

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

**REQUEST FOR SUBMITTALS FOR A
VERIFICATION AND VALIDATION PROCESS
TO DETERMINE ELIGIBILITY OF FIRMS TO BID**

ON

**VVP# 45607 - PATH – JOURNAL SQUARE TRANSPORTATION CENTER
HARDENING PHASE II
CONTRACT PAT 534.316**

March 2016

I. INTRODUCTION

The Port Authority of New York & New Jersey (hereinafter the “Authority”) is a body corporate and politic created by the States of New York and New Jersey with the consent of the Congress of the United States. The Port Authority, together with its wholly-owned subsidiaries, provides the region with integrated transportation and trade services and operates facilities in connection therewith, including, but not limited to, four major regional airports, four bridges and two tunnels that serve interstate traffic, a bus terminal, a bus station, the Port Authority Trans-Hudson Corporation (PATH) rapid transit system, the Hoboken-lower Manhattan ferry service, the World Trade Center site and certain New York-New Jersey port facilities.

The Port Authority is conducting this Verification and Validation Process (“VVP”) to determine a list of bidders that will be eligible to bid on Contract PAT 534.316 - PATH – JOURNAL SQUARE TRANSPORTATION CENTER HARDENING PHASE II. This VVP process is being conducted to ensure bid documents categorized as “Protected Information” as defined in the Port Authority Information Security Handbook dated October 15, 2008, corrected as of November 14, 2013 (“Handbook”) are distributed to firms that have (1) met the applicable pre-requisites for access to Protected Information in accordance with the Handbook; and (2) possess the minimum threshold licenses and experience in order to bid on this Contract.

Upon verification and validation of a firm’s compliance with the applicable security pre-requisites, licenses, and experience, the firm will be considered “Verified and Validated” and receive an invitation for Information Security and Awareness and Education training, currently scheduled to take place one (1) day between:

April 18 – April 22 at Port Authority Technical Center
241 Erie Street, Second Floor, Room 222
Jersey City, N.J. 07310
1:00PM – 3:00PM

Responses to this VVP are due on the Response Due Date set forth in the advertisement. Responses received after that date and time may not be accepted.

Only firms that have satisfactorily demonstrated their abilities to meet the information security pre-requisites and who have received written approval from the Authority will be asked to respond to future solicitations on the specific project(s) described below.

II. PROJECT DESCRIPTION

A. Scope of work

The work of this contract provides for the installation of fixed and retractable bollards along the JFK Boulevard sidewalk and Bus Lane A at the Journal Square Transportation Center. The contract work also involves the installation of digital CCTV camera units; monitoring & control equipment; data and power cabling; the integration of the camera units into the PATH CCTV System Network, as shown on contract drawings and specifications; associated civil, structural, electrical, mechanical, and communications/technology work, as well as removal of existing temporary barriers, and maintenance of traffic.

Estimated Total Contract Costs

The total contract cost is estimated to be in the range of \$1.5 million to \$5 million.

B. Contract Schedule

The estimated contract duration is twenty-four months. Work shall be coordinated with on-going PATH construction work and operations.

III. SUBMITTAL INSTRUCTIONS AND CONTENT

A. Requirements

To be considered Verified and Validated, the respondent must demonstrate to the satisfaction of the Authority that it meets the minimum requirements as stated in Paragraphs III A and B. Company brochures alone shall not be submitted for the purpose of demonstrating licensing. Submittals must be tailored to the specific requirements set forth herein. If the respondent cannot demonstrate that it meets all of the below mentioned qualifications and requirements, then the respondent may, with other firms, form a joint venture and request that the joint venture be pre-qualified as set forth in Paragraph B.5 below.

1. Minimum Experience of the Firm

The firm seeking to be considered eligible shall present evidence of licensing to perform electrical work as a contractor in the state of New Jersey for a minimum of five (5) years.

2. Satisfactory Completion of Pre-requisites for Access to Protected Information

The firm shall submit required documents and present evidence that the firm has established the required information security controls, as more fully set forth in Section B.4. in order to be granted access to Port Authority Protected Information.

B. Submittals

The following items must be submitted for consideration in order to establish eligibility to bid on this specific project:

1. Attachments

In order to expedite the review of the information furnished, the firm should complete and submit the attached documents. Responses that fail to adhere to this stipulation may be excluded from consideration. The following attachments are incorporated herein and must be submitted:

A. **Attachment I – Agreement on Terms of Discussion**

B. **Attachment II – Non-Disclosure and Confidentiality Agreement**

(click the above link to download)

(1) The Non-Disclosure and Confidentiality Agreement executed by a principal or officer of the firm on behalf of the firm;

(2) An Exhibit A- (*Acknowledgment by a Related Party Individual*) executed by the **same principal** who executed the firm's Non-Disclosure Agreement.

(3) An Exhibit A- (*Acknowledgment by a Related Individual*) executed by the Security Information Manager named in paragraph 4, below.

(4) An Exhibit A- (*Acknowledgment by a Related Individual*) executed by any other member of your team, who may require access to sensitive Port Authority information to assist in the preparation of your bid/proposal.

(5) An Exhibit B- (*Acknowledgment by a Related Party Entity*) executed by a principal of any subconsultant or subcontractor who may require access to sensitive Port Authority information to assist in the preparation of your bid/proposal, if applicable.

(6) An Exhibit A- (*Acknowledgment by a Related Individual*) executed by the same principal who executed the subconsultant's/subcontractor's Exhibit B, if applicable.

(7) An Exhibit A- (*Acknowledgment by a Related Individual*) executed by executed by any other subconsultant/subcontractor employee, who may require access to sensitive Port Authority information to assist in the preparation of your bid/proposal, if applicable.

C. In addition, firms will also be required to ensure that their respective subcontractors, subconsultants and vendors, of all tiers, also complete BQQ's.

The BQQ may be downloaded at:

<http://www.panynj.gov/inspector-general/inspector-general-programs.html>

The completed BQQ should be submitted to the Office of Inspector General by the Submission date set forth in Section IV.

2. Performance and Payment Bond

The firm must be able to obtain a Performance and Payment Bond for the maximum amount indicated in the range set forth in Paragraph II.A from a surety company whose name appears on the current list of the Treasury Department of the United States as acceptable as a surety upon federal contracts. A letter from the surety company must be submitted with the firm's response to this VVP.

3. Joint Ventures

The Authority will entertain requests for consideration from a joint venture. If a joint venture is considered Verified and Validated, or if two or more entities who are separately Verified and Validated elect to submit a bid as a joint venture, all participants in the joint venture shall be bound jointly and severally and each participant shall execute the bid.

If the firm cannot demonstrate that it meets all the requirements and qualifications, then that firm may, with others, form a joint venture and request that the joint venture be deemed the Verified and Validated bidder (i.e. members of the joint venture may meet the qualification requirement collectively).

4. Proof of Satisfactory Completion of Pre-requisites for Access to Protected Information

(a) Designation of Security Information Manager

The Pre-Qualified firms (and ultimately, the successful bidder) will require access to Port Authority Protected Information. Protected Information is information belonging to the Authority that, if it were subject to unauthorized access, modification, loss or misuse could seriously damage the Authority, public safety, or homeland security. Protecting this sensitive information requires the application of uniform safeguarding measures to prevent unauthorized disclosure and to control any authorized disclosure of this information within the Authority or when released by the Authority to outside entities. These procedures are identified in the Port Authority's "Information Security Handbook". Respondents may obtain a copy of the Security Handbook from the Port Authority's website:

<http://www.panynj.gov/business-opportunities/pdf/Corporate-Information-Security-Handbook.pdf>

The Information Security Handbook requires that certain criteria be met prior to being granted access to Protected Information. Generally, an individual must be a U.S. Citizen, or be an alien who has been lawfully admitted for permanent residency or employment (indicated by immigration status), as evidenced by Immigration and Naturalization

Service documentation, or be a national of the United States as defined by the Immigration and Nationality Act. This requirement may be waived in exceptional circumstances and firms seeking to be considered should refer to § 3.2 of the Information Security Handbook for details on this policy and the process for waiver. An individual may also be required to undergo background screening prior to being approved for receipt of certain information. As of January 29, 2007, the Secure Worker Access Consortium (S.W.A.C.) is the only Authority approved provider to be used to conduct background screening and personal identity verification, except as otherwise required by federal law and/or regulation. Information about S.W.A.C., instructions, corporate enrollment, online applications, and location of processing centers can be found at:

<http://www.secureworker.com>

S.W.A.C. may be contacted directly at (877) 522-7922 for more information.

Individuals are also required to attend an Information Security Awareness and Education training session unless, within the last three (3) years, they have attended an Information Security Awareness and Education training session and have proof of same.

Each firm seeking to be considered, and if a joint venture is seeking consideration, each participant in a joint venture, shall designate **at least one (1)** Security Information Manager (a “SIM”) responsible for each firm’s compliance with Information Security Requirements, identifying members of their teams who will need access to documents and for assuring that those members have passed the requisite background checks and have completed the requisite forms. The SIM will be responsible for maintaining his/her firm’s access list. In addition, the SIM will identify an individual who will be trained by the Port Authority in the use of Livelink (if Livelink is utilized as a means for distribution) and that individual will subsequently be responsible for training the team for the selected firm.

With your submission, your firm (or any member firm of a joint venture seeking to be considered) must include the following information for your SIM(s):

- (1) Full legal name
- (2) Title
- (3) Physical address
- (4) Email address
- (5) Phone number and fax number; and
- (6) Proof that the SIM has been issued a SWAC credential.*

(b) Proof of SWAC Credential

Your firm’s designated SIM, and any member of your team that may require access to Protected Information will require a SWAC credential, proof of which must be submitted with your response.

Proof of SWAC issuance shall be demonstrated by submitting a color photocopy of the face of the team member’s SWAC card. The failure to demonstrate in your submission

that, at a minimum, your firm's SIM has been issued a SWAC credential, will result in your firm not being found qualified to participate in this opportunity.

(c) Checklist for Project Team

You should submit a Microsoft Excel spreadsheet providing the status, at the time of the VPP submission, of your firm's team for this project with respect to information security requirements. The spreadsheet should list all persons at your firm that may require access to Port Authority Protected Information, and set forth their status as to whether they have (1) undergone Port Authority Information Security Training; (2) executed a Port Authority Non Disclosure Agreement (NDA); (3) executed a Port Authority Exhibit A (4) executed an Exhibit B; and (5) been issued a SWAC credential, if required.

Example Spreadsheet Illustration:

| Name | Trained? | NDA | Exhibit A (to NDA) | Exhibit B (to NDA) | SWAC |
|---|-----------|-----------|-----------------------|-----------------------|------|
| Luke Jones (Principal, C.E.O) | | 1/31/2013 | 1/31/2013 | | |
| Noah Jacobs (Estimator) | 2/12/2013 | | 1/13/2013 | | Yes |
| Melissa Manning (SIM) | 1/12/2013 | | 1/12/2013 | | Yes |
| Franklyn Benjamin, P.E. (Subcontractor) | 2/12/2013 | | | 2/15/2013 | |

8. Background Qualification Questionnaire Package

The Port Authority has implemented a Project Corruption Prevention Program ("PCPP") for this Contract. One of the components of the PCPP is contractor and vendor screening, designed to ensure that, in addition to demonstrated records of quality performance and solid financial capability, firms awarded contracts for work on Aviation Contracts possess high ethical standards and records of law-abiding conduct. Screening is performed through the use of a Background Qualification Questionnaire package ("BQQ"). This Contract requires firms seeking to be considered to complete a BQQ as part of their responses to this VVP. In addition, firms will also be required to ensure that their respective subcontractors, subconsultants and vendors, of all tiers, also complete BQQs.

The BQQ may be downloaded at:

<http://www.panynj.gov/inspector-general/inspector-general-programs.html>

The completed BQQ should be submitted to the Office of Inspector General by the Submission date set forth in Section IV.

IV. SUBMISSION INSTRUCTIONS

Respondents must clearly indicate the following VVP Title and Contract Number on the outside of any package or document submitted in connection with this Contract:

**VVP# PATH – JOURNAL SQUARE TRANSPORTATION CENTER
HARDENING PHASE II – CONTRACT PAT 534.316**

The respondent shall submit three (3) copies of the required qualification information or preferably, one (1) hard copy and three (3) copies in CD-Rom format in sufficient time so that the Authority receives it no later than **4.00 P.M., on April 18, 2016** to:

A. PLEASE NOTE THE FOLLOWING-

All proposals must be delivered in sealed envelopes and/or packages.

Procurement Department has been located at 4 World Trade Center (4 WTC), located at 150 Greenwich St., 21st Floor, New York, New York, 10007.

**PLEASE READ THE FOLLOWING DELIVERY REQUIREMENTS
CAREFULLY. Bidders assume all responsibility for delays or problems in
delivery.**

Proposal submissions will be received at:

The Port Authority of New York and New Jersey
Attention: Proposal Custodian
Procurement Department
4 World Trade Center
150 Greenwich Street, 21st Floor
New York, NY 10007

At this address, proposals **will be accepted only via the United States Postal Service, UPS or hand delivery.**

Clearly mark the solicitation number on the outermost package.

- B. There is extensive security at the World Trade Center Site. You must present a valid government-issued photo ID to enter 4 WTC. Individuals without packages or carrying small packages, envelopes or boxes that can be conveyed by hand or on a hand truck may enter through the lobby. All packages, envelopes and boxes may be subject to additional security screening.
- C. There is no parking available at 4 WTC/150 Greenwich Street, and parking in the surrounding area is extremely limited.
- D. Express carrier deliveries by commercial vehicles may be made only via vendors approved by Silverstein Properties, the WTC Property Manager, through the Vehicle Security Center (VSC). Presently, UPS is the only delivery vendor with approved recurring delivery times. UPS makes deliveries to 4 WTC around 9:30

- a.m. each day. Please plan your submission accordingly.
- E. As additional express carriers may be approved by Silverstein Properties and scheduled for recurring delivery times with the VSC, this information may be updated.
 - F. Under certain circumstances, a solicitation may allow for a commercial vehicle to be approved to make a delivery in accordance with the VSC procedures. If applicable, the specific solicitation document will include that information.
 - G. The Port Authority assumes no responsibility for delays, including, but not limited to, delays caused by any delivery services, building access procedures, or security requirements.
 - H. All proposals must be delivered in sealed envelopes and/or packages. Address the Proposal as provided above. In case of conflict, the reproducible original of the Proposal shall take precedence over material on the compact discs.
 - I. 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.
 - J. Provide the address of your firm to which any written correspondence should be sent.
 - K. The cover of your submittal must include the VVP Contract Number (as stated above) and the title. The Authority assumes no responsibility for delays caused by any delivery services.
 - L. If your proposal is to be hand-delivered, please note that only individuals with proper identification (e.g. photo identification) will be permitted access to the Authority's offices. Individuals without proper identification shall be turned away and their packages not accepted.

Late submittals may be rejected.

It is necessary to carry valid photo identification when attempting to gain access into the building to hand-deliver proposals.

Any questions concerning this VVP should be directed to Suchetha Premchan at spremchan@panynj.gov. Neither Ms. Premchan nor any employee of the Port Authority or PATH is authorized to interpret the RTQ or give additional information as to its requirements. Such interpretation or additional information will only be given by written addendum to this RTQ.

V. CONFLICT OF INTEREST

If the Respondent or any employee, agent or subcontractor of the Respondent may have, or may give the appearance of having, a possible conflict of interest, the Respondent shall include in its proposal a statement indicating the nature of the conflict. The Authority reserves the right to disqualify the Respondent if, in the Authority's 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.

VI. NOTIFICATION

Notification as to whether a Respondent has been pre-qualified will be made only by a notice in writing, signed by the Chief Procurement Officer or her designated representative on behalf of the Authority and mailed or delivered to the office designated by the Respondent in its response to this RTQ.

ATTACHMENT I - AGREEMENT ON TERMS OF DISCUSSION

VVP# 45607 – PATH – JOURNAL SQUARE TRANSPORTATION CENTER

HARDENING PHASE II

CONTRACT PAT 534.316

The Port Authority's receipt or discussion of any information (including information contained in any proposal, vendor qualification(s), ideas, models, drawings, or other material communicated or exhibited by us or on our behalf) shall not impose any obligations whatsoever on the Port Authority or entitle us to any compensation therefor (except to the extent specifically provided in such written agreement, if any, as may be entered into between the Port Authority and us). Any such information given to the Port Authority before, with or after this Agreement on Terms of Discussion ("Agreement"), either orally or in writing, is not given in confidence. Such information may be used, or disclosed to others, for any purpose at any time without obligation or compensation and without liability of any kind whatsoever. Any statement which is inconsistent with this Agreement, whether made as part of or in connection with this Agreement, shall be void and of no effect. This Agreement is not intended, however, to grant to the Port Authority rights to any matter, which is the subject of valid existing or potential letters patent.

Any information (including information contained in any proposal, vendor qualification(s), ideas, models, drawings, or other material communicated or exhibited by us or on our behalf) provided in connection with this procurement is subject to the provisions of the Port Authority Freedom of Information Code and Procedure adopted by the Port Authority's Board of Commissioners on October 22, 2014, which may be found on the Port Authority website at: <http://www.panynj.gov/corporate-information/pdf/foi-code.pdf>. The foregoing applies to any information, whether or not given at the invitation of the Authority.

(Company)

(Signature)

(Title)

(Date)

**ORIGINAL AND PHOTOCOPIES OF THIS PAGE ONLY.
DO NOT RETYPE.**

Port Authority Non-Disclosure and Confidentiality Agreement (NDA)

Instructions:

Please fill in the NDA as described below. All original NDA's must be forwarded to the Port Authority contact with a copy to the Port Authority Law Department (as described on Page 8 of the NDA).

| Field Form Number | Description of Data to be Entered |
|--------------------------|--|
| [1] | Insert Name of Your Company (All caps) |
| [2] | Insert Calendar Date |
| [3] | Insert Month |
| [4] | Insert Year |
| [5] | Insert Name of Your Company (All caps) |
| [6] | Insert Company's full street address (no P.O. boxes) – city, state, and zip code |
| [7] | Insert Agreement No. or Awarded Contract, Duration of Agreement or Contract, and Official Title of Agreement or Project. |
| [8a], [8b] & [8c] | Insert Name and address of Port Authority contact |
| [9] | Print Your Name (Signatory must be a Principal of the Company) |
| [10] | Print Your Title – (Signatory must be a Principal of the Company) |
| [11] | Insert Date Signed (Should match date on Page 1) |

The NDA signor must also sign an Exhibit A Related Party Individual Acknowledgment. All Prime employees that will come in contact with information must sign an Exhibit A Related Party Individual Acknowledgment.

EXHIBIT A

Port Authority Acknowledgment by Related Party Individual Instructions:

Please fill in the Exhibit A Related Party Individual Acknowledgment as described below. All original Related Party Individual Acknowledgments must be forwarded to the Port Authority contact with a copy to the Port Authority Law Department.

| Field Form Number | Description of Data to be Entered |
|--------------------------|--|
| [1] | Insert Your Name |
| [2] | Insert Your Working Title (i.e. Project Manager, Field Inspector, Civil Engineer, etc.) |
| [3] | Insert Name of Your Company |
| [4] | Insert Name of Your Company OR if employed by for Sub-consultant/Sub-contractor insert the Prime Company's Name . (All caps) |
| [5a], [5b] & [5c] | Insert Month, Date, and Year of the Prime's Company NDA (page1) , |
| [6] | Insert "Port Authority" OR if you are an employee of Sub-Consultant/Sub-Contractor, insert the Prime's Company Name . |
| [7] | Print Your Name |
| [8] | Insert Date Signed |

EXHIBIT B

Port Authority Acknowledgment by Related Party Entity Instructions **(For use by Sub-Consultants or Sub-Contractors ONLY)**

Please fill in the Related Party Entity Acknowledgment as described below. All original Related Party Entity Acknowledgments must be forwarded to the Port Authority contact with a copy to the Port Authority Law Department.

| Field Form Number | Description of Data to be Entered |
|--------------------------|---|
| [1] | Insert Your Name – (Signatory must be a Principal of the Company) |
| [2] | Insert Your Title |
| [3] | Insert Name of Entity (Company Name) |
| [4] | Insert Type of Entity (Corp., LLC, etc.)and Jurisdiction of Formation (State) |
| [5] | Insert Full Address of Entity (Company Address) |
| [6] | Describe Scope of Work of Related Party (Work performing for Prime) |
| [7] | Describe Project (include Prime's Agreement Number or Awarded Contract Number and Official Title) |
| [8a], [8b] & [8c] | Enter Month, Date and Year of the Prime's Company NDA (page 1). |
| [9] | Insert Name of Prime Company |
| [10] | Print Your Name – (Signatory must be a Principal of the Company) |
| [11] | Insert Date Signed |

Sub-Consultant or Sub-contractor that signs Exhibit B must also sign an Exhibit A Acknowledgment. All Sub-Consultant or Sub-contractor employees must sign Exhibit A Acknowledgment.