid determined by BioBAT and IEC to be the most advantageous to BioBAT and IEC with price and other factors considered even though not the lowest bid. If a proposal is selected, it will be the most advantageous considering price, quality of service, the contractor's qualifications and capabilities to provide the specified service, and other factors that BioBAT and IEC may consider. BioBAT and IEC do not intend to award a contract solely on the basis of any response made to the proposal; BioBAT and IEC reserve the right to consider proposals for modifications at any time before a contract is awarded. BioBAT and IEC will negotiate with the contractor whose proposal is deemed to best meet BioBAT and IEC's specifications and needs.

In the event it becomes necessary to revise any part of the RFP, addenda will be provided. Deadlines for submission of proposals may be adjusted to allow for revisions.

Proposals should be prepared simply and economically providing a straightforward, concise description of the contractor's ability to meet the requirements of the RFP. Proposals should be typewritten.

## **2.5 Proposal Submission**

Proposals must follow the Proposal Format in Section 2.1

Incomplete proposals will not be considered.

**Proposals must be received no later than 2:00 PM on October 15, 2021.**

Please submit your proposal electronically to:

**David F. Norton**  
**Interim Executive Director, BioBAT, Inc.**  
[David.norton@downstate.edu](mailto:David.norton@downstate.edu)

and

**Evelyn Powers**  
**Executive Director, Interstate Environmental Commission**  
[epowers@iec-nynjct.org](mailto:epowers@iec-nynjct.org)

Any costs incurred by the bidder in the preparation of the submittal, are the sole responsibility of the bidder and will not be reimbursed.

All proposals and accompanying documentation submitted in response to this RFP shall become the property of BioBAT and IEC and will not be returned to the respondents.

Prior to making an award, BioBAT and IEC reserve the right to require a respondent to submit additional information bearing on the respondent's ability to perform the work, as BioBAT and IEC deem appropriate. In making its evaluation, BioBAT and IEC may consider any information available to it concerning the qualifications of the respondent.

BioBAT and IEC may cancel this RFP, in whole or in part, at any time before contract award. Issuance of this RFP creates no obligations of BioBAT or IEC to award a contract.

## **2.6 Schedule**

RFP document release	September 15, 2021
Site Walk-Through	September 24, 2021 at 10:00 AM
Written questions/clarifications due	October 1, 2021
Written responses issued	October 8, 2021
Proposal due	October 15, 2021 at 2:00 PM

The above schedule is subject to change.

## **2.7 RFP Questions**

All questions must be submitted in writing citing the RFP page, section and paragraph number where applicable to David Norton, Interim Executive Director at david.norton@downstate.edu. All questions **must be e-mailed**.

Questions received after October 1, 2021 will not be answered. Answers to all questions, as well as copies of the questions, will be given to all companies who have responded to the RFP request and provided a valid email address. Only written answers are official.

Respondents must acknowledge all issued addenda to the RFP. Refer to Exhibit F.

## **2.8 Selection Process**

The selection of a contractor will be based on the evaluation of submittals in response to the RFP. Scoring of submittals will be based on qualification, experience and price as set forth in Exhibit G – Consultant Evaluation Form. Proposals will be reviewed by a committee appointed by BioBAT and IEC. BioBAT and IEC will then negotiate contracts with the highest ranked firm.

## **3. Contract**

### **3.1 Contract Documents**

The contract documents between the Owner and the General Contractor will be:

1. A101- 2017 Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum
2. A201- 2017 General Conditions of the Contract for Construction
3. This RFP, including all Exhibits and attachments, including the Construction Documents and Specifications
4. The General Contractor's bid

## **4 Insurance**

### **4.1 Indemnification**

To the fullest extent permitted by law, Contractor shall indemnify, hold harmless and defend BioBAT/ IEC, as well as Research Foundation for State University of New York, SUNY Downstate Health Sciences University, New York City Economic Development Corporation and the City of New York and agents and employees of any of them from and against all claims, damages, losses or expenses including but not limited to attorneys' fees arising out of or resulting from the performance of the agreement, provided any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use resulting therefrom, and (b) is caused in whole or in part by any act or omission or violation of statutory duty or regulation of the Contractor or anyone directly or indirectly employed by it or anyone for whose acts it may be liable pursuant to the

performance of the agreement. Notwithstanding the foregoing, Contractor's obligation to indemnify Owner, Tenant, Architect, Architect's consultants, and agents and employees of any of them for any judgment, mediation or arbitration award shall exist to the extent caused in whole or in part by (a) negligent acts or omissions, or (b) violations of regulatory or statutory provisions of the New York State Labor Law, OSHA or other governing rule or applicable law; by the Contractor or anyone directly or indirectly employed by it or anyone for whose acts it may be liable in connection to such claim, damage, loss or expense. The obligation of the Contractor to indemnify any party under this paragraph shall not be limited in any manner by any limitation of the amount of insurance coverage or benefits including workers' compensation or other employee benefit acts provided by the Contractor.

#### **4.2 Insurance Requirements**

Contractor shall purchase and maintain at a minimum the following types of insurance coverages and limits of liability:

Commercial General Liability (CGL) with limits of insurance of not less than \$1,000,000 each Occurrence and \$2,000,000 Annual Aggregate. CGL coverage shall be written on ISO Occurrence form CG 00 01 10 93 or a substitute form providing equivalent coverage and shall cover liability arising from premises, operations, independent contractors, products-completed operations, and personal and advertising injury. If the CGL coverage contains a General Aggregate Limit, such General Aggregate shall apply separately to each project.

BioBAT/ IEC, as well as Research Foundation for State University of New York, SUNY Downstate Health Sciences University, New York City Economic Development Corporation and the City of New York shall be included as Additional Insureds on the Contractor's CGL policy using ISO Additional Insured endorsement CG 20 10 11 85, or CG 20 10 10 93 and CG 20 37 10 01, or CG 20 33 10 01 and CG 20 37 10 01, or an endorsement providing equivalent coverage to the Additional Insureds. This insurance for the Additional Insureds shall be as broad as the coverage provided for the named insured. This insurance for the Additional Insureds shall apply as primary and non-contributing insurance before any insurance or self-insurance, including any deductible, maintained by, or provided to, the Additional Insureds.

Business Automobile Liability (AL) with limits of insurance of not less than \$1,000,000 each accident.

BioBAT/ IEC, as well as Research Foundation for State University of New York, SUNY Downstate Health Sciences University, New York City Economic Development Corporation and the City of New York shall be included as Additional Insureds on Contractor's AL policy. The AL coverage for the Additional Insureds shall apply as primary and non-contributing insurance before any insurance maintained by the Additional Insureds.

Workers Compensation (WC) & Employers Liability (EL) with limits of insurance of not less than \$500,000 each accident for bodily injury by accident and \$500,000 each employee for injury by disease. This policy will contain an All States endorsement.

Commercial Umbrella Liability (UL) with limits of insurance of not less than \$5,000,000.

UL coverage must include as Additional Insureds all entities that are Additional Insureds on the CGL and the AL. The UL coverage for the Additional Insureds shall apply as primary and non-contributing insurance before any other insurance or self-insurance, including any deductible, maintained by, or provided to, the Additional Insureds other than the CGL, AL and EL coverage maintained by Contractor.

#### Waiver of Subrogation

Contractor waives all rights against BioBAT/ IEC, as well as Research Foundation for State University of New York, SUNY Downstate Health Sciences University, New York City Economic Development Corporation and the City of New York as well as these entities' officers, directors, trustees and employees for recovery of damages to the extent these damages are covered by CGL, AL, WC & EL, UL insurance maintained by Contractor as per the requirements stated above.

## 5. Diversity

5.1 It is the Landlord/Tenant's policy that Minority and Women-Owned Business Enterprises (MBE/WBE's), shall have the maximum opportunity to participate in the performance of this Contract. Pursuant to this Agreement, the Contractor is to agree that it will insure that MBE/WBE's have the maximum opportunity to participate in the performance of this Contract. In this regard the Contractor shall take all necessary and reasonable steps as hereinafter defined to insure that MBE/WBE's have the maximum opportunity to compete and perform contracts or subcontracts. Owner and its Contractor shall not discriminate on the basis of race, color, national origin, or sex in the awarding and performance of such contract Work.

5.2 This language is included to ensure that all persons who enter into any contractual agreement with the Landlord/ Tenant are aware of their responsibility and the commitment of the Landlord/ Tenant to see that it's M/WBE Policy is carried out in all of its business. **Please note that this project has set its M/WBE Participation Goal at 20%.**

## **6. Exhibit A. *List of Documents***

IEC AT BIOBAT Issued for Bid Narrative dated September 3, 2021

IEC AT BIOBAT Issued for Bid Drawings dated September 3, 2021

IEC AT BIOBAT Issued for Bid Specifications dated September 3, 2021

## **7. Exhibit B. *Owner's Contractor Agreement***

A101- 2017 Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum. Will be provided at a later date.

## **8. Exhibit C. *General Conditions of the Contract for Construction***

A201- 2017 General Conditions of the Contract for Construction. Will be provided at a later date.

# 9. Exhibit D. Bid Form- BioBAT

IEC at BioBAT

Base Bid – Please mark appropriate line items as required per project scope

Division 01. General Requirements	\$ _____
Division 02. Existing Conditions	\$ _____
Division 03. Concrete	\$ _____
Division 05. Metals	\$ _____
Division 06. Wood, Plastics, & Composites	\$ _____
Division 07. Thermal & Moisture Protection	\$ _____
Division 08. Openings	\$ _____
Division 09. Finishes	\$ _____
Division 10. Specialties	\$ _____
Division 11. Equipment	\$ _____
Division 12. Furnishings	\$ _____
Division 21. Fire Suppression	\$ _____
Division 22. Plumbing	\$ _____
Division 23. Heating, Ventilating, and Air Conditioning	\$ _____
Division 26. Electrical	\$ _____
Division 27. Communications	\$ _____
<i>Subtotal – Divisions</i>	\$ _____
Overhead	\$ _____
Profit Fee	\$ _____
Insurance	\$ _____
<b>TOTAL LUMP SUM BID</b>	<b>\$ _____</b>

# 10. Exhibit E. Bid Form- IEC

IEC at BioBAT

Base Bid – Please mark appropriate line items as required per project scope

Division 01. General Requirements	\$ _____
Division 02. Existing Conditions	\$ _____
Division 03. Concrete	\$ _____
Division 05. Metals	\$ _____
Division 06. Wood, Plastics, & Composites	\$ _____
Division 07. Thermal & Moisture Protection	\$ _____
Division 08. Openings	\$ _____
Division 09. Finishes	\$ _____
Division 10. Specialties	\$ _____
Division 11. Equipment	\$ _____
Division 12. Furnishings	\$ _____
Laboratory Casework Vendor 1	\$ _____
Laboratory Casework Vendor 2	\$ _____
Laboratory Casework Vendor 3	\$ _____
Division 21. Fire Suppression	\$ _____
Division 22. Plumbing	\$ _____
Division 23. Heating, Ventilating, and Air Conditioning	\$ _____
Division 26. Electrical	\$ _____
Division 27. Communications	\$ _____
<i>Subtotal – Divisions</i>	\$ _____
Overhead	\$ _____
Profit Fee	\$ _____
Insurance	\$ _____
<b>TOTAL LUMP SUM BID</b>	\$ _____

# 11. Exhibit F. RFP Receipt Confirmation Form

**RFP/ Bid Name:** IEC at BioBAT- Second Floor Northwest Quadrant  
Tenant Fit-Out at BioBAT

PLEASE COMPLETE AND EMAIL THIS CONFIRMATION FORM WITHIN 3 WORKING DAYS OF RECEIVING BID PACKAGE TO: David Norton, Interim Executive Director  
[david.norton@downstate.edu](mailto:david.norton@downstate.edu)

Failure to return this form may result in no further communication or addenda regarding this Bid.

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Bid/RFP Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_ EXT: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

I have received a copy of the above noted BID.

\_\_\_\_\_ We will be submitting a Bid

\_\_\_\_\_ We will NOT be submitting a Bid – (please indicate reason)

\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

If a bidders' meeting has been arranged for this Bid, please indicate if you plan to attend:

YES / NO

# 12. Exhibit G. Contractor Evaluation Form

## CONSULTANT EVALUATION FORM

Project Title: BioBAT Laboratory and Office Space Construction and Fit-Out for  
The Interstate Environmental Commission

	(25%)	(20%)	(20%)	(15%)	(15%)	(5%)	(100%)
	Cost	Firm Qualifications & Experience	Personnel Qualifications	Approach & Capability	Previous Experience with Work Specific to Project Scope	References	Total
Consultant 1							
Consultant 2							
Consultant 3							
Consultant 4							
Consultant 5							

Reviewer Name/Signature/Date

\_\_\_\_\_