

**NEW YORK CITY
DEPARTMENT OF DESIGN AND CONSTRUCTION**

REQUEST FOR INFORMATION

**IN CONNECTION WITH
CM-BUILD INDUSTRY ENGAGEMENT**

Issuance Date: January 2, 2025

Issuance Via: Email distribution and DDC website: [Work With Us - Department of Design and Construction](#)

Response Due Date: January 16, 2025, 5:00 PM

POINT OF CONTACT:

All inquiries regarding this Request for Information are to be directed to the following Point of Contact, with the subject line “CM-Build Industry Engagement RFI”:

Hemwattie Roopnarine, Director
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New York City Department of Design and Construction

I. PURPOSE

The City of New York (the “City”) by and through its Department of Design and Construction (“DDC”) is issuing this Request for Information (“RFI”) regarding future CM-Build solicitations in connection with DDC’s Public Buildings portfolio. The purpose of this RFI is to seek industry perspective on CM-Build best practices and feedback from vendors about experiences on CM-Build projects. The City wants to be an owner of choice for CM-Build projects.

II. BACKGROUND

DDC is the City’s primary capital construction manager. Working on behalf of over 20 sponsor agencies, DDC delivers critical infrastructure and public building projects across all five boroughs, including many of the civic facilities New Yorkers use every day such as community centers, libraries, cultural facilities, and more.

In 2024, the New York State Legislature amended the New York City Public Works Investment Act (“Act”) to expand DDC’s project delivery toolkit. DDC is now authorized to award CM-Build contracts for certain public works within the City. A copy of the Act is available at:

<https://www.nysenate.gov/legislation/bills/2023/A10543>

The Act authorizes DDC to use CM-Build for public works with an estimated value above \$5,000,000 if the public work is for the construction or renovation of:

- (a) a cultural institution located on publicly owned property on behalf of the New York City Department of Cultural Affairs; or
- (b) a public library in the City of New York.

The Act requires that DDC utilize a two-step procurement process for CM-Build contracts; a request for qualifications and then a request for proposals to short-listed vendors. The Act also requires that DDC select the proposal that provides the best value to the City, taking into consideration the qualifications and experience of the proposer, the quality of the proposal, and the cost of the proposal.

III. RFI OBJECTIVE

DDC is in the process of developing a new CM-Build contract, Request for Qualifications (“RFQ”), and Request for Proposal (“RFP”) for a pilot program of 4-6 CM-Build projects in various stages of planning and design. It is anticipated that the value of each project will be between \$9 Million and \$30 Million.

DDC’s goal is to become an owner of choice for CM-Build projects. Accordingly, DDC is seeking feedback from the industry to inform the development of contract terms and a new procurement process.

IV. SUBMISSION INSTRUCTIONS

- (a) Interested parties are invited to provide a written response to this RFI. The RFI response shall meet the following requirements:
- i) Formatted as a single PDF on 8.5” x 11” page size and not exceed 20MB and 10 pages total.
 - ii) Include a cover sheet with the following information:
 - Respondent firm name
 - Respondent point of contact name
 - Respondent email address
 - Respondent phone number
 - Respondent mailing address
 - iii) Include a brief summary of Respondent’s background, qualifications, and experience related to CM-Build services.
 - iv) Include approximate number of staff employed by Respondent in the tri-state area.
 - v) Include approximate average gross revenue for the prior three (3) years.
- (b) How to Submit:
- i) Any inquiries related to this RFI shall be made to the Point of Contact via email with the subject line “Inquiry for CM-Build Industry Engagement RFI.”
 - ii) Responses shall be made to the Point of Contact via email with the subject line “Submission for CM-Build Industry Engagement RFI.”
 - iii) Responses are due by January 16, 2025 by 5:00 PM.

V. QUESTIONS FOR RESPONDENTS

DDC requests industry feedback with respect to CM-Build services. This information will assist DDC in optimizing the development of its contract and procurement process.

Respondents are encouraged, but not required, to respond to all topics.

- (a) Provide comments on the required two-step procurement process and feedback regarding evaluation criteria and other issues regarding the solicitation process.
- (b) Provide comments regarding payment structure, including feedback on how overhead, profit, and insurance could be addressed.
- (c) Provide comments on CM self-performance of construction work.
- (d) Provide information on project procedures that worked to make your previous CM-Build projects successful, particularly on building renovation projects and/or projects undertaken on behalf of other public owners.
 - i) Considerations for pre-construction, construction, and post-construction phases

- ii) Considerations for quality control
 - iii) Use and structure of incentives and disincentives
 - iv) Other considerations
- (e) Provide suggestions on strategies to support the participation of M/WBE firms.
 - (f) Are there barriers in the foreseeable market that you consider may impact the success of the CM-Build program? Are there barriers that would make it difficult for your firm to participate and any recommendations to mitigate the concern(s), if possible?
 - (g) Is there other information the Respondent wishes to communicate to DDC in connection with this RFI?

VI. ADDITIONAL INFORMATION

- (a) This RFI does not commit DDC to any specific form of procurement or delivery method.
- (b) This RFI does not initiate a formal procurement or represent a commitment to issue an RFQ or an RFP.
- (c) Participation in this RFI is not a requirement for participation in any future solicitation that DDC may undertake.
- (d) Participation in this RFI as a respondent or otherwise will not provide participants with any advantage or disadvantage in any future RFQ or RFP. Responses, or lack thereof, will not be considered in any evaluation process for future solicitations.
- (e) DDC does not intend to grant or issue any agreements on the basis of this RFI.
- (f) Respondents to this RFI will not be deemed proposers for any project or solicitation by virtue of participating in this RFI.
- (g) DDC, the City and their officials, officers, agents, and employees make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFI.
- (h) Neither DDC nor the City shall be liable for any costs incurred by any Respondent in the preparation, submittal, presentation, clarification, or revision of its RFI submission.
- (i) Neither DDC nor the City shall be obligated to pay and shall not pay any costs in connection with the preparation of such submissions.
- (j) DDC at its sole discretion reserves, without limitation, the right to:
 - i) Withdraw the RFI at any time;
 - ii) Not to issue any RFQ or RFP;
 - iii) To discuss various approaches with one or more respondents (including parties not responding to the RFI);
 - iv) Use the ideas and/or submissions in any manner deemed to be in the best interests of DDC and the City, including but not limited to soliciting competitive submissions relating to such ideas or proposals and/or undertake the prescribed work in a manner other than that which is set forth herein; and
 - v) Change any terms of the RFI.

- (k) All submissions shall become the property of DDC and the City and shall not be returned. Respondents acknowledge and understand that none of the information contained in the submissions shall be deemed confidential. Furthermore, information in the submissions will likely be shared with other governmental entities. Therefore, Respondents should not submit any information deemed to be proprietary information.
- (l) DDC is subject to the New York State Freedom of Information Law, which governs the process for the public disclosure of certain records maintained by DDC. (See New York State Public Officers Law, Sections 87 and 89.) Individuals or firms that submit materials to DDC may request that DDC except all or part of such materials from public disclosure, on the grounds that the materials contain trade secrets, proprietary information, or that the information, if disclosed, would cause substantial injury to the competitive position of the individual or firm submitting the information. Such exception may extend to information contained in the request itself, if public disclosure would defeat the purpose for which the exception is sought. The request for such an exception must be in writing and state, in detail, the specific reasons for the requested exception. It must also specify the materials or portions thereof for which the exception is requested. This characterization shall not be determinative but will be considered by DDC when evaluating the applicability of any exemptions in response to a FOIL request.