

April 20, 2009

SUBJECT: PERFORMANCE OF EXPERT PROFESSIONAL INSPECTION, TESTING AND QUALITY CONTROL/QUALITY ASSURANCE SERVICES FOR THE INSTALLATION OF ELEVATORS AND ESCALATORS AT ONE WORLD TRADE CENTER ON AN “AS-NEEDED” BASIS (RFP NUMBER 18194)

Dear Sir or Madam:

The Port Authority of New York and New Jersey (the “Authority”) is seeking Proposals in response to this Request for Proposals (RFP) for a Consultant to provide expert professional inspection, testing and quality control/quality assurance services for the installation of elevators and escalator at One World Trade Center as requested on an “as needed” basis. The scope of the tasks to be performed by you are set forth in Attachment A to the Authority’s Standard Agreement (the “Agreement”), included herewith. You should carefully review this Agreement as it is the form of agreement that the Authority intends that you sign in the event of acceptance of your Proposal and forms the basis for the submission of Proposals.

The Proposer is expected to agree with the form of agreement and its terms and conditions. The Proposer should therefore not make any changes in the Agreement nor restate any of its provisions in your Proposal or supporting material. However, if the Proposer has any specific exceptions, such exceptions should be set forth in a separate letter included with its response to this RFP. The Authority is under no obligation to entertain or accept any such specific exceptions. Failure to raise issues at the time of Proposal submission shall preclude the raising of such issues at a later time.

I. PROPOSER REQUIREMENTS:

- A. Successful completion of at least three (3) inspection, testing, quality control and quality assurance of the installation of elevators and escalators projects. Said projects must have of similar complexity and scope as the services required herein and been completed within the past ten (10) years.
- B. Project Managers and staff assigned to this project shall possess a minimum of ten (10) years experience in providing the required services for the installation of elevators and escalators at buildings and facilities of similar complexity.

II. PROPOSAL FORMAT REQUIREMENTS

To respond to this RFP, the Proposer shall submit a concise Proposal complying with the following requirements:

- A. To be acceptable, the Proposal shall be of no more than thirty 30 pages (single-sided using 12 point or greater font size), not including resumes. This limit does not include Section III, items: A, B, F, G, H, I and J, below. Each resume shall be two-page maximum, single-sided using 12 point or greater front size. The Proposal pages shall be

numbered and bound, or in a 3-ring binder, with “Your Firm Name,” and **RFP Number 18194** clearly indicated on the cover.

- B. Each section of the Proposal shall be separated with a tab divider that is labeled in accordance with the letter of the requirements specified below in Section III.
- C. All proposals must be delivered in sealed envelopes and/or packages. Address the Proposal to: The Port Authority of New York and New Jersey, One Madison Avenue, 7th Floor, New York, NY 10010, **Attention: RFP Custodian.** Do not address your Proposal to any other name. You are requested to submit one (1) reproducible original and 7 copies, along with one (1) compact disc copy, of your Proposal for review. In case of conflict, the reproducible original of the Proposal shall take precedence over material on the compact disc.
- D. In each submission to the Authority, including any return address label, information on the compact disc and information on the reproducible original and copies of the Proposal, the Proposer shall use its **FULL LEGAL NAME WITHOUT ABBREVIATIONS.** Failure to comply with this requirement may lead to delays in contract award and contract payments, which shall be the responsibility of the Proposer.
- E. Provide the address of your firm to which any written correspondence should be sent.
- F. Your Proposals should be forwarded in sufficient time so that the Authority receives them **no later than 2:00 p.m. on May 19, 2009.** The cover of your submittal must include the RFP Number (as stated above) and the RFP title. The Authority assumes no responsibility for delays caused by any delivery services.
- G. If your Proposal is to be delivered by messenger, please note that only individuals with proper identification (e.g. photo identification) will be permitted access to the Authority’s offices. Messengers without proper identification will be turned away and their packages not accepted.

III. SUBMISSION REQUIREMENTS:

To respond to this RFP, provide the following information:

Section A. Agreement on Terms of Discussion

In accordance with Authority policy, we also request you to include in the front of your Proposal, a copy of Attachment B, signed by an officer of your company.

Section B. Transmittal Letter

The Proposer shall submit a letter on its letterhead, signed by an authorized representative, demonstrating your compliance with each of the aforementioned “Proposer Requirements” listed above. Your transmittal letter shall also include the following:

1. Submit a statement indicating whether the Consultant is proposing as a single entity or a joint venture. If a joint venture, submit all information required for a single entity for each participant in the joint venture. If the Proposer is a joint venture and seeks to propose as such, the joint venture Proposer must meet the prerequisites. All the qualification information required for a single entity shall be submitted for each participant in the joint venture. If a common law joint venture submits a proposal, all participants in the joint venture shall be bound jointly and severally, and each participant

shall execute the Proposal. If a joint venture is deemed qualified to receive an invitation to deliver a formal presentation of how they propose to perform the Work outlined herein, the joint venture shall be composed of the same participants as were in the joint venture when they submitted the Proposal. No substitution of participants will be allowed without the express prior written permission of the Authority.

2. Submit a copy of any written agreement, or understanding, which exists between each party to the joint venture as part of the Proposal. If no written agreement or understanding exists, the Lead Proposer shall be identified and the joint venture shall include in its Proposal a written statement explaining how the joint venture will fulfill the requirements of the Contract. Such explanation shall fully discuss and identify the responsibility of each party to the joint venture for performing the Work, and for providing the required insurance.

Section C. Qualifications and Experience of Staff.

List the name(s), title(s) and resumes of personnel who will be assigned to perform any services requested. Identify subcontractors, if any, and indicate their experience and qualifications.

Section D. Specific relevant experience of your firm.

This shall include, but not be limited to, a list of entities for which similar services have been provided. Provide a list of the projects, and a contact as required, for the Authority to confirm said information.

Section E. Management Approach

A detailed description of the proposed management approach to be taken for the performance of the required services. Factors addressed in your management approach shall include, but are not limited to the following: your proposed organizational structure to be responsive to the Authority's needs; your proposed approach and schedule for keeping the client apprised of the project status; and your proposed approach to ensuring the quality of the work product to be produced.

Section F. Staff and Costs

Complete Attachment C (Staffing Analysis Sheet) for performance of Tasks outlined in Attachment A.

The staffing analysis shall identify the names, titles, multipliers, as well as billing rates for principals and partners, of specific staff to be assigned to the performance of each task, including out-of-pocket expenses. Please note that out-of-pocket expenses shall not include daily commutation or housing costs or any relocation costs that may be incurred by your staff in the performance of services under this Agreement.

The "multiplier" referred to in the first line of subparagraph 8.A of the accompanying Agreement shall include a breakdown of said multiplier, indicating all of its components (e.g.: vacation, holiday, sick pay, workers' compensation, office rent, insurance, profit) for all work performed at the Consultant's office.

If proposing the use of subconsultant(s), provide the terms and conditions for their compensation (including their multiplier, and/or billing rates as appropriate), their

Minority/Women-owned Business Enterprise (M/WBE) status and the technical qualifications of their key personnel to be assigned to the subject project.

Section G. M/WBE Participation

Your attention is directed to Paragraph 20 of the Agreement in which the Authority has stated the M/WBE goals for participation in this project. Submit details on how you intend to meet these goals. A listing of certified MBE/WBE firms will be provided upon request. If you plan to use an MBE or WBE firm that is not certified by the Authority but which appears to meet the Authority's requirements, the firm should begin the certification process, and you may submit such a firm with a statement that the firm has applied for Port Authority certification. Potentially certifiable MBE and WBE firms should contact the Authority's Office of Business and Job Opportunity. Contact information and certification applications are available on the Authority's website:

Section H. Affiliates

Include a complete list of your firm's affiliates. Affiliates shall be as defined as in paragraph 30 of the attached Standard Agreement.

Section I. Contract Exceptions

The Proposer is expected to agree with the form of contract and its terms and conditions. The Proposer should therefore not make any changes in the Standard Agreement nor restate any of its provisions in your Proposal or supporting material. However, if the Proposer has any specific exceptions, such exceptions should be set forth in a separate letter included with its response to this RFP. The Authority is under no obligation to entertain or accept any such specific exceptions. Failure to raise issues at the time of Proposal submission shall preclude the raising of such issues at a later time.

Section J. Conflict of Interest

If the Proposer or any employee, agent or subcontractor of the Proposer may have, or may give the appearance of a possible conflict of interest, the Proposer shall include in its Proposal a statement indicating the nature of the conflict. The Authority reserves the right to disqualify the Proposer if, in its sole discretion, any interest disclosed from any source could create, or give the appearance of, a conflict of interest. The Authority's determination regarding any question(s) of conflict of interest shall be final.

IV. SELECTION PROCESS:

The selection process for the performance of the subject services shall include consideration of the factors listed below in order of importance.

- A. The quality and depth of the experience and qualifications of the staff, including subconsultants, who will be performing services hereunder.
- B. The extent and quality of experience of the firm and the quality of similar services provided to others including the demonstrated ability to complete the services in accordance with the project schedule.
- C. The Consultant's proposed management approach for the performance of services hereunder.

After consideration of the preceding factors, the cost of the Consultant's services shall be evaluated on a best buy/best value basis.

V. ORAL PRESENTATIONS:

After review of all Proposal submissions, an oral presentation to the selection committee and others, as appropriate, may be requested. It should be noted that firms selected to make presentations may be given short advance notice. Presentations would be limited to 30 minutes, and include the material contained in your Proposal. The presentation would be followed by an approximately 30-minute question and answer session. Proposer's staff providing the presentation shall be led by the proposed Project Manager, who may be supported by no more than four (4) other senior staff members proposed to work on this project. Notification of presentation scheduling is made by email. Please provide the name and email address of the person who should be contacted for presentation scheduling as well as an alternate in the event that person is unavailable.

VI. ADDITIONAL INFORMATION:

If your firm is selected for performance of the subject services, the agreement you will be asked to sign, at that time, will include clauses entitled "Certification of No Investigation (Criminal Or Civil Anti-Trust), Indictment, Conviction, Debarment, Suspension, Disqualification and Disclosure Of Other Information" And "Non-Collusive Proposing And Code Of Ethics Certification; Certification Of No Solicitation Based On Commission, Percentage, Brokerage, Contingent Or Other Fees." By submitting a Proposal the Consultant shall be deemed to have made the certifications contained therein unless said Consultant submits a statement with his Proposal explaining why any such certification(s) cannot be made. Such a submission shall be submitted in a separate envelope along with your Proposal, clearly marked "CERTIFICATION STATEMENT."

It is Authority policy that its contractors and vendors comply with the legal requirements of the States of New York and New Jersey. Your attention is therefore called to New York State's requirements that certain contractors, affiliates, subcontractors and subcontractors' affiliates register with the New York State Department of Taxation and Finance for the purpose of collection and remittance of sales and use taxes. Similarly, New Jersey requires business organizations to obtain appropriate Business Registration Certificates from the Division of Revenue of the State's Department of the Treasury.

Following selection of a Consultant, the Authority will forward two copies of the Agreement to the selected firm, which must sign and return both copies. The return to you of one copy executed by the Authority will effectuate the Agreement.

Should you have any questions, please contact David Gutiérrez, Procurement Contracts Manager, by email at david.gutierrez@panynj.gov. All such emails must have "RFP # 18194" in the subject line. The Authority must receive all questions no later than 4:00 P.M. on May 11, 2009. Neither Mr. Gutiérrez nor any other employee of the Authority is authorized to interpret the provisions of this RFP or accompanying documents or give additional information as to their requirements. If interpretation or additional information is required, it will be communicated by written addendum issued by the undersigned and such writing shall form a part of this RFP, or the accompanying documents, as appropriate.

Proposal preparation costs are not reimbursable by the Authority, and the Authority shall have no obligation to a firm except under a duly authorized agreement executed by the Authority.

No rights accrue to any Proposer except under a duly authorized agreement for performance of the specified services.

The Authority reserves the right, in its sole and absolute discretion, to reject all Proposals, to undertake discussions and modifications with one or more Consultants, to waive defects in Proposals, and to proceed with that Proposal or modified Proposal, if any, which in its judgment will, under all the circumstances, best serve the public interest.

Proposers are advised that additional vendor information, including, but not limited to forms, documents and other related information, may be found on the Authority website at http://www.panynj.gov/DoingBusinessWith/contractors/html/other_info.html. Also, Proposers are encouraged to periodically access the Authority website at http://www.panynj.gov/DoingBusinessWith/contractors/html/current.php#prof_ad for RFP updates and addenda.

Sincerely yours,

Tim Volonakis
Manager
Professional, Technical and Advisory Services Division
Procurement Department

Attachments