**CAPACITY BUILDING TRAINING PROGRAM COMMITMENT FORM**

NYCEDC provides specialized capacity building training programs to support the ongoing growth of M/W/DBE businesses. These trainings provide one-on-one technical assistance and/or exclusive opportunities for a business to work on selected projects (either directly for NYCEDC or through NYCEDC contracts as subcontractors). The businesses who complete the necessary training are placed on a prequalified list for one or more eligible trades. Applicants for the prequalified list (“PQL”) are thoroughly vetted by NYCEDC.

Eligible Trades include:

|  |  |
| --- | --- |
| **Professional Services**   * Construction Estimating & Budgeting * Compliance Consulting * Inspections & Special Inspections * MEP, Civil, Structural, Crane Engineering & related fields * Marine & Maritime Logistics * Naval Architecture * Safety Consultants & Trainers * Surveying (Bathymetric, Geophysical, Environmental & related fields) * Testing (Environmental, Geotechnical & related fields) | **Construction Services**   * Carpentry * Concrete, Foundations & Excavations * Electrical * Fencing, Sitework & Site Improvements * General Construction * Heavy Civil Construction * HVAC * Landscaping * Masonry & Brickwork * Marine Construction (Piling, Diving Services, Tugging, Barge Services) * Mechanical Fabrication * Miscellaneous Metals, Metal Fabrication, Ironwork * Plumbing * Roofing & Waterproofing * Trucking & Logistics * Underground Utilities |

**NYCEDC manages two capacity building programs:**

***CONSTRUCTNYC***

This program was launched in 2016 and is designed to be a resource of and for general contractors, plumbers, electricians, and other building construction trades that want to work on on-land construction and green/decarbonization construction projects.

**OFFSHORE WIND NEW YORK WATERFRONT PATHWAYS**

This program launched in 2023 and is designed as a resource of and for construction and professional services looking to gain opportunities in waterfront construction, including offshore wind waterfront redevelopment projects.

**HOW DOES A CONTRACTOR MAKE IT ONTO NYCEDC’S PQL?**

**Step 1: The contractor submits its information to NYCEDC via an online eligibility form. The criteria for eligibility to join the PQL includes:**

* Demonstration of sound financial standing as well as ability to perform work,
* Operational status of business for at least two years, and
* MBE, WBE or MWBE certification with NYC Department of Small Business Services (SBS) or Empire State Development Corp (ESDC) or DBE certification with the U.S. Department of Transportation.

**Step 2: NYCEDC thoroughly vets the contractor and the information submitted. Contractors deemed initially eligible are invited to submit a full program applicable. NYCEDC will review the full application and:**

1. Conducts reference checks to verify reported experience.
2. Reviews Safety Record, Financial Capacity, and Integrity Records.
3. Conducts a technical interview with a panel inclusive of representatives from the Asset Management and Capital Program Departments.
4. Identifies any areas of assistance to be addressed with training.
5. Determines any risk mitigation measures that should be put in force when the contractor is awarded work.

**Step 3: Eligible contractors who meet the necessary qualifications become eligible to be placed on a PQL. Each project is reviewed individually, and only qualified contractors are placed on the PQL for each project.**

**HOW DOES NYCEDC DETERMINE WHETHER A CONTRACTOR IS QUALIFIED FOR A PARTICULAR PROJECT?**

NYCEDC assesses project scopes to determine whether there is opportunity to utilize the PQL(s). If NYCEDC determines that a project is appropriate for the use of the PQL(s), it will provide a list of suitable PQL contractors to the respondent.

*NYCEDC recommendation of PQL contractors are relative to the following criteria:*

1. **Contractor is prequalified for the appropriate trade** (based on NYCEDC’s thorough vetting in Steps 1 and 2).
2. **Contractor’s Project Experience**: Bid estimate is not more than 150%-200% of contractor’s largest contract for that trade. [[1]](#footnote-1)
3. **Contractor’s Financial Capacity**: Assessment of the contractor’s financial capacity to take on project.
4. **Contractor’s Backlog**: Contractor has less than two NYCEDC projects in process at time of bid. [[2]](#footnote-2)
5. **Contractor’s Interest**: Contractor has demonstrated desire to bid on project work & has the capacity to submit a bid in the given timeframe.

**It is expected that the respondent invite recommended PQL contractors to bid on the designated contracting opportunities.**

**Step 4: Where a contractor is deemed ineligible for a PQL, NYCEDC provides training to support certain contractors to reach the proficient knowledge required to be placed on a PQL.**

* *During the vetting process, NYCEDC rejects applicants with critical weaknesses beyond the scope or depth of program training offered. Contractors will only be added to the PQL(s) after they demonstrate proficient knowledge.*
* *Trainings leverage small-to-mid-size M/W/DBE experts, industry resources, educational courses, and information on NYCEDC projects to help improve access and awareness about the city’s contracting opportunities relative to on-land, green construction, waterfront construction and offshore wind projects.*
* *Applicants with a weakness in a critical training topic will be required to successfully complete specific module(s) designed to address that deficiency. In such instances, applicants will not be accepted to PQL(s) until successful completion of required modules occurs.*

**WHAT TRAINING & RESOURCES ARE PROVIDED BY NYCEDC?**

* ***Required Training***

Both *ConstructNYC* and *Offshore Wind New York Waterfront* *Pathways* require multi-week, intensive trainings that focus on key areas including but not limited to safety, contract management, legal contract administration, project management, quality assurance and quality control, records retention, and financial management strategies.

* ***Specialized Training***
  + *ConstructNYC*:Participants can opt into ‘Green Training’ to learn basic principles of green building, methods of building decarbonization as it relates to retrofitting and be connected to green construction bidding opportunities.
  + *Offshore Wind New York Waterfront Pathways*: Participants are trained in subjects related to technical administration for offshore wind and waterfront-adjacent firms, union workforce development and PLA administration.
* ***Additional Resources***
  + *Technical Assistance:*Consultant(s) retained to administer training for NYCEDC’s capacity building programs are tasked with providing technical assistance to each PQL contractor. Technical assistance is not limited to NYCEDC projects and is available to PQL contractors at the request of the PQL contractor, NYCEDC or the respondent.
  + *Access to Mobilization Capital:* PQL contractors have direct access to loans from the Contract Financing Loan Fund offered by NYC SBS. Loans of up to $1,000,000 are available through BOC Capital and Trufund.
  + *Payment Tracking:*NYCEDC is implementing various measures to ensure payments to PQL contractors are received in a timely manner. Invoice tracking is available; respondent should reach out to NYCEDC if they need any payments expedited.

**WHAT ARE MY RESPONSIBILITIES AS A RESPONDENT?**

Respondents awarded NYCEDC contracts play a major role in ensuring the success of NYCEDC’s capacity building programs. NYCEDC requires that respondents provide certain information with their proposals to determine the extent to which a particular respondent will be a good steward of these programs. Respondents are encouraged to work with NYCEDC’s capacity building programs teams and PQLs.

**RESPONSES WITHOUT AN M/W/DBE CAPACITY BUILDING PROGRAM COMMITMENT WILL BE CONSIDERED INCOMPLETE/UNRESPONSIVE.**

NYCEDC will also consider respondent(s)’ recommendations and input for training needs, particularly around safety and injury and incident free workshops.

**IF A RESPONDENT IS RETAINED BY NYCEDC:**

* **Respondent must invite PQL contractors recommended by NYCEDC to bid on work for their projects.**
* **If respondent selects a contractor from the PQL(s), respondent must continue utilizing such contractor until such contractor’s contract work is completed.** Removal of PQL contractors from a project is subject to NYCEDC’s discretion.
* Respondent is permitted to reject PQL contractors from the bid list only through written objection. Respondent must provide a substantive objection for any PQL contractor with which the respondent takes issue.
  + Respondent may also object to specific candidates (and NYCEDC may consider removing that contractor from the bid list for that bid). If respondent objects to the use of a particular PQL contractor, respondent must provide information relative to the rejection [[3]](#footnote-3) to NYCEDC’s Opportunity M/W/DBE program.
* Respondent acknowledges that technical assistance is provided by the Capacity Program Consultant (a third-party training consultant hired by NYCEDC) and is available to all PQL contractors at their request, at the request of NYCEDC and respondent.
* **Respondent agrees to communicate with NYCEDC’s Opportunity M/W/DBE Team regarding procurements prior to their release.** Respondent will make good faith efforts to hire PQL contractors for project opportunities. Respondent will share scopes and package estimates throughout the duration of procurement in this contract.
  + Respondent acknowledges that meetings with Opportunity M/W/DBE are to the benefit of the respondent and their M/W/DBE attainment, meetings should not be at any cost to NYCEDC.
* **Respondent will attend Capacity Building Program events as requested by NYCEDC.** 
  + Respondent acknowledges that attendance at Capacity Building Program networking events is not considered solely or wholly ‘outreach’ as it pertains to good faith efforts.
* Respondent is encouraged to recommend new or additional M/W/DBE contractors to apply and be considered for the PQL(s).
* **Respondent is required to make any non-negotiable restrictions known upfront via the form on the next pages.**
* If respondent plans to solicit PQL contractors for work they are not prequalified for, respondent should reach out to NYCEDC before doing so.
* **Feedback Required.** Respondent will provide feedback and review for awarded PQL contractors.Respondent must submit *Review Form* for awarded PQL contractors at the completion period of their work*.* 
  + The Review Form is intended for the project team who work directly with the contractor on site and is used to inform points of technical assistance and improvement.
  + Training curriculumfeedback is also welcomed as respondent sees fit.

**DO RESPONDENTS HAVE ANY OTHER RESPONSIBILITIES?**

Respondent will provide the following services for awarded PQL contractors:

* Monthly, in-depth ‘pencil rec’ meetings,
* Help with site safety plans,
* Help with job hazard analysis/pre-task planning,
* Provide Superintendent/ Resident Engineer for all work performed by PQL contractor,
* Daily field reports

**Respondent must keep detailed records of time spent on all of the above activities.**

Respondent will also be required assist in tracking payments to PQL contractors.

Respondent may be required to issue two-party checks when that is employed as a risk mitigation measure for a particular contractor.

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Signature

**Risk Mitigation Measures Favored by respondent.** Respondent should list favored risk mitigation measures in *M/W/DBE* *Capacity Building Programs Commitment*.

* Emergency Modification Rate (EMR): Assuming all other information regarding a PQL contractor is favorable, is there an EMR threshold beyond which the respondent will not work with a contractor? If so, please specify the rate:

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* List the minimum EMR that should trigger implementation of risk mitigation measures of some sort:

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* Please describe the risk mitigation measures that should be put in place and the corresponding EMR that should trigger such measures.

|  |  |
| --- | --- |
| Trigger EMG | Risk Mitigation Measure |
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* Please list any other important safety requirements.

Maximum Awardable Project Size (MAPS)

When considering the capacity of a PQL contractor, NYCEDC will evaluate both their project size experience and financial capacity as well as the expected duration of the project at hand. Evaluation of these two factors will determine Maximum Awardable Project Size.

* Assuming the financial capacity is sufficient, NYCEDC allows contractors to bid on work up to 150% or 200% (depending on project timeline) of their largest project of similar nature. Please indicate what you determine to be an appropriate upper limit. If the limit is below 200%, please explain.
* Please describe your guidelines for determining the relationship between a contractor’s key financial metrics and project size at which they are deemed competitive. Please identify each key financial metric that should be considered in this assessment.

1. To be adjusted based on feedback from proposals. [↑](#footnote-ref-1)
2. Under special circumstances there may be exceptions to this rule. [↑](#footnote-ref-2)
3. Objections must be submitted in writing and substantiated with all relevant documentation. When an objected is issued by respondent, it must be supported by sound logic, reflect a best faith effort to accomplish the goal of giving opportunities to M/W/DBE contractors, and should be issued only as a last resort. Written objections should also indicate the risk mitigation measures that were considered and why they would be insufficient. [↑](#footnote-ref-3)