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**

www.cuny.edu/constructionsolicitations
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.
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.
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.
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
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.
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.
How Solicitation Documents are Obtained

- Construction services solicitation documents may be:
  - Downloaded from the CUNY procurement website at: [www.cuny.edu/constructionsolicitations](http://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.
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
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.
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).
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.
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.
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.
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 subcontractor 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.
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
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.
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
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