



Onondaga County Lakeview Amphitheater Project

Request for Qualifications Design-Build Services

July, 2014



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APPENDIX A – ONONDAGA COUNTY MBE/WBE AND MINORITY WORKFORCE REQUIREMENTS



1.0 INTRODUCTION

Onondaga County (the County), is requesting Statements of Qualifications (“SOQs”) from entities (“Offeror”) interested in submitting proposals for the Lakeview Amphitheater Design-Build Project (the “Project”). The scope of work includes the design, permitting, site preparation, construction and commissioning of the facility in accordance with the Phase 2 RFP documents (see procurement process overview below).

The project will generally consist of the construction an outdoor events center (Lakeview Amphitheater) on County-owned land on the western shore of Onondaga Lake, in the Town of Geddes. The Lakeview Amphitheater will be an outdoor event complex, which will include an amphitheater with an estimated seating capacity of approximately 17,500 (both covered and lawn seats), a nature area, vendor/festival area, a smaller outdoor community theater, recreational trails, observation pier, and other amenities. Associated infrastructure will include access roads/driveways and site utilities (power, water, sewer, data/communications and natural gas). The amphitheater project is a component of a larger community revitalization initiative for the western shore of Onondaga Lake, the Village of Solvay and Town of Geddes. The project is being funded through a combination of State and County resources. Construction will occur in phases and is anticipated to begin in the late fall/winter of 2014 and conclude in the fall of 2015. The Lakeview Amphitheater will be owned by Onondaga County, and the entire site is expected to remain in public ownership. The Project will be funded with local and State funds thereby requiring that the Offerors adhere to all pertinent federal, state and local requirements.

Additional information pertaining to the scope of the Project is provided in Section 6 of the RFQ.

1.1 PROCUREMENT PROCESS OVERVIEW

The County will use a two-phase procurement process to select a design-build Offeror to deliver the Project. This Request for Qualifications (“RFQ”) is issued as part of the first phase to solicit information, in the form of SOQs, that the County will evaluate to determine which Offerors are the most highly qualified to successfully deliver the Project. The County reserves the right to prequalify a number of vendors at their sole discretion. In general, prequalification lists tend to identify between 3 and 5 firms to participate in the RFP process. In the second phase, the County will issue a Request for Proposals (“RFP”) for the Project to the short listed Offerors. Only the short listed Offerors will be eligible to submit proposals for the Project. Each short listed Offeror that submits a proposal in response to the RFP (if any) is referred to herein as a “Proposer.” The County will award a design-build contract for the Project, if any, to the most responsive and responsible Proposer to be determined as described in the RFP. The County will award a firm fixed-price contract to that responsible Proposer whose proposal contains the combination of those criteria described in the RFP. Responsiveness and Responsibility will be determined by a comparative assessment of proposals against all source selection criteria in the RFP.



1.2 PROJECT GOALS

The following primary goals have been established for the Project:

A. Financial

- Implement innovative design and construction solutions to maximize the value of taxpayer investment.

B. Schedule

- Award project in November 2014
- Begin construction in November 2014
- Successfully deliver Project and complete construction by August 31, 2015. Delivery is defined as ready to host an event on August 31, 2015.

C. Quality

- Preservation of the County's design intent and level of quality as identified in the technical documents provided with the RFP.
- Provide a Quality Management Plan that includes a well-defined set of procedures and activities that ensures the requirements of the project will be met or exceeded
- Provide a high quality project that minimizes future maintenance for County staff

D. LEED/Sustainable Infrastructure

Provide a design that maximizes to the extent practical the use of green and sustainable infrastructure technologies and solutions. The facilities shall be designed and constructed applying the principles and practices of sustainable design and development using U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) for New Construction and Major Renovations 2009, Version 3.0 Green Building Rating System to achieve a "Gold Rating".

E. Safety

- Complete construction in a safe manner and in accordance with all appropriate Federal and State requirements



F. Environmental Compliance

- Adhere to local, State and Federal environmental regulations and permits that are required in executing and completing the project
- Incorporate best management practices to control sediment, storm-water runoff discharge, water quality treatment, or other environmental parameters that are established for the project

G. Commitment to Partnering and Collaboration

- The County desires a collaborative working relationship with the selected Offeror that will work in partnership with the County's project management team and the other stakeholders that have an active interest and ongoing activities at the project site, including but not limited to Honeywell, the NYSDEC, USEPA and other parties.
- Minimize/eliminate disputes and claims during project execution

1.3 OFFEROR INFORMATION

To allow receipt of any addenda or other information regarding this RFQ, each Offeror is solely responsible for ensuring that The County's Project Manager as described in Section 2.4 has its contact person name and e-mail address. If an entity intends to submit a proposal as part of a team, the entire team is required to submit a single SOQ as a single Offeror.

Firms formally organized as design/build entities or design firms and construction Offerors that have associated specifically for this project may submit SOQs. For the purpose of this RFQ, no distinction is made between formally organized design/build entities and project-specific design/build associations. Both are referred to as the design/build Offeror (or simply "Offeror"), or the design/build entity (or simply "Offeror"), after award of a contract. All designs must be accomplished under the direct supervision of licensed professionals registered in the appropriate technical disciplines in the State of New York, and meeting other certification and licensing requirements specified in the request for proposal. The lead firm submitting the proposal is the "Offeror". The lead firm and all design and construction team members will be considered the Design/Build entity.

If the Offeror is a partnership, limited partnership, joint venture, or other association, provide a copy of the organizational document or agreement committing to form the organization. Provide a statement executed by all general partners, joint venture members, or other association members, as applicable, evidencing agreement to be fully liable for the performance under the contract.



1.4 SOQ DUE DATE, TIME AND LOCATION

All SOQs must be received in hard copy format by 3:00 p.m., Eastern Standard Time on August 19, 2014, and must be delivered to the following:

Sean Carroll
Director
Onondaga County Division of Purchase
John H. Mulroy Civic Center, 13th floor
421 Montgomery Street
Syracuse, NY 13202
Phone: 315-435-3458
seancarroll@ongov.net

Any SOQ that fails to meet the deadline or delivery requirement may be rejected without opening, consideration or evaluation. All SOQs will be time stamped upon delivery. Emailed SOQs **will not** be accepted.

One (1) bound copy of the SOQ are required (8.5"x11" format). Two electronic copies of the complete SOQ shall be provided in PDF format (one single PDF file for the SOQ) on two separate USB flash drives.



2.0 RFQ PROCESS AND GENERAL INFORMATION

2.1 PROCUREMENT SCHEDULE

The deadline for submitting RFQ questions and the SOQ due date stated below apply to this RFQ unless amended via Addendum. A summary of the anticipated additional procurement process milestone dates is provided below. This schedule is subject to revision by the RFP and addenda to this RFQ.

Issue RFQ	July 24, 2014
Deadline for submitting RFQ questions	August 8, 2014
SOQ due date	August 19, 2014
Evaluation of SOQs	August, 2014
Notify short listed Offerors	September 3, 2014
Issue RFP	September 15, 2014
Technical and Price Proposals due	October 15, 2014
Evaluation of Technical Proposals	October, 2014
Potential Interviews	TBD
Select Offeror	November 5, 2014
Anticipated Notice to Proceed	November 21, 2014
Completion of Project	August 31, 2015

2.2 COUNTY PROJECT MANAGEMENT; EX PARTE COMMUNICATIONS

C&S Companies has been retained by the County to administer the execution of the project through procurement, design, construction and commissioning. As the County's Program/Project Manager, C&S Companies is the County's primary contact person and addressee for receiving all communications about the Project unless otherwise directed by the County. Only written inquiries will be accepted. All inquiries and comments regarding the Project and the procurement thereof must be made by e-mail or letter to:

Mail Delivery: Robert N. Duclos, P.E.
C&S Companies
499 Col. Eileen Collins Blvd.



E-mail: Syracuse, New York, 13212
315-455-2000 ext. 4285 (office)
315-455-9667 (Fax)
bduclos@cscos.com

With copy to: Sean Carroll
Director
Onondaga County Division of Purchase
John H. Mulroy Civic Center, 13th floor
421 Montgomery St.
Syracuse, NY 13202
Phone: 315-435-3458
seancarroll@ongov.net

During the Project procurement process, commencing with issuance of this RFQ and continuing until award of a contract for the Project (or cancellation of the procurement), no employee, member or agent of any Offeror shall have any ex parte communications regarding this procurement with any member of the County or the State of New York, or any of their Offerors or consultants involved with the procurement, except for communications expressly permitted by the County Project Manager and this RFQ (or, subsequent to issuance of the RFP). Communications includes face-to-face, telephone, electronic-mail (e-mail) or formal written communication. The foregoing restriction shall not, however, preclude or restrict communications regarding matters unrelated to the Project where such need can be demonstrated to exist for ongoing business purposes.

Any Offeror engaging in such prohibited communications may be disqualified at the sole discretion of the County.

2.3 QUESTIONS, CLARIFICATIONS AND ADDENDA

Questions and requests for clarification regarding this RFQ must be submitted in writing to the County's Project Manager as described in Section 2.2. To be considered, all questions and requests must be received by 5:00 pm, Eastern Standard Time, on the date indicated in Section 2.1.

The County reserves the right to revise this RFQ at any time before the SOQ due date. Such revisions, if any, will be announced by addenda to this RFQ.

The County will use the following guidelines when responding to questions and requests for clarification and issuing addenda:

- The County will answer questions and requests for clarification in writing via email.



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- The County will send an e-mail notification to the contact person for each Offeror as soon as each addendum or clarification is issued. The notification will include an electronic copy of the addendum or clarification.

The County will not be responsible for or bound by (1) any oral communication or (2) any other information or contact that occurs outside the official communication process specified herein, unless confirmed in writing by the County or its Designated Representative.

2.4 MAJOR PARTICIPANT

As used herein, the term “Major Participant” means any of the following entities: all general partners or joint venture members of the Offeror; all individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or other legal entity however organized, holding (directly or indirectly) a 15% or greater interest in the Offeror; any Subcontractor(s) that will perform work valued at 10% or more of the overall construction contract amount; the lead engineering/design firm(s); and each engineering/design sub-consultant that will perform 15% or more of the design work.



2.5 THE COUNTY CONSULTANTS/TECHNICAL SUPPORT

The County has retained C&S Companies to provide guidance in preparing and evaluating this RFQ and the RFP and advice on related contractual and technical matters. In addition, the following subconsultants are part of the County's project management team:

Environmental Design & Research	Syracuse, NY
Theater Projects Consultants	Norwalk, CT
Geosyntec	Kennesaw, GA
1 st Point Construction Solutions, LLC	Syracuse, NY
Acoustic Dimensions	New Rochelle, NY
Venue Consulting	Tampa, FL

All firms identified above are ineligible to compete or participate on any teams submitting on the RFQ and/or RFP. In addition, the firms above shall not be contacted or utilized to provide technical, legal, or financial advice to Offerors; or directly discussing any aspect of the RFQ or RFP with any Offeror.

2.6 ORGANIZATIONAL CONFLICTS OF INTEREST

The Offeror is prohibited from receiving any advice or discussing any aspect relating to the Project or the procurement of the Project with any person or entity with an organizational conflict of interest, including, but not limited to, the County Consultant/Technical Support firms listed in Section 2.5. Such persons and entities are prohibited participating in any Offeror organization relating to the Project.

For the purpose of this RFQ, "organizational conflict of interest" is defined as follows:

Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the owner, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

The Offeror agrees that, if after award, an organizational conflict of interest is discovered, the Offeror must make an immediate and full written disclosure to the County that includes a description of the action that the Offeror has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, The County may, at its discretion, cancel the design-build contract for the Project. If the Offeror was aware of an



organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the County, the County may terminate the contract for default.

The County may disqualify an Offeror if any of its Major Participants belong to more than one Offeror organization. See Section 3 for additional information regarding this matter.

2.7 CHANGES TO ORGANIZATIONAL STRUCTURE

Individuals and design-build firms (including Key Personnel or Major Participants) identified in the SOQ may not be removed, replaced or added to without the written approval of the County, or its designee. The County, may revoke an awarded contract if any individual or design-build firm identified in the SOQ is removed, replaced or added to without the County's, or designee's, written approval. To qualify for the County, or designee's, approval, the written request must document that the proposed removal, replacement or addition will be equal to or better than the individual or design-build firm provided in the SOQ. The County, or designee, will use the criteria specified in this RFQ to evaluate all requests. Requests for removals, replacements and additions must be submitted in writing to The County's Project Manager as described in Section 2. **The Proposer should carefully consider the make-up of its team prior to submittal of the SOQ. Changes to the Proposer's organization will be justification for the County to revoke a previous determination pre-qualifying a Proposer.**

2.8 PREVAILING WAGES

New York State Department of Labor's Prevailing Wage Rates are applicable to this project. It is the Offeror's responsibility to ensure that applicable prevailing wages are used in preparing the Offeror's technical and cost proposal (Phase 2 of process).

2.8.1 COUNTY PROVISIONS

It is the public policy of the County of Onondaga that prevailing wages and supplements in accordance with the New York State Labor Law be paid to all workers engaged to perform work under public works contracts with the County of Onondaga. The County of Onondaga reserves the right to consider evidence of a violation of the New York State Labor Law in connection with the award of contracts for public work or the approval of subcontractors in connection with such work. At the discretion of the County of Onondaga, a finding by the New York State Department of Labor of one willful violation of a provision of the New York State Labor Law shall constitute evidence and sufficient grounds for the denial of the award of such contracts. All departments are directed to report to the Department of Law any evidence of a violation of the labor laws by the apparent low bidder seeking award of a public contract.

In the event that the Offeror shall fail to pay the prevailing wages and supplements in accordance with Article 8 of the New York State Labor Law, Section 220 et. seq., and as described in this contract, it shall be considered a material breach of contract.



For the breach or violation of this provision, without limiting any other rights, remedies or recovery to which the County or any individual may be entitled or any civil or criminal penalty for which any violator may be liable, the County shall have the rights, in its discretion to terminate this agreement immediately upon notice. In such event, the Offeror shall be liable to the County for any additional costs or expenses incurred by the County in the completion of the project, and for any other recovery, costs and expenses to which the County may be entitled.

2.8.2 NEW YORK STATE PROVISIONS

The Offeror and every subcontractor shall comply with all applicable provisions of Article 8, Sections 220-223 of the New York State Labor Law, as amended, in accordance with the New York State Department of Labor Contract Requirements and Wage Rate Schedule, which will be included herein and made a part hereof (Appendix C) of the Phase 2 RFP documents , including the submission of Certified Payrolls, as described therein, whenever work is in progress, and prior to processing of progress payments to the Offeror. Certified Payrolls shall be submitted bi-weekly regardless of whether progress payment applications are being made.

In the event the Wage Rates are re-determined by the Department of Labor, the new Prevailing Wage Rate Schedule shall become a part of the Contract at no additional cost to the County. It is the responsibility of the Offeror to determine appropriate wage rates in compliance with Article 8 of the New York State Labor Law and the Project Labor Agreement for the Project.

The Offeror and every subcontractor shall comply with the provisions of the following New York State clauses: “Standard Clauses for all New York State Contracts,” The current published standard clauses at the time of the bid will be included in Appendix D and E, respectively to the Phase 2 RFP documents.

2.9 PROJECT LABOR AGREEMENT

Because of the size, schedule/duration, and important public purpose to be served by the Project, it is in the public interest to have the Project completed in a timely, efficient, and orderly manner possible and without labor disputes or disruptions of any kind which might interfere with or delay the Project. Accordingly, the Offeror is required to enter into a PLA with the trade unions which have traditionally performed and have trade and geographic jurisdiction over such work. The PLA will be provided by the County and executed by each Offeror and Trade Union within 20 days following the Notice to Proceed (NTP) with a copy provided to the County. The agreement shall provide for, at a minimum, the following:

- A. Contracting or subcontracting work to only those firms, persons, companies or entities that have, or agree to be bound by and operate under, for the life of the Project, current collective bargaining agreements with applicable trade unions.



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- B. No lockout, strikes, picketing or other work stoppage of any nature.
 - C. Trade unions agree to use their best efforts to prevent any acts described in paragraph B, or those of a similar nature of effect, or, in the event such an act takes place, to cause an immediate cessation thereof.
 - D. The right to discharge or discipline and employee who violates the provisions of the agreement.
 - E. Coverage for the life of the Project.
 - F. Incorporation of the agreement into subcontracts.
 - G. Procedures for resolving disputes related to the agreement.

Submission of the executed PLA shall be a post-NTP requirement.

2.10 MINORITY AND WOMAN OWNED BUSINESS ENTERPRISES AND MINORITY WORKFORCE REQUIREMENTS

The successful offeror will be required to fully comply with the County's MWBE policies and minority workforce requirements. These requirements are provided in Appendix A to this RFQ. In submitting a response to this RFQ, the Offeror should specifically discuss how it will comply with the MBE/WBE goals for this project during both design and construction. Responses solely indicating that a good faith effort will be implemented will not be considered adequate.



2.11 VALIDITY

The Offeror shall be held responsible for the validity of all information supplied in the SOQ, including that provided by potential Subcontractors. Should subsequent investigation disclose that the facts and conditions were not as stated, the RFQ may be rejected or subsequent contract terminated for default if after award, in addition to any other remedy available under the contract or by law.

2.12 RESERVED RIGHTS OF THE COUNTY

The County reserves to itself all rights available to it under applicable law, including without limitation, the following, with or without cause and with or without notice:

1. Withdraw or cancel this RFQ in whole or in part at any time prior to the execution by the County of a Design Build contract, without incurring any cost obligations or liabilities
2. Issue a new RFQ
3. Accept or reject any and all submittals
4. Modify dates set or projected in this RFQ
5. Terminate evaluations of submittals received
6. Waive any informalities, irregularities or omissions in a SOQ
7. Issue addenda to this RFQ, and issue addenda to the RFP.
8. The County makes no guarantee that a Request for Proposals (RFP) will be issued for this Project.

SOQs received become the property of Onondaga County. The County assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties responding to this RFQ. All such costs shall be borne solely by the Offeror. In no event shall the County be bound by, or liable for, any obligations with respect to the project until such time (if at all) as a Design-Build contract, in form and substance satisfactory to the County, has been authorized and executed by the County and, then, only to the extent set forth therein. The County makes no representations that the contract will be awarded based on the requirements to this RFQ.



3.0 CONTENT OF STATEMENT OF QUALIFICATIONS

3.1 GENERAL

This section describes specific information that must be included in the SOQ. SOQs must follow the outline of this Section 3.0. Offerors shall provide brief, concise information that addresses the requirements of the Project. The SOQ shall include all of the information requested in the specific instructions. Failure to include all information requested may adversely affect the evaluation. A proposal that merely reiterates or promises to accomplish the requirements of the RFQ will be considered unacceptable. A SOQ that is orderly and sufficiently documented will be easy for the County to understand and will enable the County to perform a thorough and fair evaluation. **It is not the intention of the County to receive project specific design or engineering recommendations as part of this RFQ. Offerors should limit their submittals to the information required by this RFQ and other information regarding qualifications and experience. Cost information shall not be submitted in the SOQ.**

The SOQ shall be prepared on standard 8.5 x 11 inch paper and shall be in a legible font size (10 or larger). Type size for graphics, charts, diagrams and tables, shall be of an appropriate font and size for the application, and must be clearly readable without magnification assistance to the normal eye. Page size for charts and figures may be up to 11" x 17" if necessary. Text lines will be no less than single-space. All pages of each proposal shall be appropriately numbered, and identified with the project name. For ease of reference, page numbering by section (i.e., 1-1, 2-1.1, etc.) and tabs/section dividers are required.

Offerors are advised submit enough information to enable the County to fully ascertain each Offeror's capability to perform all of the requirements contemplated by this RFQ. The information submitted with each RFQ should be complete and concise, but not overly elaborate. Any submitted materials not required by this RFP (such as company brochures) shall be relegated to appendices. Excessive reliance on promotional brochures is discouraged.

Some of the information requested in this RFQ is for informational purposes only, while other information will be used in the qualitative analysis of the SOQ's. The County will initially review SOQ's on a pass/fail basis. The purpose of this initial review is for the County to determine whether the SOQ, on its face, is responsive to this RFQ. An SOQ will be, on its face, responsive to this RFQ if it appears to include all of the components of information required by this RFQ in the manner required by this RFQ. This initial pass/fail review does not include any qualitative assessment as to the substance of the information submitted. Those SOQ's that pass the pass/fail review will then be reviewed on a qualitative basis according to the criteria specified in Section 4.3.

Documents submitted pursuant to this RFQ will be subject to the New York State Freedom of Information Act. If the Offeror submits information in its SOQ that it believes to be confidential business information that it wishes to protect from disclosure, the Offeror shall mark such



information. Documents provided by the Proposer marked "Trade Secret", "Confidential" or "Proprietary" and any financial records provided by the Offeror shall be submitted in a separate sealed envelope clearly identified, labeled and addressed in the same manner specified for the Design-Build Prequalification Application.

The County expressly acknowledges that the documents marked Trade Secret, Confidential or Proprietary constitutes trade secrets and will not be deemed public records. The County agrees to safeguard the documents, and all information contained therein, against disclosure, including disclosure of Subcontractor documents to the Proposer and other Subcontractors to the fullest extent permitted by law. However, in the event of arbitration or litigation, the documents shall be subject to discovery, and the Department assumes no responsibility for safeguarding the documents unless the Offeror has obtained an appropriate protective order issued by the arbitrator or the court.

3.2 QUANTITIES

One (1) bound copy of the SOQ is required (8.5"x11" format). Two electronic copies of the complete SOQ shall be provided in PDF format (one single PDF file for the SOQ) on two separate USB flash drives.

The outside of the sealed SOQ packages must be clearly identified and labeled as follows:

1. Return address: Proposer's name, contact person's name, mailing address
2. Date of submittal
3. Contents labeled as "Onondaga County Lakeview Amphitheater" "Design-Build"; "Statement of Qualifications"

3.3 SOQ FORMAT/ORGANIZATION

The following describes the information that is required and how it is to be organized in the SOQ. Failure to submit the either information requested or in the format outlined may result in an SOQ being disqualified for further consideration.

SOQ COVER

The front cover of each SOQ must be labeled with "Onondaga County Lakeview Amphitheater" "Design-Build"; "Statement of Qualifications"; date of submittal and the name of the Offeror with which the County would potentially enter into a contract with.



COVER LETTER

Provide a Cover Letter stating the business name, address, business type (e.g., corporation, partnership, joint venture) and roles of the Offeror and each Major Participant. Identify one contact person and his or her address, telephone and fax numbers, and e-mail address. This person shall be the single point of contact on behalf of the Offeror organization, responsible for correspondence to and from the organization and the County. The County will send all Project-related communications to this contact person. Authorized representatives of the Offeror organization must sign the letter. If the Offeror is a joint venture, the joint venture members must sign the letter.

TABLE OF CONTENTS

The SOQ shall contain a detailed table of contents. The Table of Contents will identify major areas, paragraphs and subparagraphs by number and title as well as by page number locations. Tab indexing will be used to identify Sections as appropriate.

SECTION 1 – PROJECT TEAM INFORMATION

- Provide a narrative summary of the capability and capacity of each Principal/Major Participant on the project team. Information shall include the company size, services provided, geographic location(s), number of employees and other information that would be considered important to adequately describe each company on the project team.
- Provide a discussion addressing the proposed organization and the roles and responsibilities of the various sub-Offerors for both design and construction. Except for the design team or prime construction Offeror, as applicable, multiple Subcontractors may be named for the same discipline, limited to a maximum of two (2) Subcontractors per discipline.
- Provide an organizational chart(s) showing the team organizational structure with lines identifying participants who are responsible for major functions to be performed and their reporting relationships, in managing, designing and building the Project. The chart(s) must show the functional structure of the organization down to the design discipline leader or construction superintendent level and must identify Key Personnel by name. Identify the Offeror and all Major Participants in the chart(s). Identify the critical support elements and relationships of Project management, Project administration, Executive Management, construction management, quality management, safety, environmental compliance and Subcontractor administration. For each organizational chart, provide a brief, written description of significant functional relationships among participants and how the proposed organization will function as an integrated design-build team.
- Provide the names, resumes, and levels of responsibility of the principal managers and technical personnel who will be directly responsible for the day-to-day design and construction activities. Provide qualifications of key project personnel including name and



project assignment, and firm association. Project key personnel shall include the engineering disciplines and key construction Subcontractors.

- Demonstrate that all lead design personnel are registered and/or certified in their discipline and have experience and technical competence in assigned roles on projects of similar complexity, size and scope. Indicate whether each individual has had a significant part in any of the project examples cited.
- Identify where the Project will be designed, the location of the Project Manager, and the location where the contract will be administered. Indicate the team's ability to coordinate all portions of the Project. Describe how the geographical setup of the primary members will achieve successful delivery of the Project.
- Description of how, if any, the Principal/Major Participants have worked together in the past and the experience such Principal/Major Participants have in conventional design- bid-build and design-build projects of comparable size.
- Resumes of Key Personnel shall be provided as Appendix A – Resumes of Key Personnel to the SOQ. Only one individual per position is required unless otherwise specified.

Include the following items on each resume:

- A. Relevant licensing and registration.
- B. Years of experience performing similar work.
- C. Length of employment with current employer.
- D. Brief description of previous projects completed and role in completing the project.

In addition to resumes, provide the following information for each Key Personnel:

- Estimated percent of time committed to the Project including percent of time during design, post design and construction activities

The qualifications and experience of Key Personnel will be reviewed as part of the qualitative assessment of the SOQ. Key Personnel will be evaluated based on relevant education, training, certification, and experience. At a minimum, the Offeror shall provide information on the following Key Personnel:

Project Principal/Executive in Charge
Project Manager
Quality Assurance/Control Manager
Construction Manager/Project Superintendent



Safety Manager
Lead Project Scheduler
Design Team Manager
Lead Architect
Lead Structural Engineer
Lead Electrical Engineer
Lead Mechanical Engineer
Lead Civil Engineer
Lead Landscape Architect
Lead Geotechnical Engineer
Lead Audio Visual and Performance Equipment Consultant
Lead Environmental Professional/Consultant
Principal LEED Professional

All professional services as defined by the NYS Education Law shall be performed by licensed professionals in the State of New York.

SECTION 2 – TEAM EXPERIENCE AND QUALIFICATIONS

The information required by this section will be used in the qualitative assessment of the SOQ. The County will evaluate the capabilities of the Offeror organization to effectively deliver the Project.

- Describe the experiences for the prime Offeror on at least 7 projects of similar nature, size and complexity that the Offeror has managed, designed, and/or constructed that is complete or substantially completed (design-build projects preferred). For projects in which several of the proposed participants were involved, the Offeror may provide a single project description. Representative projects shall have been substantially completed in the last 10 years.

Each project description must include the following information:

1. Name of the project, contract number, the owner's contact information (Construction Manager or Engineer name, phone number, e-mail address), and project number. If the owner's contact is no longer with the owner, provide an alternative contact at the agency that is familiar with the project. The alternative contact must have played a leadership role for the owner during the project;
2. Dates of design, construction, management, and/or warranty periods;
3. A narrative describing the project;
4. Description of the work or services provided and percentage of the overall project actually performed by (each of) the Principal/Major Participant(s);



5. Description of scheduled completion deadlines and actual completion dates;
6. Description of how, if any, the Principal/Major Participants have worked together in the past and the experience such Principal/Major Participants have in conventional design- bid-build and design-build projects of comparable size;
7. Initial construction bid price and final construction contract price for the project, including the quantity and dollar value of contract modifications and claims, and an explanation of the causes for construction contract change(s), whether upward or downward; and
8. Record of cost and schedule growth or reduction, including experience with techniques to achieve goals of avoiding delays and minimizing claims;
9. Claims history, numbers, and dollars submitted and final results;
10. Indicate if the project was executed via design-build or conventional implementation.
 - The Offeror shall provide the same information described above for all “Major Participants” as defined in Section 2 for three (3) additional projects per Major Participant.
 - Provide up to three (3) letters of recommendation for the primary Offeror (not Subcontractors) from clients for projects of similar size and complexity (design-build projects preferred).
 - Discuss specifically how the Offeror will comply the MBE/WBE goals for this project during both design and construction. Responses solely indicating that a good faith effort will be implemented will not be considered adequate.

Offerors are advised that the County may use all data provided by the Offeror in this SOQ and data obtained from other sources, to include, but not limited to, state-wide databases, in the assessment of past performance. Past performance information on contracts not listed by the Offeror, or that of planned Subcontractors, may also be evaluated. The County may contact references other than those identified by the Offeror and information received may be used in the evaluation of the Offeror’s past performance. While the County may elect to consider data obtained from other sources, the burden of providing current, accurate, and complete past performance information rests with the Offeror.



SECTION 3 – PROJECT MANAGEMENT APPROACH

The information required by this section will be used in the qualitative assessment of the SOQ. Provide a narrative description of your approach with regard to the following:

- Provide a narrative of how the Offeror would intend to manage the project during design and construction. Indicate where key staff would be located during different phases of the project.
- Describe in general terms how the Offeror will approach the design and construction of this facility. The narrative should include considerations of “Fast Track” construction whereby preliminary site construction activities can begin prior to the completion of the accepted 100% design documents.
- Describe proposed processes for handling field problems, and assuring Designer of Record involvement throughout the construction period.
- Describe process for interacting with the County’s program/project manager and consultant team to ensure conformance with the preliminary design intent for the project.
- Describe process for cost control, managing the project budget and dealing with out of scope work items.
- Describe capabilities for project scheduling. Include typical software programs utilized and experience of personnel in these programs. Discuss briefly the plan for scheduling of this project including include tracking and updates. (a sample schedule is not desired.)
- Describe process for maintaining quality during design and construction.
- Describe capabilities and intent for using Computer Aided Design and Drafting (CADD), BIM and other forms of automation on the project design.
- Describe how construction safety would be managed for this project.
- Describe how your team will address environmental compliance procures given the nature of the proposed construction site.
- Describe the process by which your team will evaluate and incorporate LEED and sustainable design initiatives into the project.



The SOQ shall contain the following Appendices:

APPENDIX A – RESUMES OF KEY PERSONNEL (*see previously described requirements*)

APPENDIX B – LEGAL AND FINANCIAL INFORMATION

1. Acknowledgment of Clarifications and Addenda

Identify all clarifications and addenda received by number and date.

2. Legal Structure

In order to demonstrate that Proposer’s organization, legal structure, team members, and history demonstrate an ability to remain stable and viable for the duration of the Project, and be contractually bound to Department, Offerors shall address the following and submit the following:

- A. Legal structure of the Proposer and its organization. If the Proposer organization has already been formed, provide complete copies of the organizational documents that allow, or would allow by the time of Contract award, the Principal/Major Participants to conduct business in the State of New York. If the Proposer organization has not yet been formed, provide a brief description of the proposed legal structure or draft copies of the underlying agreements. In the event that final agreements between Principal/Major Participants have not been finalized at the time of the SOQ submittal, Principal/Major Participants shall submit letters of agreement signed by an authorized officer of each Principal/Major Participant noting the type of relationship to be entered into prior to the Proposal (i.e., joint venture, subcontract), and the commitment of the parties to finalize the organizational documents prior to the Proposal submittal. If Proposer is a partnership, joint venture, or other association, the SOQ must identify the percentage equity interest of each member;
- B. If the Proposer is a partnership, limited partnership, joint venture, or other association, all members of the Proposer must agree to be fully liable for the performance under the design-build Contract.

3. Required Licenses

Evidence that the Proposer and all Major Participants have, or at the time of Contract award will have, all licenses, registrations, and credentials required to design and construct the Project, including date(s) obtained or anticipated to be obtained, type, number, classification, issuing agency, and expiration date. Such information shall include any information on the revocation or suspension of any license, credential, or registration, and to provide specific details including date(s), reason(s), for revocation or suspension, whether same was reinstated, and any conditions thereto. At the time the Contract is awarded, the Design- Builder shall be properly licensed in accordance with the laws of the State of New York. The first payment for



work or material under any contract shall not be made unless and until the records of the State License Board indicate that the Design-Builder was properly licensed at the time the contract was awarded. Any Offeror or design professional not so licensed shall be subject to all legal penalties imposed by law, including, but not limited to, any appropriate disciplinary action. Failure of the Offeror to obtain proper and adequate licensing for an award of a contract shall constitute a failure to execute the Contract and shall result in the forfeiture of the security of the Proposer during the Phase 2 RFP process.

4. Financial Capacity and Bonds

Offeror shall provide a copy of its latest financial statement, and quarterly update, if available. If the design-builder is a joint-venture, provide similar information for each member of the joint-venture. Disclose any unpaid judgments in excess of \$1 million. Disclose any disputed or unadjudicated claims in excess of \$1 million. If the Offeror is not a public company, this financial information will be held in confidence, and it will be examined only by designated representatives of the selection team.

It is currently anticipated that the selected Proposer will be required to submit payment and performance bonds upon execution of the Contract, each in the amount of 100 percent of the contract price. The SOQ will be required to demonstrate their capacity to obtain the required bonds. SOQ shall include a notarized statement from an admitted surety insurer authorized to issue bonds in the State of New York that states:

- Proposer's current bonding capacity is sufficient for the Project and referenced payment and performance bonds; and
- Proposer's current available bonding capacity.

The letter shall also state that the Offeror is capable of obtaining a warranty bond covering the Project warranty period for the amount of \$3 million. Letters indicating "unlimited" bonding capability are not acceptable. The surety or insurance company providing such letter must be authorized to do business in the State of New York with an A.M. Best Co. "Best's Rating" of A- or better and Class VIII or better.

5. Insurance Requirements

Proposers and Major Participants shall provide insurance certifications identifying a certificate of insurance evidencing current policies of, including but not limited to, Commercial General Liability, Errors and Omissions, Auto Liability, Workers' Compensation/ Employers Liability,



Pollution Liability, and Professional Liability insurance. Policy limit requirements will be specified in the RFP.

6. Guarantees

Offerors are advised that if the Offeror is a newly formed entity or a limited liability entity, or if it fails to meet the minimum financial requirements stated in this RFQ and/or the RFP, the County may require the Proposer to provide a guarantee covering performance and financial obligations by a separate entity acceptable to the County. Proposers shall also note that County may, in its discretion based upon the review of the information provided, so specify that an acceptable guarantor is required as a condition of a determination of pre-qualification. Requirements for additional financial security will be included in the RFP.

7. Damages and Termination

For the Offeror, each Major Participant, and any affiliate of the Offeror or a Major Participant (including the firm's parent company, subsidiary companies, and any other subsidiary or affiliate of the firm's parent company) whose experience is cited as the basis for the firm's qualifications:

- A. Describe any project that resulted in assessment of liquidated damages, stipulated damages or monetary deductions for not meeting intermediate and completion deadlines against the firm within the last five years. Describe the causes of the delays and the amounts assessed. Describe any outstanding damage claims for projects in which any firm was involved within the last five years.
- B. Describe the conditions surrounding any contract (or portion thereof) entered into by the firm that has been terminated for cause, or which required completion by another party, within the last five years. Describe the reasons for termination and the amounts involved.
- C. Describe any debarment or suspension from performing work for the federal government, any state or local government, or any foreign governmental entity, against the firm.

For each description, identify the project owner's representative and current phone number. Indicate "None" to any subsection above that does not apply.

8. Safety

Offeror shall provide its safety record and experience modification rate for the most recent three-year period, providing an average experience modification rate, an average total recordable injury/illness rate, and average lost work rate. Include information on any Federal Occupational Safety and Health Administration (FOSHA) citations and assessed penalties



against the respondent for any serious, willful or repeat violations of its safety or health regulations in the past 5 years. Proposer shall also provide information on Proposer's workers' compensation experience history for the last three (3) years and submit a summary of the Proposer's worker safety program which shall include a description of how the Proposer will provide protection to prevent damage, injury, or loss to employees of the Proposer and its Subconsultants and Subcontractors and other persons who are on the project site and will minimize lost or restricted workdays due to injuries.

APPENDIX C – ORGANIZATIONAL CONFLICTS OF INTEREST

Identify all relevant facts relating to past, present or planned interest(s) of the Offeror's team (including the Offeror, Major Participants, proposed consultants, Offerors and Subcontractors, and their respective chief executives, directors and key project personnel) which may result, or could be viewed as, an organizational conflict of interest in connection with this RFQ (See Section 2.6). Offeror shall disclose:

1. Any current contractual relationships with The County (by identifying the County contract number or name and project manager);
2. Present or planned contractual or employment relationships with any current The County employee; and
3. Any other circumstances that might be considered to create a financial interest in the contract for the Project by any current The County employee if the Offeror is awarded the contract. The Offeror must also disclose any current contractual relationships with the firms listed in Section 2.5. The foregoing is provided by way of example, and shall not constitute a limitation on the disclosure obligations.

For any fact, relationship or circumstance disclosed in response to this Section, identify steps that have been or will be taken to avoid, neutralize or mitigate any organizational conflicts of interest.



4.0 EVALUATION PROCESS

4.1 SOQ EVALUATION

The County will initially review the SOQs for responsiveness to the requirements of this RFQ. Then the information in the SOQ will then be measured against the evaluation criteria stated in Section 4.3. Each SOQ will initially be reviewed on a pass/fail basis for:

1. Minor informalities, irregularities, and apparent clerical mistakes which are unrelated to the substantive content of the SOQ;
2. The SOQ's conformance to the RFQ instructions regarding organization and format; and
3. The responsiveness of the Proposer to the requirements set forth in the RFQ. Proposers submitting SOQs not responsive to this RFQ may be excluded from further consideration. The County may also exclude from consideration any SOQ that contains a material misrepresentation

The review team will consist of a combination of County staff and representatives of the County's program/project management team.

4.2 INTERVIEW

The County reserves the right to conduct interviews with potential Offerors prior to development of a short list. The County may conduct these interviews during its evaluation of the overall SOQ submittal process and scoring. If elected by the County, the County will determine the schedule for interviews following receipt of the SOQs.

4.3 SOQ EVALUATION

The County will evaluate all responsive SOQs and measure each Offeror's response against the project goals and selection criteria set forth in this RFQ. The County will use the following criteria:

A. Project Team and Key Personnel Experience

- Team members experience and qualifications
- Key management/Staff experience, capabilities and functions on similar projects
- Previous experience of team working together
- Ability to respond to project issues in a timely manner
- Demonstrated knowledge of local conditions and requirements
- Proposed time commitment of key personnel
- Team organizational breadth of resources and capacity
- Financial and bonding capacity
- MWBE Compliance



B. Previous Experience

- Experience in managing, designing, and constructing projects of the size and complexity of this Project (design-build preferred)
- A record of completing contracts on time and within the fixed price
- A record of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration
- LEED and sustainable design experience
- Safety record
- Reference checks

C. Project Management Approach

- Quality of responses to items listed in requirements for Section 3 of SOQ.

D. Overall Compliance with RFP Instructions and Requirements

Note: Failure to comply with the requirements of the RFQ may result in an SOQ being disqualified..

4.4 DETERMINING SHORT LISTED OFFERORS

The County will determine the most responsive and responsible vendors. The County reserves the right to prequalify a number of vendors at their sole discretion. In general, prequalification lists tend to identify between 3 and 5 firms to participate in the RFP process.

The County reserves the right, in its sole discretion, to cancel this RFQ, issue a new request for qualifications, reject any or all SOQs, seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ, seek and receive clarifications to an SOQ and waive any deficiencies, irregularities or technicalities in considering and evaluating the SOQs.

This RFQ does not commit The County to enter into a contract or proceed with the procurement of the Project. The County assumes no obligations, responsibilities and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties responding to this RFQ. All such costs shall be borne solely by each Offeror. In addition, The County assumes no obligations, responsibilities and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties if The County elects to not issue an RFP for the Project.

4.5 NOTIFICATION OF SHORT LISTING

Upon completion of the evaluation and short listing process, the County will publish the list of short listed Offerors.



5.0 PHASE 2 RFP PROCUREMENT

This section is provided for informational purposes only so that each Offeror has information that describes the second phase of the Project procurement process, including a summary of certain anticipated RFP requirements. The County reserves the right to make changes to the following, and the short listed Offerors must only rely on the actual RFP when and if it is issued. This section does not contain requirements related to the SOQ.

5.1 REQUEST FOR PROPOSALS

The Offerors remaining on the short list following Phase 1 of the procurement process will be eligible to move to Phase 2 and receive an RFP. While The County may make the RFP available to the public for informational purposes, only short listed Offerors will be allowed to submit a response to the RFP.

5.2 RFP CONTENT

5.2.1 RFP STRUCTURE

The RFP will be structured as follows:

- A. Instructions to Proposers
- B. Contract Documents
 - Contract Terms and Conditions
 - Project Specific Requirements
 - Specifications and Performance Parameters
 - Preliminary Drawings
- C. Reference Information Documents (RID)

5.2.2 RFP Information

The RFP will also include the following information:

- A. Maximum time allowable for design and construction.
- B. The County's preliminary cost estimate range for the Project.
- C. Requirements for a cost loaded, resource loaded Critical Path Method (CPM) schedule.



-
- D. Requirements for submitting Alternative Technical Concepts (ATCs).
 - E. A requirement that if the Proposer is a joint venture, each of the joint venture members will be, if awarded the design-build contract for the Project, jointly and severally liable for performance of the design-build Offeror's obligations under the contract.

5.2.3 WARRANTIES

The RFP will require the design-build Offeror to provide a warranty.

5.3 PRE-PROPOSAL MEETING

The County will offer each short listed Proposer the opportunity to meet before the proposal due date to discuss the Project and the RFP process, as well as separate meetings to discuss any ATCs being developed. In any such meeting, the County will meet with only one Proposer at a time. Proposers would not be required to accept the meeting offers.

5.4 PROPOSALS SUBMITTED IN RESPONSE TO THE RFP

Short listed Proposers that choose to continue in the procurement process must submit a two-part proposal. One part is the technical proposal. The second part is the price proposal. The RFP will specifically define formats for the proposal packaging and all proposal contents.

5.5 PROPOSAL EVALUATIONS

The County has determined that award of the Project will be to the most responsive and responsible Offeror, with the ability to deliver the Project. The County will award a firm fixed-price contract to that responsible Offeror whose proposal contains the combination of those criteria described in this RFP. The awarded Offeror will be determined by a comparative assessment of proposals against all selection criteria in this RFP.

5.6 STIPENDS

The County will not award any stipends for submitting SOQs or to short listed Offerors that are not selected.



6.0 PROJECT DESCRIPTION

The following project description is based on content contained in the Onondaga County Draft Conceptual Design Report (CDR) for the Lakeview Amphitheater. A complete copy of this draft report may be reviewed on the County's website at www.ongov.net. Offerors are advised that this document represents the Draft Conceptual Design for the project as of the time of release of this RFQ and is subject to modification as RFP documents are developed. This document is being made available to provide the greatest amount of information available to assist potential Offerors in making a determination on their level of interest in pursuing this project. This document does not represent the content of the Phase 2 RFP documents.

Background

Onondaga County (the County) is proposing to construct an outdoor events center (Lakeview Amphitheater) on County-owned land on the western shore of Onondaga Lake, in the Town of Geddes (see Figures 1-1 through 1-5 of the CDR). The Lakeview Amphitheater will be an outdoor event complex, which will include an amphitheater with an estimated seating capacity of approximately 17,500 (both covered and lawn seats), a nature area, vendor/festival area, a smaller outdoor community theater, recreational trails, observation pier, and other amenities. Associated infrastructure will include access roads/driveways and site utilities (power, water, sewer, data/communications and natural gas). The amphitheater project is a component of a larger community revitalization initiative for the western shore of Onondaga Lake, the Village of Solvay and Town of Geddes. The project is being funded through a combination of State and County resources. Construction will occur in phases and is anticipated to begin in the late fall/winter of 2014 and conclude in the fall of 2015. The Lakeview Amphitheater will be owned by Onondaga County, and the entire site is expected to remain in public ownership.

The Conceptual Design Report summarizes the work performed during the conceptual engineering phase of the project. The scope of this phase of the project was to assess the general feasibility of construction of a large scale outdoor entertainment venue on County owned property along the west shore of Onondaga Lake; to provide further definition of the scope and characteristics of the project, and to evaluate the project site from an engineering perspective. The CDR report will serve as the blue print for the County's plans for subsequent phases of the project.



Project Location

Environmental Compliance and Health Effects

The Lakeview Point site is located within one of the Onondaga Lake superfund subsites, known as Waste Beds 1 through 8. In parallel with the conceptual engineering efforts, SEQR compliance efforts are ongoing and a Draft Environmental Impact Statement has recently been completed for the project. It is anticipated that the SEQRA process will be completed in the October/November, 2014.

With the planned future designated use of this area as a public park and entertainment venue, the health and safety aspects of the site are an important issue. To address the planned designated use, Honeywell is has prepared a Draft Feasibility Study (FS) for Operable Unit No. 1(OU1) to evaluate remedies for the site. OU1 includes the soils and fill materials on Waste Beds 1 through 8. The FS proposes placement of a vegetative cover system consisting of either vegetative enhancement or placement of a soil or structural fill substrate capable of providing water holding capacity, rooting volume and growing conditions to support a planted vegetative cover utilizing native species appropriate for each area of use. The placement and thickness of the substrate could range from a minimal wood fiber mulch/compost/fertilizer layer to as much as one foot of gravel or two feet of soil

In addition to the FS, the USEPA has completed a Draft Supplemental Human Health Risk Evaluation (HHRE) as an addendum to the 2011 HHRA document reflecting current information on site conditions and the intended use of the Waste Bed 5 and 6 areas for the amphitheater venue.



The supplemental risk evaluation concludes that the potential risks and hazards associated with the Amphitheater Attendee and Amphitheater Maintenance Worker are expected to be within acceptable risk ranges and targets.

Amphitheater Facility Design

The Lakeview Amphitheater is both a public outdoor park and a combination of large and small performance spaces. The whole of the amphitheater complex is designed with consideration for these several missions:

1. Serve as a public space for the benefit of the citizens of the Onondaga County
2. Contribute to the rebirth of Onondaga Lake and the revitalization of nearby communities
3. Raise the profile of the region surrounding the lake
4. Incorporate to the greatest extent possible the adjacent park amenities: bike path, trails, etc.
5. Complement, rather than compete with, the existing large, outdoor venues within a 300 mile radius
6. Allow flexibility to provide low-cost public access to the seats nearest the stage (which are typically top-dollar VIP areas) for certain events where desired
7. Scale in size to accommodate large audiences for high-profile artists and smaller audiences for local presenters
8. Provide audience with optimum views of both the stage and the natural surroundings
9. Arrange the site to mitigate impact of low-setting sunlight on artist or audience
10. Develop a top-tier performance space which will be a must-play destination for high-profile artists

Primary components of the project as they relate to the performance venues include:

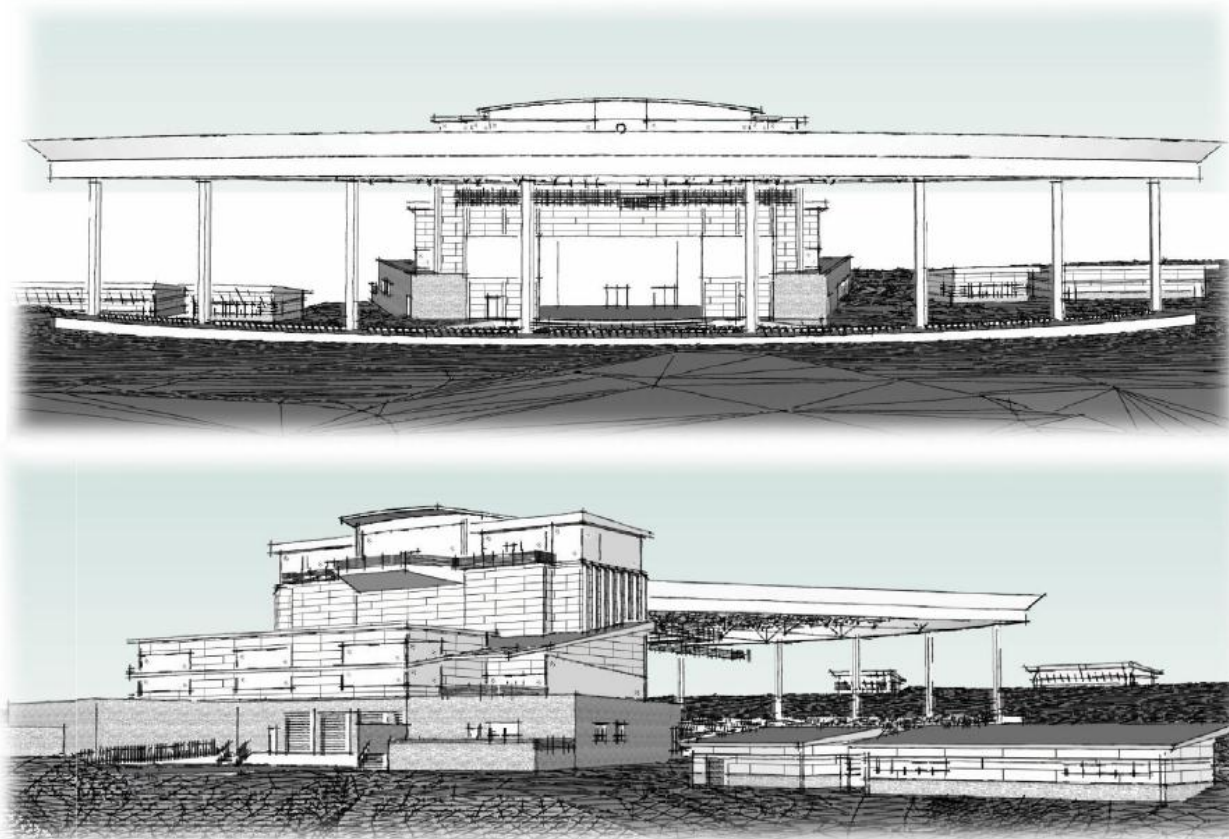
- Main Event Complex: Large amphitheater with seating for up to 17,500 guests
- Community Event Amphitheater: Small outdoor performance space for approximately 300 guests
- General Service Building: Administration and security offices, food and beverage storage and distribution, and facility and grounds support
- Box Office and Entrance Gate: Portal to the public facilities
- Security: Staffed shed for control of access to back-of-house during events

The Lakeview Amphitheater, in some respects, is a celebration of the rebirth of Onondaga Lake. The initiatives that have improved the environment in and around the Lake allow the public to once again enjoy the nature and scenery of the western shore. The design of the amphitheater is intended to be both organic and iconic. Using contemporary building materials and dynamic forms, the buildings are inspired, complement, and participate in the natural environment, while creating a presence and visual experience that is memorable. As the building rises, textures and materials become lighter as in the natural world. The first floor of the building is stone, tying the building to the ground and providing the visual base for the reclaimed-wood clad exterior columns to launch



towards the airy glass of the Event Center. The sloped and angular metal roofs below mimic the random striations of geology, while the curved metal roof at the top of the structure appears to float in air. On the exterior wall above the covered seating canopy, a lighted logo will glow during performances to enhance the Lakeview Amphitheater brand.

The amphitheater is purposely nestled in a natural cove and is meant to be ‘discovered’ as one approaches it upon the entrance path. From far, very little is seen. As one approaches, more of the building is revealed until its full detail is apparent. As if coming upon a natural feature like a rock outcropping or waterfall, its grandeur isn’t fully understood until you are completely in its presence.



Proposed Amphitheater

Facility Siting

Careful consideration and evaluation was given to potential amphitheater sites for the project. Options considered include an alternative west shore site and four different facility siting options on Lakeview Point. Alternatives were evaluated for their potential to mitigate impacts and for their ability to meet the goals of the County; primary of which are:

1. To help enhance public access to the western shore of Onondaga Lake



-
2. To take advantage of the new opportunities available as a result of the remediation and restoration efforts taking place on the lakeshore, and
 3. To further economic opportunity and revitalization in the Town of Geddes and surrounding areas.

Along with meeting the stated objectives outlined above, there are many considerations that factor into determination of the suitability of a proposed site or concept design. These include issues such as ingress/egress to the facility from the local road network, parking for attendees, parking and staging areas for performer support vehicles, orientation of the stage house to the sun, topography of the site, access to utilities, visual impacts/aesthetics and acoustics/noise propagation.

Various County owned public lands along the western shore of the lake were screened for their ability to support the project concept. In summary, there are few other apparent sites along the western shore where a project of this scale could be located with sufficient access, parking, and space to accommodate a development of this size. With regard to siting of the facility on Lakeview Point, several different alternatives were evaluated that considered a variety of factors such as suitability for the proposed amphitheater facilities, constructability, geotechnical issues, acoustics, noise impacts, visual impacts and other environmental considerations. A total of 4 site locations were considered on Lakeview Point, with two being evaluated in further detail based on an initial screening.

The two concepts evaluated with the greatest potential involved what were titled the “Cove” option which sites the primary amphitheater structure along the northern shore of Waste Bed 6 and the “Beacon” option which sites the facility on top of the Lakeview Point peninsula between Waste Beds 5 and 6. A design workshop was conducted with Onondaga County staff in May 2014 where each option was reviewed with regard to its layout on the site, suitability to support amphitheater operations, constructability, costs, visual impacts and other factors. Based on a review of these considerations, the Cove Option was identified as the preferred option for facility siting.



Beacon Option

The Cove option is a somewhat significant departure from the early project concept for the facility in that it is not located on the top of Lakeview Point. This option was conceived based on a consideration to develop an alternative that embraces the water, but at the same time blends into the natural topography of Lakeview Point, and creates a “park” atmosphere for the community. The Cove option achieves this objective by situating the main amphitheater along the lower elevations of the northern shoreline of Lakeview Point and is positioned to blend in with the existing topography much better than any of the other options considered. The views of Onondaga Lake for the audience are excellent for this option and the background noise is lowest of any of the options considered due to it being furthest from I-690 of all of the options considered. As a result of this option blending best with existing topography, the amount of fill and earthwork required for this option is significantly less than the other options, thereby reducing the relative cost of construction. This option also minimizes construction impacts to the Crucible landfill which is viewed favorably by the NYSDEC.



Cove Option



Site Development Master Plan

The proposed Site Development Master Plan (see Figures 4-1 and 4-2 of CDR) is intended to provide a cohesive set of spatial relationships to harmonize a variety of program elements with the opportunities and constraints provided by the project site. As documented elsewhere in this report, the site is the subject of an intensive remediation effort and has a long history as an industrial waste bed. The unique topography of the “peninsula”, a result of its prior use as a series of waste beds, creates a high plateau along the shoreline of Onondaga Lake which is unrivaled in the views it offers of the lake and surrounding community. Also, the project site has recently been made available for public recreation, in a limited fashion, through the recently completed extension to the Onondaga Lake West Shore multi-use trail. Finally, the site is located adjacent to one of the major parking lots for the New York State Fair. These factors, along with other operational considerations, were the driving factors in the development of the proposed master plan. The master plan provides a vision for the amphitheater facility that holistically addresses the following:

- Amphitheater Building
- Community Amphitheater
- Green Space and Community Areas
- Administration Support Services
- Facility Gateway/Entry
- Concessions and Merchandising
- Restrooms
- Parking
- Pedestrian Access
- On-Site Transportation Network
- ADA Considerations
- Water Access and Amenities
- Bike path Reconfiguration
- Site Security
- Site Use During Non-Performance Periods



Site Master Plan-Cove Option

Site and Facilities Engineering

Geotechnical

As a result of the history of the site, its unusual topography, and the current state of the site, geotechnical and engineering issues will play a critical role in the design of the amphitheater. The Waste Beds are engineered systems constructed with stronger outer containment berms holding interior areas of weaker material. During this conceptual design, it was assumed that cutting into the existing Waste Beds and their containment berms should be minimized to the extent possible due to concerns about slope stability. Based on the preliminary geotechnical assessment, the slope stability of the berms does not appear to be a significant issue based on the current site layout and grading plan. This issue will be examined further during detailed design. If it is found that the Waste Beds and containment berms can be cut, the volume of imported fill will be able to be reduced, which would reduce the overall project cost. At this time, the conceptual design shows very little cutting into the existing waste bed system.

Relative to earthwork, another geotechnical concern is the ability of the Waste Beds to bear the weight of the required fill. It is expected that placing earthen fill will result in the settling of the weaker areas of the waste beds. Based on existing geotechnical reports and recent consultations with the report's authors, placing approximately 15 feet of fill on the waste beds may result in up to 6 feet of settling over a period of several months. Based on these conditions, it will be necessary to "pre-load" certain areas by placing



fill well in advance of the construction of finished surfaces. This will allow these areas to settle and stabilize prior to more formal site construction work.

The Solvay Process Waste contains calcium carbonate (CaCO_3) with gypsum, sodium chloride (NaCl), and calcium chloride (CaCl_2). These compounds can be corrosive to steel and concrete such that when mixed with water (e.g., groundwater, infiltrating rainwater) can produce an electrolytic solution. Protective measures will need to be included in the project design may include but not be limited to: sacrificial anodes for foundation elements; coating specific foundation elements; separating foundation elements from the SPW and electrolytic solution, to name a few alternatives. In addition, the use of non-metallic pipe (e.g., High Density Polyethylene – HDPE) should be considered for buried utilities that do not require metallic piping.

Based upon the subsurface stratigraphy, the amphitheater structure (i.e., loading dock truck apron, stage area, and seating area, etc...) and other large structures associated with this project should be supported by a pile foundation founded on/in the underlying Vernon Shale. By driving piles to bedrock, these structures will not settle as a result of the underlying SPW, soft cohesive soils and/or loose granular soils consolidating from the additional loads applied by these new structures. Additional soil borings be performed during the design phase with rock coring such that rock core samples can be collected and subsequently tested for strength parameters to identify an allowable bearing capacity. For lightly loaded structures (e.g., restroom facilities, vendor facilities, drainage structures, etc...) methods for reducing settlements include surcharging as discussed above and/or “floating” the structure. A method for floating structures is to remove a known amount of in-situ material and replace it with light weight fill (e.g., red-dog, geofoam) and subsequently construct upon the light weight fill. The new roadways that are being planned must support heavy loads, in particular semi tractor trailer trucks and buses. Since the subgrade of these roadways will most likely consist of soft to medium stiff SPW, the roadway section (e.g., sub-base material and pavement) will require addition support and/or means to distribute the wheel loading over a large area. One method for distributing the wheel loading over a large area would be to place a geotextile rated for stabilization on the prepared subgrade followed by a Geogrid. The geotextile will provide a separation between the sub-base material and underlying subgrade as well as some strength when a load is applied. The Geogrid will assist in spreading out the wheel loads over a much larger area thus reducing the applied load to the subgrade material.

Storm Water Management

While serving as a focal point for Onondaga County in many ways, the Lakeview Amphitheater can certainly serve as a showcase for the principles developed during the County’s award-winning “SaveThe Rain” program. The development of this site will allow for the implementation of a wide variety of practices to protect Onondaga Lake, educate the public, and drive the conversation forward. The opportunity for a working set of storm water management examples will be created in this new public space. This project will be an opportunity to showcase what is possible when storm water management is considered during the conceptual design of the site, rather than solely as a “retrofit”.

Utilities

A review of existing utilities infrastructure in the project area was performed to support the facility infrastructure requirements to support the proposed facility was performed and existing infrastructure in the project area to support the facility. Given the accelerated pace that the conceptual engineering portion of the project has progressed, definitive estimates of all utility loads has not yet been determined at this time. Definitive parameters for each service will be defined in the preliminary design phase of the project.



Efforts to date have focused on identifying the likely source of the various utilities required based on meetings conducted with each provider and making a preliminary assessment with regard to their adequacy to serve the proposed facility. The following utilities were assessed as part of this evaluation:

<u>Utility</u>	<u>Provider</u>
Water	Onondaga County Water Authority (OCWA)
Sewage	Onondaga County Dept. Water Environment Protection (OCWEP)
Electric	Village of Solway Electric
Data/Communications	Verizon Wireless & Time Warner Cable
Natural Gas	National Grid

In summary, it was determined that the existing utilities infrastructure is adequate to support the proposed facility and connection points are all within reasonable proximity to the project site.

Transportation and Traffic Impact Assessment

A primary engineering challenge with the proposed site is its currently restricted access. Because of the adjacent location of Interstate Route 690, FHWA regulates a “without access” boundary line that separates the site from other existing public highways. There is one access point to the site, which is currently utilized by contractors under special permit from FHWA. Also at this entrance, Onondaga County has obtained a permit for access and limited parking for the recently completed West Shore Trail Extension, which provides bicycle and pedestrian access around Onondaga Lake, and will be linked to the amphitheater site. Three other access points to NY 695 and I-690 are only allowed for use during the New York State Fair by FHWA. Linking the site to other public streets like Bridge Street and State Fair Boulevard is hampered by the physical barrier of the I-690 lanes and connector ramp to NY 695.

Routing all concert traffic to the Orange lot which abuts the amphitheater site by way of a single entrance is feasible for small events (up to 500 people), but larger events and sold-out attractions generate too much traffic for this scenario. For that reason, splitting incoming traffic and using directional routing to both the Orange and Brown lots is proposed (see Figure 6-2). Several options were investigated, starting with use of the existing roadway network, then supplemented by mitigation measures. An alternative using all temporary access points similar to Fair operations was modeled, but eliminated from further consideration based on FHWA feedback that such an option would not be acceptable for use beyond NYS Fair events. Ultimately, any alternative that provides access to the amphitheater site will require a separate break-in-access study to be reviewed and approved by NYSDOT and FHWA.

To assess traffic impacts during an amphitheater event, background traffic conditions were modeled using manual traffic counts at the five intersections in the study area, and supplemented by NYSDOT machine counts.

As the models were created and evaluated for a sold-out event arrivals using existing traffic control, it became evident that mitigation would be required to eliminate significant traffic congestion throughout the study area. Traffic can be expected to come to queue for those trying to access the Orange Lot from Bridge Street and Willis Avenue, as well as for those trying to access the Brown Lot from State Fair Boulevard west and Pumphouse Road. Queues from Pumphouse Road are expected to impact the I-690 Eastbound Exit 6 off-ramp, and possibly the I-690 Eastbound mainline, at this location. The I-690 Eastbound Exit 7 off-ramp traffic at the intersection of State Fair Boulevard and Bridge Street is expected to queue along the exit only lane from the NYS RT 695 Northbound merge with I-690 Eastbound. This would affect the I-



690 Eastbound mainline at this location if a vehicle on I-690 wishes to take Exit 7 and needs to merge into slow moving traffic in the exit only lane.

Based on the evaluations performed, both short and long-term improvements have been identified as summarized below.

Short-Term Improvements

The proposed mitigation alternative includes modifications to the existing highway network to improve operations and traffic flow during sold-out events, and to keep delays to acceptable levels typically expected for a similarly sized attraction. Most improvements focus on areas in proximity to the main entry road opposite the I-690 WB off-ramp at Exit 7. These include elongating and widening the off-ramp to two lanes with improved deceleration and storage distance, widening to three lanes at the intersection with local streets, reconstructing the main entry road to lower the grade for easier shuttle bus operation and improved two-way traffic flow, and adding an auxiliary lane at the State Fair Boulevard wye to increase capacity of exiting traffic (see Figure 6-3). The ramp widening would require modification of an overhead sign truss. Additional traffic signs and guide signs for amphitheater traffic are recommended. Installation of an electronic DMS on northbound NY 695 approaching the fairgrounds is also recommended.



Short-Term Transportation Improvements

Long-Term Improvements

This report focuses on short term improvements deemed necessary to mitigate anticipated traffic volumes that result from operation of the proposed amphitheater during peak usage. The current configuration of interstate access consists two overlapping interchanges with nine ramps spread over a distance of 2.3 miles, with three ramps having nonstandard access control. In discussions with FHWA and NYSDOT, it is apparent that further long term improvements that provide a permanent solution to event traffic and Orange lot access for the New York State Fair will be



required. FHWA has commented that the temporary signal and direct access driveways from I-690 and NY 695 connector will not be allowed in the near future.

In order to test the feasibility of proposed short term improvements to ensure they fit in with an overall concept for a long term solution, potential concept level layouts that modify the existing interchange layout have been developed. One possible long term solution, which consists of constructing new I-690 WB on- and off-ramps in the vicinity of the existing crossover and temporary signal, is illustrated on Figure 6-4. Further development of long-term design solutions for the Interchange 6 and 7 ramps is beyond the scope of this report and the evaluation of this long term solution is being discussed between the FHWA, NYSDOT and Onondaga County.

In addition to the above, additional operational measures will need to be implemented during large scale events including the following:

- Manned Traffic Control
- Supplemental Signage
- Emergency Vehicle Access
- Shuttle Buses
- Intelligent Transportation Systems and Dynamic Message Signs

Offeror is advised that it is unlikely that the transportation improvements identified in the section above will be included in the RFP for Design-Build Services.

Sustainable Infrastructures Development

LEED, or Leadership in Energy & Environmental Design, is a green building certification program that recognizes best-in-class building strategies and practices. To receive LEED certification, building projects satisfy prerequisites and earn points to achieve different levels of certification. Based on the current project schedule, it is expected that the project will be registered under LEED 2009 criteria. As detailed in Appendix G, the design team completed a LEED checklist in which various strategies are gauged to be possible ('Yes?'), unknown to be possible ('?'), or most likely not possible ('No'). Based on the result of evaluating each prerequisite and credit, a possible score of 66 was determined. This score corresponds to the mid-range of Gold Certification. As the design progresses, the LEED checklist will continue to be updated, and credits for Innovation in Design will be sought where possible.

There are many opportunities to integrate these sustainable infrastructure elements into the project moving forward, given the variety of facilities and improvements that will be part of this project. There will be pavements, building roofs, landscape areas and facilities such as bathrooms which need water. Each of these technologies should be evaluated in the final design for this project and utilized to the maximum extent feasible throughout the project site.



Project Schedule and Implementation Plan

The County has expressed a desire to have an event at the amphitheater facility on Labor Day weekend of 2015. Given the size and complexity of the proposed facility, unique environmental and geotechnical conditions at the site, and the necessary coordination that must take place with Honeywell's ongoing construction operations, this is a very ambitious completion date for this facility. In an effort to implement the project in this accelerated timeline, the project was given approval by the State of New York to implement the project through a Design-Build Procurement method. A related issue affecting the schedule is the need to complete the SEQRA process for the project before any construction commences.

At this time, there are many variables that could impact the targeted completion date, particularly any delays in the SEQRA/Environmental review process as this is the controlling item to allow construction to start on the site. As the project progresses, the design team will have work in conjunction with the County to refine the project schedule based on developments with the environmental review process and other project developments that adequately balances the target completion date with issues such as construction costs, risk, quality of construction and other factors.



Proposed Amphitheater Rendering



Proposed Gateway Building Entry



APPENDIX A

ONONDAGA COUNTY

MBE/WBE AND MINORITY WORKFORCE

REQUIREMENTS

INFORMATION FOR BIDDERS
SECTION 3 – ONONDAGA COUNTY MBE/WBE AND MINORITY WORKFORCE
REQUIREMENTS

I-3.01 Minority/Women Business Enterprise and Workforce Requirements

It is the policy of Onondaga County to foster the opportunity for utilization of firms certified as Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) in the performance of all construction contracts funded by Onondaga County or eligible for aid from New York State or the Federal government. It is the further policy of Onondaga County that the workforce employed by all contractors and subcontractors provide further opportunities for minority and women workforce participation.

The following MBE/WBE and workforce participation goals have been established for this project:

MBE/WBE Goal (as a minimum % of total \$ value of work):

- 12% MBE
- 8% WBE
- 20% Combined MBE/WBE

Minority/Women Workforce Participation Goal (as a % of total workforce)

- 12% Minority
- 8% Women
- 20% Combined Minority/Women Workforce

To promote successful Contractor compliance with these goals, each bidder shall submit with his/her bid a “Conceptual M/WBE Work Plan” in a format as included in the Bid Section of these Contract Documents. The Conceptual M/WBE Work Plan shall indicate the Contract Name and Number, include a description of the scope of work and provide an estimated value of each portion of the contract work the bidder plans to subcontract to MBE or WBE firms. The total value of the work should be greater than or equal to the combined M/WBE Goal indicated above. Failure to provide the “Conceptual M/WBE Work Plan” with the bid may result in the bid being considered non-responsive.

The successful bidder will be required, upon notification by letter of the County’s intent to award a contract (Letter of Intent), to document the bidder’s good faith intent to achieve the goals established by the County and the Contractor. Documentation will include:

1. A written utilization plan to provide for the employment of qualified MBE/WBE firms (Form A).
2. A written utilization plan to provide for the employment of minorities and women (Form B).

Onondaga County will not enter into a contract with the successful bidder until satisfied appropriate efforts are planned or in place that will result in the bidder having a program aimed at meeting the percentage goals. Questions or concerns related to the qualified MBE/WBE firms or plans to employ these firms or representatives should be directed to:

Herman Howard
Contract Compliance Officer
Onondaga County Division of Purchase

421 Montgomery Street
13th Floor Civic Center
Syracuse, NY 13202
Phone: (315) 435-8462
Fax: (315) 435-3424

The Letter of Intent to award a contract to the successful bidder will require submittal, to the Division of Purchase, of the bidder's plan or program to comply with the County MBE/WBE and workforce participation policies. All of this documentation, as identified in I-3.02B below, is required **no later than seven days (7) from the date of the Letter of Intent** (copy the Construction Project Manager). The Division of Purchase will approve or disapprove the bidder's plan in writing to the Construction Project Manager who will forward the approved plan, along with other required documents, to the County Law Department for contract execution.

The plan will be implemented in accordance with the Rules and Regulations of the Division of Purchase.

The approved plan will become part of the final contract. Failure to comply with the plan and/or the Rules and Regulations of the Division of Purchase will be grounds for default under the contract and termination or other remedy available to the County.

In addition, lack of compliance with the plan and/or the Rules and Regulations will be criteria for determining responsibility of bidders on future contracts with the County.

Upon contract signing, the contractor will be required to submit copies of executed contracts and purchase orders with MBE/WBE firms within 30 days of contract execution. The MBE/WBE Monthly Utilization Report (Form G), the Monthly Employment Utilization Report (Form I), certified payroll (every two weeks) and copies of canceled checks issued to MBE/WBE subcontractors and suppliers must be submitted with the monthly application for payments. Failure to submit the required forms could result in delays in processing payments.

The Division of Purchase maintains a listing of MBE/WBE firms and also provides advice and assistance to bidders and potential bidders seeking construction contracts with Onondaga County. Refer to "Special Provision Concerning Utilization of M/WBE and Minority and Female Workforce Requirements" for program rules and regulations.

The Division of Purchase is available for consultation to prime contractors and their M/WBE officers regarding the requirements for the development of their M/WBE-EEO participation program.

I-3.02 Summary of Forms (Included in Appendix A, except as otherwise noted)

- A. Each bidder must submit the following information at the time of bid submittal:

Conceptual M/WBE Work Plan – Included in Bid Section of Documents

- B. The successful bidder must submit the following information to the Contract Compliance Officer with copies to the Construction Project Manager no later than seven days (7) from the date of the Letter of Intent to award the contract. The Contract will not be executed by the County until the following documents are received and approved by the Division of Purchase:

Form A – Contractor's detailed MBE/WBE Utilization Plan

Form B – Contractor’s Workforce Utilization Plan (including Workforce Listing, Form B1)

Form D – Minority/Women Contractors Participation Letter of Intent

Form H – HRC-1 Form

- C. Upon the signing of the contract, the contractor must submit the following to the Contract Compliance Officer with copies to the Construction Project Manager on a monthly basis (unless otherwise noted):

Form G – MBE/WBE Monthly Utilization Report – due monthly with each payment request

Form I – Monthly Employment Utilization Report – due monthly with each payment request

Certified Payroll – due every two (2) weeks

MBE/WBE Canceled Checks (previous month) – due monthly with each payment request

Signed Contracts/Purchase Orders with MBE/WBE Firms – 30 days after contract signing

- D. The contractor should utilize the forms or format below to demonstrate good faith effort:

Form C – Contractor’s Solicitation Letter (should be sent to M/WBEs a minimum of 20 days prior to bid)

Form E – MBE/WBE Contractor Participation Bid Proposal (should be returned by M/WBE a minimum of five (5) days in advance of receipt of bid)

Form F – Minority/Women Contractor Unavailability Certificate (submit with Form A)

I-3.03 Special Provisions Concerning Utilization of M/WBE and Minority and Female Workforce Requirements

The County of Onondaga has developed a program to foster the opportunity for Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) to participate in the performance of construction contracts.

The County of Onondaga is committed to a policy of promoting MBE/WBE participation in its contracts and fully intends to enforce the requirements for MBE/WBE utilization.

The general requirements for MBE/WBE utilization are contained in this document and in the New York State Minority/Women Business Enterprise Requirements and Minority and Female Workforce documents. Contractors are to familiarize themselves with the details of these requirements as set forth in this document.

A. MINORITY/WOMEN BUSINESS ENTERPRISE GOAL

MBE/WBE Goal: The successful bidder on each prime contract will be expected to attain a goal of utilization of MBEs/WBEs to provide services and/or products, the total amount of which shall be equal to at least twelve percent (12%) for MBEs and eight percent (8%) for

WBEs of the total amount bid for this contract. In any event, at least a twenty percent (20%) combined Minority and Women Business Enterprise goal should be achieved.

In administering this goal, the County will require each Minority/Women Business Enterprise to be certified as a bona fide MBE/WBE under the Statewide Certification Program. Firms currently seeking certification (having a pending application on file with the Empire State Development Corporation), may be considered pending a satisfactory desk review of such application. Lists of MBE/WBE firms shall be made available at the County's offices. Bidders should be aware that the County of Onondaga does not have its own program or procedure for "certifying" MBEs/WBEs, and that the State certification program is used as the basis of the local program. Certification by other agencies or governments will not be acceptable for compliance with the County of Onondaga's MBE/WBE program.

The goals established for this project can be achieved by MBE/WBE participation as subcontractors, lower tier subcontractors, or suppliers subject to the conditions as noted below; provided the MBE/WBE firm provides a commercially useful purpose as defined herein.

Supply Policy: Suppliers shall receive twenty-five percent (25%) credit if they only provide supplies and do not manufacture or fabricate them. Suppliers shall receive 100 percent (100%) credit for items they supply that they also manufacture or fabricate. A "supplier" is a business that distributes material or equipment and which provides a commercially useful function when such activity is traditional in the industry producing the material or equipment that is supplied. "Commercially useful functions" or suppliers normally include:

- 1) Providing technical assistance to a purchaser prior to a purchase, during installation, and after the supplies or equipment are placed in service;
- 2) Manufacturing or being the first tier below the manufacturer of supplies or equipment; or
- 3) Providing functions other than just accepting and referring requests for supplies or equipment to another party or direct shipment to a contractor.

Notification of MBEs/WBEs by County of Onondaga: Prospective bidders are advised that the County Contract Compliance Officer has provided potentially interested local MBEs/WBEs with a copy of the notice to contractors published for this contract, together with a supplementary information form which describes the project and its major components in more detail. Therefore, local potentially interested MBEs/WBEs are aware that bids for this contract are being solicited.

Prospective bidders are advised that notification of potentially interested MBEs/WBEs by the County of Onondaga does not constitute as verification of the respective certification status of such firms. While the County of Onondaga endeavors to maintain updated lists, it is the responsibility of prospective bidders to ascertain, on a case-by-case basis, whether or not potentially interested MBEs/WBEs are currently certified under the Statewide Certification Program. Contact Empire State Development, Division of Minority and Women Business Development (518) 292-5250 (Albany) or (212) 803-2414 (New York City) to confirm current State Certification status and/or visit www.esd.ny.gov/MWBE.html.

Pre-Bid Meeting: A meeting will be scheduled prior to the bid opening to discuss the project and review contract requirements with all prospective bidders. This review will describe the

County of Onondaga's bid procedures including requirements pertaining to the MBE/WBE program and minority and women workforce participation.

Bidder's Responsibilities/Good Faith Effort: It is the responsibility of the prospective bidder to follow and abide by the procedures and requirements contained in this section of the "Information for Bidders." The bidder is responsible for segmenting portions of the contract for award to qualified bona fide MBE/WBE contractors and vendors as necessary in order to achieve the MBE/WBE utilization goal.

In soliciting proposals from MBEs/WBEs for participation on this contract, the bidder is responsible, as part of the good faith effort toward achieving the MBE/WBE utilization goal, to insure that MBE/WBE firms have been given every opportunity to submit timely and competitive proposals. The aforementioned can be achieved by the following actions.

- 1) Making plans and specifications available to prospective MBEs/WBEs in sufficient time to allow appropriate review for the purpose of submitting a responsible proposal.
- 2) Utilizing the qualified MBEs and WBEs on the list of certified firms maintained by the County Division of Purchase and/or the Empire State Development agency for the purpose of soliciting bids for sub-contracts.
- 3) Maintaining records, including detailed telephone logs, detailing the efforts made to involve MBEs and WBEs, including the names and addresses of MBEs and WBEs that were contacted, and if not selected, reasons for such decisions.
- 4) Making contact with minority and women subcontractors through newspaper ads in minority owned and traditional newspapers, letters to minority and women contracting associations, and letters to minority and women subcontractors (certified, return receipt requested).

In the event the prospective bidder is unable to achieve the MBE/WBE utilization goals because proposals submitted by MBEs/WBEs were not competitive, the County may, at its discretion, proceed to award a contract upon demonstration of the bidder's good faith effort. Demonstration of good faith effort shall include submission of a copy of the bidder's original worksheet for subcontractor bids received prior to the bid date for the contract which stipulates company, date, proposed bid amount, work to be performed, and submitting officer for subcontracting company. In instances where the bidder has failed to meet the MBE/WBE goal under its usual company procedures, bidders should modify solicitation and price negotiation procedures and/or implement negotiating procedures recommended by the County's Contract Compliance Office. In the event the goal will not be achieved, as part of the bidder's documentation of good faith efforts, the bidder must be able to document its attempts to solicit proposals from all MBEs/WBEs in the Central New York area available to do the work in question, and that the MBEs/WBEs were quoting on the same Work and under the same conditions as non MBEs/WBEs. Bidders should utilize negotiation to achieve an acceptable price. Non-competitive pricing without negotiation shall not constitute a basis for not achieving said MBE/WBE goals.

It is the bidder's responsibility to insure the MBE/WBE firms to be utilized on this contract are capable of satisfactorily performing the work subcontracted to them and of complying with all applicable provisions of the contract documents. The bidder, if successful, will be expected to provide all support, assistance and supervision necessary to assure satisfactory

performance of MBE's/WBE's work and completion of the project in accordance with the contract documents. In the event the bidder intends to utilize an MBE/WBE inexperienced in the type of work to be subcontracted to it, the bidder shall notify the County Contract Compliance Officer in order to secure his/her prior approval. The successful bidder shall not knowingly enter into a subcontract with Minority/Women business firms that said contractor has knowledge that the price submitted is deficient when compared to the cost of material, cost of labor, insurance and minimum margin of profit on this project. It is the bidder's further responsibility to propose and utilize MBE/WBE firms for a commercially useful purpose on the project.

Commercially Useful Purpose: The intent of the MBE/WBE program is to increase the utilization of MBEs/WBEs on construction projects and to provide an opportunity for new MBEs/WBEs as well as existing MBEs/WBEs to develop experience and business acumen. In order to accomplish this intent and prevent "sham" or "brokering" operations, MBE/WBE firms utilized in compliance with this program must provide a commercially useful purpose on the project. A commercially useful purpose is defined as providing goods and/or services which make a tangible contribution to the completion of the project in a manner consistent with the standard business and construction industry practices and which involves or requires substantial responsibility on the part of the provider of the goods or services. No credit will be given for an MBE or WBE acting merely as a passive conduit of funds to a non-MBE/WBE.

The County Contract Compliance Officer will evaluate the performance of the conditions under which MBEs/WBEs are providing a commercially useful purpose. This evaluation will be based upon on-site observations and documentation which shall be submitted by the MBE/WBE and/or the contractor, as requested by the Contract Compliance Officer.

Among the factors to be evaluated are that the MBE/WBE made the necessary administrative and technical preparations to provide the indicated goods or services, and possess the technical, administrative, managerial and supervisory capability and the resources to provide the indicated goods or services, including necessary labor, material and equipment, or the means of obtaining same in accordance with standard industry practices. The determination of commercially useful purpose will also include an evaluation of the MBE's/WBE's independence and responsibility for satisfactorily and successfully providing the indicated goods or services and whether or not the MBE/WBE will gain meaningful experience in the course of providing the indicated goods and services.

Post Bid Meeting: A post bid meeting may be scheduled by the Construction Project Manager, a few days after the bid opening date to review bid and contract requirements with the apparent low bidder. The bidder should be prepared to discuss the conceptual M/WBE work plan submitted with the bid at this meeting. After this meeting, upon documentation of the Contractor's acceptability by the Construction Supervisor, the County will issue a Letter of Intent to award the contract. **The bidder will have seven (7) days from the date of the Letter of Intent to submit a responsive MBE/WBE Utilization Plan** (Form A).

MBE/WBE Utilization Form: Appendix A to the Information for Bidders contains a Minority Business Enterprise/Women Business Enterprise Utilization Form which must be completed, signed by the authorized representative of the bidder, notarized and submitted no later than the date indicated herein. If the MBE/WBE Utilization Form submitted by the apparent low bidder reflects MBE/WBE utilization less than the goal-oriented percentages specified herein, the bidder will be required to demonstrate that it has met the good faith effort requirements,

and must produce respective documentation for review by the County Contract Compliance Office.

If the determination is made by the County of Onondaga that the bidder's efforts do not constitute a good faith effort, the County may reject the bid and offer the contract to the next lowest responsible bidder, or may reject all bids and re-advertise the contract.

The County may, at its discretion, as provided for under Bidder's Responsibilities, determine that a good faith effort was made by the low bidder to achieve said goal and accept the bid although it contains less than the percentage goals.

The MBE/WBE utilization plan submitted by the selected contractor will be reviewed by the County Contract Compliance Officer. Each of the MBE/WBE firms listed on the MBE/WBE utilization form will be contacted by the MBE Officer to verify that the MBEs/WBEs are aware of their intended utilization on the contract, for the indicated work, and for the indicated amount, and to ascertain that the MBE/WBE will be performing a commercially useful purpose on the project.

The completed and approved MBE/WBE Utilization Plan will become a part of the contract and the contractor will be expected to utilize the minority/women owned businesses listed on the form to a minimum of the amount indicated thereon. Any proposed changes must have the prior approval of the County Contract Compliance Officer. An amended Utilization Plan shall be prepared by the Contractor and submitted to the County Contract Compliance Officer upon County approval of any proposed changes.

Contract Compliance: The contractor shall appoint an Officer of the Corporation or principal of the firm whose responsibility it will be to keep the company informed of all County and State requirements pertaining to the MBE/WBE program and to compile, maintain, and submit all required documentation. As soon as possible after contract execution, the contractor shall submit to the County Contract Compliance Officer one (1) fully executed copy of each subcontract and/or purchase order involving an MBE/WBE. These documents shall clearly indicate the nature and scope of work to be performed by the MBE/WBE, designate the responsibility of the contractor and MBE/WBE for providing labor, equipment and materials, establish the amounts to be paid and retained, the schedule or method of payments, establish actual or projected starting and completion dates for the MBE's/WBE's work and clearly state any and all other forms and conditions agreed to by the contractor and MBE/WBE necessary for the proper conduct of business.

The subcontract information, submitted to the County of Onondaga to demonstrate compliance with the Minority/Women Business enterprise program requirements, shall obtain all agreements, both verbal and written, between the contractor and the minority/women owned firm and no other agreement shall exist, either expressed or implied, between the parties. The County of Onondaga's Contract Compliance Officer shall be informed in writing, with the appropriate supporting documentation, of any changes, additions and/or deletions to the executed MBE/WBE subcontracts.

The contractor will be required to submit, on a monthly basis, the minority and women business enterprise utilization report (Form G) supplying all the information requested thereon. This report shall be submitted to the Division of Purchase, attention: Contract Compliance Officer.

The County of Onondaga reserves the right to re-evaluate MBEs/WBEs during the course of the project to ascertain that the MBE's/WBE's status and conditions of utilization on the contract remain as originally presented.

Non-compliance: If there is a reason to believe that the contractor has failed to comply with the MBE/WBE requirements of this contract, or if the contractor fails to submit copies of MBE/WBE subcontracts and/or purchase orders, or if the contractor fails to respond to requests for additional information or documentation made by the County Contract Compliance Officer to ascertain compliance, the County of Onondaga may withhold the entire amount of payments for work completed and/or materials otherwise due to the contractor, until such time as the contractor has demonstrated to the satisfaction of the County Contract Compliance Officer that it is in compliance with the MBE/WBE Provision of this contract. If, in the opinion of the County Contract Compliance Officer, the contractor is failing to make timely and satisfactory progress toward resolving MBE/WBE noncompliance, the County of Onondaga may direct that work on the contract be stopped so that opportunities for additional MBE/WBE utilization will not be exhausted.

If the contractor fails to utilize all the minority/women owned firms listed on the MBE/WBE Utilization Form, or fails to utilize such firms in the manner and to the extent indicated on the form, or if the status of the MBE/WBE firm utilized changed or is found to be different from the status presented or determined prior to the contract award, or if the contractor otherwise fails to comply with the intent of the MBE/WBE requirements, the contractor shall be in default of its contract and the County of Onondaga may pursue the remedies available to it under the applicable provisions of the contract documents, unless the contractor can successfully demonstrate that its failure to comply is due to a failure on the part of the minority/women-owned business to participate as originally agreed. At the sole discretion of the County of Onondaga, a condition of MBE/WBE non-compliance may be remedied in any manner acceptable to the County of Onondaga and agreed to in writing by another contractor, in lieu of declaring the contractor to be in default and terminating the contract.

Waiver of Claims: Upon submitting a bid for this contract and, if successful, upon executing this contract, the contractor waives any and all claims for damages or extra costs or unrealized or lost revenue or profit or interest on monies withheld arising out of the County of Onondaga's MBE/WBE program.

B. MINORITY AND FEMALE WORKFORCE UTILIZATION REQUIREMENTS

Minority and Women Workforce Goal: All contractors and their subcontractors shall achieve a workforce participation of twelve percent (12%) minority and eight percent (8%) female, respectively and in any event twenty percent (20%) overall. "Minority/Female workforce participation" shall mean the aggregate number of person hours worked by minorities/females (including supervisory personnel) with respect to any work in connection with this agreement.

For purposes of this goal, "Minority" shall mean:

1. Black persons having origins in any of the Black African racial groups not of Hispanic Origin;
2. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;

3. Asian and Pacific Islander persons having origins in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands; and
4. American Indian or Alaskan Native persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

The minority/female workforce participation percentages shall be determined by dividing the minority/female workforce participation by the total workforce participation.

For the purposes of the subparagraph, "Total workforce participation" shall mean the aggregate number of person hours worked (including training) by all workers in the building trades (including supervisory personnel) performing work pursuant to this contract. The specific goal for each skilled and unskilled building trade shall be no less than twelve percent (12%) minority and no less than eight percent (8%) female, and in any event, no less than twenty percent (20%).

Bidder Responsibilities: Prospective bidders should review the workforce requirements of this project and be prepared to demonstrate their intent to comply with this requirement. The County of Onondaga's Contract Compliance Office shall review the anticipated workforce requirement with the bidder and determine whether its bid is responsive to all Affirmative Action Requirements of this project. The bidder shall complete the HRC-1 Form (Form H) and the contractor's Workforce Utilization Plan (Form B). The Workforce Utilization Plan shall indicate what positions will be allocated to minorities and females in compliance with the percentage goals of this contract. This Form shall be submitted prior to or no later than the date indicated on the Letter of Intent. The County of Onondaga may, at its discretion, waive this requirement in whole or in part if after evaluation of the contract, it is found to be not conducive to providing employment opportunities to the extent required. Contractors may seek consideration of a reduction in the goal after all reporting requirements have been satisfied.

C. SANCTIONS FOR NON-COMPLIANCE

In the event the contractor fails to comply with these provisions (for MBE/WBE and workforce participation) the County may:

1. Require the contractor to attend a meeting with the Contract Compliance Officer, a representative of the State Agency, a project officer, a representative of the legal department, or any combination of the above as appropriate; and
2. Withhold payments of any amounts due pending resolutions of non-compliance; and
3. After said meeting and determination that the contractor has failed to comply with the appropriate provision, the Contract Compliance Officer of the County of Onondaga, the Project Director, and the Department of Law may assess damages against a contractor who has failed to provide for minority/female employment or minority/women business participation as required and had failed to demonstrate a Good Faith effort to provide the same, in an amount equal to the dollar value that would have been realized by minority/female employees or minority/women businesses had the contractor so complied.

If such damages are assessed against a contractor, such assessment shall be withheld from any monies due the contractor, including retention funds; such determination in these matters shall be final.

Further, upon determination that the contractor has failed to comply with these provisions, at the direction of the County or State Agency, the Owner may suspend, cancel or terminate the contract without incurring any penalty or damage on account of such action and without any further liability, except that the contractor shall be entitled to be paid for the earned until the time that such action was taken.

D. NON-DISCRIMINATION REQUIREMENTS

The Contractor shall include all of the following paragraphs (1) through (5) with respect to the performance of its agreement with the County, in every subcontract it enters into for labor, services, supplies or equipment in such a manner that such provisions shall be binding upon all parties with whom such agreements are entered into:

1. Contractor shall not discriminate against an employee; or applicants for employment because of race, creed, color, national origin, ancestry, sex, age, disability, or marital status and shall undertake programs of affirmative action to ensure that such employees and applicants are afforded equal employment opportunities without discrimination. Such action shall be taken with reference to, but not limited to, recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, lay-off or termination, rates of pay or other form of compensation, and selection for training or retraining, including apprenticeship and on-the-job training.
2. If the contractor is directed by the Owner or State Agency, contractor shall request each employment agency, labor union and authorized representation of workers with which it has a collective bargaining or other agreement or understanding, to furnish it with a written statement that such employment agency, labor union or representative shall not discriminate because of race, creed, color, national origin, ancestry, sex, age, disability or marital status and that such union or representatives shall affirmatively cooperate in the implementation of contractor's obligation hereunder.
3. Contractor shall state in all solicitations or advertisements for employees placed by or on behalf of the contractor that all qualified applicants shall be afforded equal opportunity without discrimination because of race, creed, color, national origin, ancestry, sex, age, disability or marital status.
4. Contractor shall comply with the provisions of the Civil Rights Law of the State, as outlined in Article 15A and Section 291-299 of the Executive Law of the State. Chapter 198, Laws of New York State, Executive Order was 11246, 11375, 11114, 11925 and Chapter I, of Title 40CFR part 8; shall furnish all information and reports deemed necessary by the Owner and New York State Agency; and shall permit access to its books, records, and accounts by the Owner and New York State Agency; and shall permit access to its books, records, and accounts by the Owner and New York State Agency having jurisdiction on this project for the purpose of monitoring compliance with these nondiscrimination clauses, Civil Rights Law and such sections of the Executive Law.
5. Contractor shall take such action in enforcing the foregoing provisions as the Owner and/or State Agency may direct, including sanctions and remedies for non-compliance. If

contractor becomes involved in or is threatened with litigation with any party as a result of such direction, contractor shall promptly notify the Owner and New York State Agency which has jurisdiction of such fact and, thereafter, such parties may interface in such action.

I-3.04 Contractor Obligations

This project may be funded through the NYSDEC Clean Water/Clean Air Bond Act (or other sources); USEPA State, Tribal and Government (STAG) grant; and/or U.S. Army Corps of Engineers. Further, the County will arrange financing through the NYSEFC State Revolving Loan Fund. As such, all prime contractors shall be responsible for compliance with all applicable Onondaga County, New York State and Federal government requirements regarding utilization of minority and women business enterprises and equal employment opportunities. Refer to the Special Project Conditions for identification of specific funding agencies, and Section I-6.04 for Federal requirements and contract provisions as may be able to this project.

Contractors are herein advised that if you are the prime contractor and are either a Minority Business Enterprise (MBE) or a Women Business Enterprise (WBE), you are still required to comply with the above-stated MBE and WBE goals through the use of subcontractors.

Contractors are herein advised that they are solely responsible for compliance with the Minority and Women Workforce Goals. In the event that a local Union either fails, or is unable, to refer qualified minority and female applicants in percentages equaling Project affirmative action goals as set forth herein, the Contractor may employ qualified minority or female applicants from any other available source. The Contractor shall fully document all attempts to satisfy the workforce labor goals.