

CUNY + M/WBE Make the Connection

A Conference for Minority & Women-Owned Business Enterprises
Construction Related Services Contract Opportunities at CUNY
June 3, 2009



www.cuny.edu/constructionsolicitations

Presentation Outline

- **The Big Picture - Construction Services Procurement at CUNY & the City University Construction Fund**
 - Overview of the City University of New York
 - Overview of the City University Construction Fund
 - Role of the Office of Facilities Planning, Construction & Management & the Procurement Services Office
 - What We Procure
 - How We Procure
 - Where Solicitations are Advertised & Noticed
 - Future Procurement Website Enhancements
 - How Solicitation Documents are Obtained
 - What Procurement Methods are used to Award Contacts
 - Vendor Responsiveness
 - Vendor Responsibility
 - MWBE Goals, Utilization Plan and Reporting
- **Tips - Do's & Don'ts for Vendors**
 - Where to Find Procurement Opportunities
 - Responding to Solicitations
 - NYS Procurement Lobbying Act
 - NYS Public Officers Law
- **Questions & Answers**

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Overview of the City University of New York (CUNY)

- 23 institutions located throughout the City: 11 senior colleges, 6 community colleges, and 6 specialty & graduate schools.
 - Five year capital budget of about \$3 billion funded by proceeds from the sale of bonds.
 - Facilities: more than 290 buildings with 26 million square feet of space, each at some point, needs or will need rehabilitation, construction, renovation or expansion.
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Overview of the City University Construction Fund (CUCF)

- ❑ Public benefit corporation established by NYS to provide facilities for CUNY and support the educational purposes of CUNY.
 - ❑ For a number of procurements, CUCF acts on behalf of CUNY and executes the contract with the selected vendor.
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Role of the Office of Facilities Planning, Construction & Management (FPCM) & the Procurement Services Office

- FPCM oversees CUNY's continuing program of facility design, development and construction projects.
 - FPCM's Procurement Service Office conducts a broad array of procurements to support this program.
 - The Procurement Office works in collaboration with CUNY's Colleges, Technical, Program, Financial and Legal Offices to:
 - Solicit & award new contracts.
 - Issue task orders from requirements contracts.
 - Process change orders.
 - Ensure CUNY & Vendor compliance with statutory and procedural requirements and navigating through oversight approvals.
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What We Procure

- **New and growing segment of direct procurement and project management responsibility for major projects by CUNY or the CUCF.**
- **Wide array of procurements for specific projects or structured as requirements contracts to cover multiple projects, in the following areas:**
- **Architectural and Engineering Design Services**
 - New Construction Design
 - Renovation Design
 - Laboratory Design
 - Mechanical, Electrical and Plumbing Engineering Design
 - Environmental Engineering Services
 - Controlled Inspection Services
 - Cost Estimating & Analysis Services
- **Construction**
- **Construction Management/Build Services**
- **Property Development Services**
- **Real Estate Brokerage Services**
- **Real Estate Planning & Consulting Services**
- **Master Plan Amendments & Space Planning Guidelines**

How We Procure

- Where Solicitations are Advertised & Noticed
 - Future Procurement Website Enhancements
 - How Solicitation Documents are Obtained
 - What Procurement Methods are used to Award Contacts
 - Vendor Responsiveness
 - Vendor Responsibility
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Where Solicitations are Advertised & Noticed

- NYS Contract Reporter & NYC Record.
 - Minority Commerce Weekly.
 - Canvass applicable firms on the NYS Certified MWBE List.
 - Directly outreach to firms on our Bidders List.
 - Announcements for certain construction services solicitations are also posted on our new CUNY Facility Construction & Development Procurement Website at www.cuny.edu/constructionsolicitations.
 - Two solicitations listed on the website are currently open to receiving responses:
 - NYC College of Technology New Academic Building Construction Management/Build RFP with responses due on June 5th.
 - Development of New Space Guidelines RFQ with responses due on June 15th.
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Future Procurement Website Enhancements

- Planning to start work on enhancements to the procurement website that could have the potential to:
 - Provide the status of the procurement process from solicitation to final award for each solicitation posted.
 - Identify interested parties at each stage of the procurement process to provide M/WBEs with the opportunity to directly contact vendors participating in a particular solicitation regarding possible partnering arrangements.
 - Provide a direct link to NYS Certified M/WBE List & other MWBE resources.
 - Expand the website to include solicitations for construction.
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How Solicitation Documents are Obtained

- **Construction services solicitation documents may be:**
 - Downloaded from the CUNY procurement website at: www.cuny.edu/constructionsolicitations.
 - Picked up in person at our Manhattan offices at 555 West 57th St.– 11th Floor.

 - **In certain procurements, solicitation documents may be distributed by e-mail.**

 - **Addenda to a solicitation, if any are issued, are also available through the same means as the original solicitation.**
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What Procurement Methods are Used to Award Contracts

Factors Impacting which Procurement Method will be Used

- What is being Procured
 - Source of Funds
 - Dollar Amount
 - Contract Holders
 - Project Scope/Complexity
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What Procurement Methods are Used to Award Contracts (cont'd.)

- **The Most Common Types of Procurement Methods
(There are variations of these methods.)**
 - **Request for Qualifications & Request for Additional Information
(Two-Stage Approach)**
 - Respondents submit a Statement of Qualifications.
 - Site visit and/or pre-proposal conference may be conducted.
 - Submissions reviewed for responsiveness (i.e., timeliness, completeness, and compliance with minimum qualification requirements, if any.)
 - Responsive submissions evaluated and rated pursuant to the criteria in the solicitation (e.g., qualifications and experience of firm and staff).
 - A request for additional information, generally requesting a Technical Proposal, is issued to those respondents determined to be the most qualified (i.e., the short list).
 - Submissions reviewed for responsiveness.
 - Responsive submissions evaluated and rated pursuant to the criteria in the request (e.g., approach, schedule, design concept). May also include a fee proposal.
 - Presentations and interviews may be conducted.
 - Best and final offers may be requested.
 - Award is made to the highest rated respondent(s), contingent upon negotiation of a fair and reasonable price and a contract, and a determination of responsibility.
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What Procurement Methods are Used to Award Contracts (cont'd.)

■ **One-Stage Variation**

- Submission addresses both the responder's qualifications and technical approach and may also include a fee proposal.

■ **Construction Management/Build Solicitation**

- Construction Manager (CM) is generally selected through Two-Stage Approach.
- CM then selects, enters into and supervises subcontracts for all required construction work.
- Each subcontract is awarded to the lowest responsive and responsible bidder through an open competitive bid procedure for each trade.

■ **Requirements Contract Solicitation**

- Consultants are generally selected either through the One-Stage or Two-Stage Approach.
 - Project specific task orders are then assigned to a consultant based upon an established protocol (e.g., rotation, competition, geography).
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Vendor Responsiveness

- **A vendor is responsive if they have complied with all the material terms and conditions prescribed in the solicitation, e.g.:**
 - Submission of the response by the due date and time at the indicated location.
 - Compliance with all minimum qualification requirements, if any.
 - Submission of required materials.
 - Attendance at a mandatory site visit, if any.
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Vendor Responsibility

- **A vendor is responsible if they have demonstrated**
 - Capability to perform the contract requirements
 - Business integrity to justify the award of funds.

 - **Factors considered include**
 - Past Performance
 - Financial Capability
 - Business Integrity.

 - **Sources include**
 - Reference Checks
 - Financials
 - Responsibility Questionnaires
 - VENDEX System Caution List and Performance Evaluation Checks.
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M/WBE Goals, Utilization Plan & Reporting

Goals

- CUNY's uniform, university-wide set of M/WBE Goals for all procurements for construction, commodities and services:
 - MBE Goal - 7.25%**
 - WBE Goal - 4.75%**

Utilization Plan

- Submitted by responders for each procurement.
 - Contains a detailed description of the supplies and/or services to be provided by each NYS Certified M/WBE that will perform under the contract.
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M/WBE Goals, Utilization Plan & Reporting

(cont'd.)

Reporting

- Who: Prime Contractors
 - When: Quarterly
 - What:
 - Information on each NYS Certified M/WBE vendor that performed on the contract, i.e.:
 - the prime contractor, if an M/WBE vendor
 - each M/WBE vendor utilized as a sub-contractor or supplier, if any).
 - Description of the work, product or service provided by the M/WBE vendor.
 - Total dollar amount paid to the M/WBE vendor in the reporting quarter.
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TIPS – Do's and Don'ts for Vendors

Where to Find Procurement Opportunities

- NYS Contract Reporter
 - NYC Record
 - Minority Commerce Weekly
 - Our website at www.cuny.edu/constructionsolicitations
 - Sign up for our Bidders List
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TIPS – Do's and Don'ts for Vendors

(cont'd.)

□ Responding to Solicitations

- Be on time – get the response in by the deadline date and time at the right location.
 - Be right – make sure the response is complete and correct.
 - Attend the site visit and bidder conference.
 - Ask questions during the solicitation's inquiry period.
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TIPS – Do's and Don'ts for Vendors

(cont'd.)

☐ NYS Procurement Lobbying Act

- Restricts contacts by an offerer from the time a procurement is publicly advertised until a final contract award is approved with **anyone other than the authorized contact person specified in the solicitation.**
 - ☐ Contacts include in-person, telephone, email, written correspondence or any other form of communication.
 - ☐ Factual exchanges of information are generally not considered impermissible contacts, (e.g., when and where the bid is due; bid conference participation).
 - The CUNY Procurement Services Office is the point of contact for any live procurement.
 - ☐ CUNY's Authorized Agency Contact Person for **all** matters concerning a solicitation is included in that solicitation.
 - Penalties for violations by offerers.
 - Refer **all** inquiries to our mailbox at:
DDCM.ContractsDept@mail.cuny.edu
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TIPS – Do's and Don'ts for Vendors

(cont'd.)

□ NYS Public Officers Law

CUNY staff are prohibited from soliciting or accepting **any** gifts from **any** vendors. This includes lunches, gifts of food or food baskets, bouquets of flowers, gift certificates, tickets to sporting events or for other forms of entertainment, etc.

QUESTIONS AND ANSWERS
