



Brooklyn Navy Yard  
Development Corporation  
BrooklynNavyYard.org

141 Flushing Ave  
Building 77, Unit 801  
Brooklyn, NY 11205

## **ADDENDUM TO RFP NUMBER 1**

Issued July 12, 2024

**FOR REQUEST FOR PROPOSALS:** Services Pertaining to Compliance with Local Laws 84, 87 & 97; Climate Action Plan for the Brooklyn Navy Yard

The following clarifications, changes, additions, or deletions are incorporated into the Request for Proposals (“RFP”) as if a part of the original released RFP. All other terms and conditions of the RFP remain the same. This Addendum consists of 1 page.

### **CHANGES TO RFP**

#### **B. PERTINENT DATES**

1. **A mandatory pre-submission conference** will be held at **10:00 AM on July 29, 2024**, via Zoom. All prospective Respondents who plan to attend should contact BNYDC via email (climateactionrfp@bnydc.org) to provide names of attendees and email addresses so that attendees can receive details for attending the meeting. Attendance at this pre-submission conference is required to submit a proposal in response to this RFP.
2. All questions are due no later than **5:00 PM on August 8, 2024**.
3. BNYDC anticipates that it will send responses to questions by **August 21, 2024**.
4. All Proposals are due no later than **12:00 PM on September 3, 2024**.
5. BNYDC anticipates conducting interviews on or about **September 9, 2024\***.
6. BNYDC anticipates awarding a Contract on or about **October 4, 2024\***.
7. The successful Respondent will be required to work with BNYDC to finalize the Scope of Work and submit that Scope of Work to NYSEDA consistent with FlexTech program requirements, as well as any other information requested by NYSEDA, no later than 14 calendar days after BNYDC’s contract award.
8. The consultant will be required to commence work no later than 14 calendar days after NYSEDA awards a FlexTech contract and a purchase order to the Respondent.

\* Please note the dates above are estimates and are subject to change.

### **ATTACHMENTS**

None.



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## REQUEST FOR PROPOSALS

### Services Pertaining to Compliance with Local Laws 84, 87 & 97; Climate Action Plan for the Brooklyn Navy Yard

**Project Site: Brooklyn Navy Yard, Brooklyn, NY 11205**

**Release Date:** June 27, 2024  
**Submission Deadline:** August 20, 2024

#### **Contact Information:**

Sebastian Andersson  
Project Manager, Development  
[climateactionrfp@bnydc.org](mailto:climateactionrfp@bnydc.org)

#### **A. EXECUTIVE SUMMARY**

1. The Brooklyn Navy Yard Development Corporation (“BNYDC”) is seeking to engage a qualified firm to enter into an agreement to provide services pertaining to applicable compliance with New York City Local Laws 84, 87 and 97 (“LL 84, LL 87, & LL 97”), as well as the production of a Climate Action Plan (“the Climate Action Plan”) for the Brooklyn Navy Yard (“the Yard”). BNYDC is issuing this Request for Proposals (“RFP”) to seek proposals from entities (“Respondents”) interested in performing these services, which are further detailed in this RFP.
2. The detailed Scope of Services can be found herein in [Exhibit C](#).
3. Locally Based Enterprises (“LBEs”) and Minority- and Women-owned Businesses (“MWBEs”) are encouraged to respond to this RFP. Respondents are also encouraged, to the extent they plan to engage subconsultants, to include LBEs and MWBEs as subconsultants. Each Respondent must identify in its proposal whether it or, if applicable, any of its proposed subconsultants are LBEs or MWBEs.
4. To be eligible to submit a proposal under this RFP, a Respondent must be a NYSERDA FlexTech Consultant (“FlexTech Consultant”) and previously have successfully participated in the FlexTech Program. Respondents shall further have previous experience in Local Law 84, 87, and 97 compliance work, as well as in providing climate action and/or decarbonization strategies for large-scale campus entities or similar large property owners (having at least 2 million gross square feet at the same location).
5. All undefined capitalized terms set forth in this RFP shall have the same definitions as set forth in Appendix A to Part III of the Draft Consultant Contract (the “Contract Draft”) attached to this RFP as [Exhibit E](#).
6. This RFP contains the following:
  - a) Executive Summary



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- b) Pertinent Dates
- c) BNYDC Background
- d) Scope of Services
- e) Proposal Submission Requirements
- f) Proposal Administration
- g) Selection Process
- h) Miscellaneous Conditions
- i) Exhibits
  - i. Exhibit A – Declaration of Understanding
  - ii. Exhibit B – Confirmation of PASSPort Compliance
  - iii. Exhibit C – Scope of Services
  - iv. Exhibit D – Local Law 34 Doing Business Data Form
  - v. Exhibit E – Draft Form of Contract
  - vi. Exhibit F – Staffing Plan
  - vii. Exhibit G – Fee Proposal Form
  - viii. Exhibit H – BNYDC Buildings List
  - ix. Exhibit I – BNY Map
  - x. Exhibit J – Local Law 84 of 2009
  - xi. Exhibit K – Local Law 87 of 2009
  - xii. Exhibit L – NYC Department of Buildings Rule 103-07
  - xiii. Exhibit M – Local Law 97 of 2019

Drawings, draft Form of Contract and relevant project documentation are available electronically [here](#).

## **B. PERTINENT DATES**

1. **A mandatory pre-submission conference** will be held at **10:00 AM on July 15, 2024**, via Zoom. All prospective Respondents who plan to attend should contact BNYDC via email ([climateactionrfp@bnydc.org](mailto:climateactionrfp@bnydc.org)) to provide names of attendees and email addresses so that attendees can receive details for attending the meeting. Attendance at this pre-submission conference is required to submit a proposal in response to this RFP.
2. All questions are due no later than **5:00 PM on July 25, 2024**.
3. BNYDC anticipates that it will send responses to questions by **August 7, 2024**.
4. All Proposals are due no later than **12:00 PM on August 20, 2024**.
5. BNYDC anticipates conducting interviews on or about **August 26, 2024\***.
6. BNYDC anticipates awarding a Contract on or about **September 20, 2024\***.
7. The successful Respondent will be required to work with BNYDC to finalize the Scope of Work and submit that Scope of Work to NYSERDA consistent with FlexTech program requirements, as well as any other information requested by NYSERDA, no later than 14 calendar days after BNYDC's contract award.
8. The consultant will be required to commence work no later than 14 calendar days after NYSERDA awards a FlexTech contract and a purchase order to the Respondent.



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\* Please note the dates above are estimates and are subject to change.

### C. BNYDC BACKGROUND

BNYDC is a not-for-profit corporation that serves as the real estate developer and property manager of the Brooklyn Navy Yard on behalf of its owner, the City of New York (the “City”). The 300-acre industrial park on the Brooklyn waterfront is home to over 550 businesses employing more than 11,000 people and generating over \$2.5 billion per year in economic impact for the City of New York. BNYDC’s mission is to fuel New York City’s economic vitality by creating and preserving quality jobs, growing the City’s modern industrial sector and its businesses, and connecting the local community with the economic opportunity and resources of the Yard. Further information can be found at [www.brooklynnavyyard.org](http://www.brooklynnavyyard.org).

### D. SCOPE OF SERVICES

Refer to [Exhibit C](#) for the detailed Scope of Services.

### E. PROPOSAL SUBMISSION REQUIREMENTS

Each Respondent must submit its Proposal no later than the Proposal Deadline in accordance with the submission procedure set forth in this RFP. Each submission must consist of the following:

#### 1. Technical Proposal/Statement of Qualifications:

- a. The Technical Proposal/Statement of Qualifications shall be submitted as a digital copy and shall include the information outlined in Subsection B below. The Technical Proposal/Statement of Qualifications shall not include any fee or other consultant costs.
- b. Each Technical Proposal shall contain the following information:
  - i. **Cover Letter (maximum 1 page):** Submit a letter summarizing the Respondent’s understanding of the Scope of Services, including the firm’s full name and address as well as the name, address and telephone number of the person authorized to represent the Respondent in all aspects of contract negotiations.
  - ii. **Previous Experience/Qualifications:** Provide the following:
    1. Firm’s brochure along with a summary of the firm’s history, location of firm’s headquarters and the office that will administer the work (maximum 2 pages).



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2. Examples of projects of similar size and scope, relating both to Phase 1 and Phase 2 Services as listed in Exhibit C, that meet the eligibility requirements described in Section A.4 above. For each project, explain the specific services performed, provide a client reference with a phone number and email address, and list names of the firm's staff assigned to the project (maximum 2 pages per project). Projects where compliance work (such as for the Local Laws concerned under this RFP) led to a climate action and/or decarbonization plan or strategy should be highlighted. The Respondent's experience is expected to demonstrate that the Respondent is competent both in all aspects of compliance with Local Laws 84, 87, and 97, as well as in comprehensive, campus-sized climate action strategies.
  3. Organizational chart for the firm and each sub-consultant indicating project staff members and their level of responsibility as well as their skill classification/function on the project (maximum 1 page).
  4. Resumes for key project staff illustrating relevant experience (maximum 2 pages per resume).
- iii. **Proposed Project Approach (maximum 3 pages):** Submit a brief narrative explaining the Respondent's proposed approach to the Project, including the following:
1. Detailed description of the Respondent's approach to complete the Scope of Services, including approach, methodologies and division of work;
  2. Proposed schedule for completing the Scope of Services, including critical path items, key milestones, and submission dates (per task);
  3. List of subcontractors, if any, including whether the Respondent and each subcontractor is LBE or M/WBE.
    - a. Please note that BNYDC requires that any successful Respondent utilizes subcontractors as stated in its Proposal.
    - b. **Staffing Plan:** See [Exhibit F](#).
- iv. **Declaration of Understanding:** See [Exhibit A](#).
- v. **Confirmation of PASSport Compliance:** See [Exhibit B](#).



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- vi. **Local Law 34 Doing Business Data Form:** See Exhibit D.
- vii. Acknowledged receipt of any Addendum to this RFP by attaching a signed copy of the Addendum to Respondent's Proposal.
- viii. If a Respondent desires any material or substantive change(s) to the form of Contract (attached as Exhibit E hereto), Respondent must include any such proposed change(s) in its response to this RFP.

2. Fee Proposal:

- a. Each Respondent shall provide a hard copy of the completed Fee Proposal Form (see Exhibit G), along with a spreadsheet backup showing the names and titles of proposed personnel detailed in the Staffing Plan. This spreadsheet shall contain the proposed hours for this Project broken out by Project Phase, as well as the proposed hours and hourly rates for each staff member to match the Fee Proposal Form.
- b. The spreadsheet, clearly showing the proposed staffing costs along with total expenses, shall be submitted in the separate, sealed envelope with the Fee Proposal Form.

## F. PROPOSAL ADMINISTRATION

1. Pre-Submission Conference:

A **mandatory pre-submission conference** will be held at **10:00 AM on July 15, 2024**, via Zoom. All prospective Respondents should contact BNYDC via email ([climateactionrfp@bnydc.org](mailto:climateactionrfp@bnydc.org)) to provide names of attendees and email addresses so that attendees can receive details for attending the meeting.

**Attendance at the mandatory pre-submission conference is a condition precedent to BNYDC acceptance of a Proposal. Therefore, if you have not attended the mandatory pre-submission conference, do not submit a Proposal.**

2. Inquiries:

Any questions or explanation desired by the Respondents regarding the meaning or interpretation of this RFP must be emailed and received by BNYDC **no later than 5:00 PM on July 25, 2024**. BNYDC will evaluate the need to respond to inquiries. No verbal responses



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will be provided, and any information given to a prospective Respondent will be furnished to all prospective Respondents as an addendum to the RFP (an “Addendum”). All questions must be directed in writing via email to:

Sebastian Andersson  
Project Manager, Brooklyn Navy Yard Development Corporation  
E-mail: [climateactionrfp@bnydc.org](mailto:climateactionrfp@bnydc.org)

3. Submission Deadline:

On the submission date, Respondents shall email a digital copy of the Technical Proposal and deliver a hard copy of the Fee Proposal.

- i. The Technical Proposal shall be submitted via email as one PDF file, including any attachments, exhibits, or appendices. Technical proposals shall be submitted to: [climateactionrfp@bnydc.org](mailto:climateactionrfp@bnydc.org)
- ii. Respondents shall deliver one (1) hard copy of the Fee Proposal to the address below:

Sebastian Andersson  
Brooklyn Navy Yard Development Corporation  
141 Flushing Avenue, Suite 801  
Brooklyn, NY 11205

Respondents must label the envelope containing the Fee Proposal as “*RFP for Services Pertaining to Compliance with Local Laws 84, 87, & 97; Climate Action Plan for the Brooklyn Navy Yard*”

- iii. Both the Technical Proposal and Fee Proposal must be received on or before **12:00 PM on August 20, 2024**. Any Proposal received after the deadline will be considered for evaluation solely at the discretion of BNYDC.

4. Addenda:

Receipt of any addenda to this RFP must be acknowledged by attaching a signed copy of the addendum to the Technical Proposal. Any addenda shall become part of the requirements of this RFP.

5. Interview



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Interviews may be held with any or all the Respondents after the receipt of proposals. Interviews with BNYDC, if applicable, will be scheduled after BNYDC's initial review of proposals, and are entirely at BNYDC's discretion.

## **G. SELECTION PROCESS**

### **1. Proposal Evaluation**

A BNYDC evaluation committee (the "Committee") will perform a two-part evaluation of all proposals submitted by Respondents (each a "Proposal"). First, the Committee will review, evaluate, and score each Respondent's Technical Proposal on its technical merits in accordance with established qualitative and quantitative criteria (see criteria below and Section F, Proposal Requirements). This evaluation and scoring will determine the Respondent's technical rating ("Technical Score").

Technical Proposals will be evaluated based on the following criteria:

- a) Team's experience with projects of similar size and scope (including subcontractors), especially qualifications and relevant experience of Key Personnel;
- b) Proposal's alignment with, and inclusion of all elements of, scope of work;
- c) Proposed approach to completing the scope of work;
- d) Respondent's experience contracting or doing business with the City of New York and/or BNYDC;
- e) MWBE and LBE participation;
- f) References from clients on completed projects of similar scope and scale;
- g) Proposed schedule
- h) Respondent's experience contracting and doing business with NYSERDA via their FlexTech program

After all Respondent(s) have received a Technical Score from all Committee members, the Fee Proposals will be opened. Respondent(s) determined by BNYDC to have the best combination of Technical Score and Fee Proposal for the Scope of Services (or designated portion thereof) will be selected.

### **2. Selection of Firm**

Upon selection, the successful Respondent must execute a Contract for the Work substantially in the form attached hereto as Exhibit E (the "Contract"). If a Respondent desires any material or substantive change(s) to the Contract, then the Respondent must include any such proposed change(s) in its Technical Proposal in response to this RFP. The contents of the selected Proposal, together with this RFP and any formal questions and





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answers provided during the Proposal process, may be incorporated into any final Contract at BNYDC's discretion.

Upon selection, the successful Respondent must, in tandem with BNYDC, create and submit a Scope of Work ("Scope of Work") detailing the planned work under this RFP to NYSERDA's FlexTech Program for approval by the applicable NYSERDA FlexTech program manager reviewing the submission. The Respondent shall also submit to NYSERDA any additional materials that NYSERDA may request. The Scope of Work shall outline services pertaining to compliance with New York City's Local Laws 84, 87 and 97, as well as the production of a Climate Action Plan ("the Climate Action Plan") for the Brooklyn Navy Yard and maximize the reimbursable total allowable by the program up to the FlexTech program cap. Upon approval of the Scope of Work by the NYSERDA FlexTech program manager with authority, the successful Respondent will sign a contract with NYSERDA to participate in the FlexTech Program on behalf of the BNYDC. Finally, NYSERDA shall issue a purchase order to the Respondent. The Respondent will begin work once NYSERDA awards a contract and issues a purchase order.

## H. MISCELLANEOUS CONDITIONS

1. Non-binding Acceptance of Qualifications: This RFP does not commit BNYDC to award a contract for any services.
2. Incurring Costs: BNYDC is not liable for any costs incurred in the preparation of a response to this RFP.
3. Modifications: Respondents may be asked to make such revisions, additions or deletions to their proposals as may be required by BNYDC.
4. Reserved Rights: All proposal material submitted becomes the property of BNYDC and BNYDC reserves the right at its sole discretion to:
  - a. Issue a separate RFP for BNYDC design service projects at any time, even if such service projects may be within the scope of this RFP;
  - b. Reject any and all Proposals received in response to this RFP at any time prior to signing of the Contract;
  - c. Award a contract to other than the lowest fee Respondent;
  - d. Waive, modify or correct any irregularities in Proposals received, after notification to the Respondent;
  - e. Change the structure of the proposed fee, if such is in the interest of BNYDC;
  - f. Negotiate the final scope, staff participation, and fee before entering into contract with successful Respondent;



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- g. Revise the fee (and/or scope, accordingly) as BNYDC may require subsequent to receipt of competitively priced proposals;
- h. Extend the time for submission of all Proposals after notification to all prospective Respondents;
- i. Terminate negotiations with a selected Respondent and select the next most responsive Respondent, or take such other action as deemed appropriate if negotiations fail to result in a signed Contract within a reasonable amount of time from the commencement of negotiations;
- j. Terminate or modify the RFP process at any time and reissue the RFP;
- k. Approve or reject any sub-consultants or sub-contractors proposed by the Respondent; and
- l. Request a change of any sub-consultant or sub-contractor at any time in the contract process.

5. Contractual Requirements:

- a. Any Respondent awarded a contract as a result of this RFP process will be required to sign a Contract with BNYDC, substantially in the form as attached hereto as Exhibit E.
- b. In addition to the BNYDC contract listed above and attached as Exhibit E, any Respondent awarded a contract as a result of this RFP process will be required to sign a Contract with NYSERDA for partial payment of the services rendered as part of this RFP
- c. Any information which may have been released verbally or in writing prior to the issuance of the RFP shall be deemed preliminary in nature and bind neither BNYDC nor the Respondent.
- d. Any Respondent awarded a contract as a result of this RFP will be required to obtain clearance through the City's Procurement and Sourcing Solutions Portal ("PASSPort"). PASSPort moves the VENDEX process online, eliminating paper submissions. Since PASSPort clearance is a pre-requisite to BNYDC's award of a contract, **Respondents are required to be registered and up to date in PASSPort prior to submitting their response to this RFP and to include their PASSPort identification number with submission of their Proposal as attached hereto as Exhibit B**. Non-compliance with these submission requirements shall result in the disqualification of the proposal and/or the cancellation of any contract after its award.
- e. Notice to Vendors: Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to



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establish the required database, vendors responding to this solicitation are required to complete the Doing Business Data Form attached as Exhibit D hereto and return it with this proposal. (If the responding vendor is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form.) If the City determines that a vendor has failed to submit a Data Form or has submitted a Data Form that is not complete, the vendor will be notified by the agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the agency. Failure to do so will result in a determination that the proposal is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the vendor has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

**BNYDC appreciates your interest in this RFP and looks forward to receiving your Proposal.**





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**Exhibit B**  
**CONFIRMATION OF PASSPORT COMPLIANCE**

CONFIRMATION OF PASSPORT COMPLIANCE

The Proposer shall submit this Confirmation of PASSPort Compliance

Name of Proposer: \_\_\_\_\_ Proposer’s Address: \_\_\_\_\_ Proposer’s Telephone  
Number: \_\_\_\_\_ Proposer’s Fax Number: \_\_\_\_\_ Date of Proposal Submission: \_\_\_\_\_  
Project ID: \_\_\_\_\_

PASSPORT Compliance: To demonstrate compliance with PASSPort requirements, the Proposer shall complete either Section (1) or Section (2) below, whichever applies.

- (1) Submission of Questionnaires to MOCS: By signing in the space provided below, the Proposer certifies that as of the date specified below, the Proposer has submitted PASSPort Questionnaires to the PASSPort website thru the link below: <https://www.nyc.gov/site/mocs/passport/about-passport.page>.

Date of Submission: \_\_\_\_\_

By: \_\_\_\_\_

(Signature of Partner or corporate officer)

Print Name: \_\_\_\_\_

- (2) Submission of Certification of No Change to BNYDC: By signing in the space provided below, the Proposer certifies that they have read the instructions on the Passport website.

By: \_\_\_\_\_

(Signature of Partner or corporate officer)

Print Name: \_\_\_\_\_



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(SEE ATTACHED FORM)



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## **Exhibit C**

### **SCOPE OF SERVICES**

The Brooklyn Navy Yard Development Corporation is seeking to engage an appropriately qualified firm to enter into an agreement to provide services pertaining to applicable compliance by BNYDC with New York City Local Laws 84, 87, and 97. BNYDC is also looking for this same firm to produce a Climate Action Plan (“the Climate Action Plan”) for the Brooklyn Navy Yard. These two tasks are broken into two Phases, as per the below. BNYDC is seeking one firm to provide all deliverables in both Phases.

### **Background**

Since its deactivation as a military installation and purchase by the City of New York in 1966, the Brooklyn Navy Yard has been reimagined and redeveloped as a modern industrial park. Today the Yard boasts over 6.5 million square feet of industrial and commercial space with over 550 businesses and 11,000 people working on site.

### **Project Stakeholders**

The stakeholders critical to the successful implementation of this project are as follows:

- 1) Brooklyn Navy Yard Development Corporation (BNYDC): BNYDC is a not-for-profit corporation and serves as the real estate developer and property manager of the Yard on behalf of the City. BNYDC leases the Yard from the City via a Master Lease and manages it on behalf of the City via a Master Contract. Frequent coordination with BNYDC and the Successful Respondent will be required for the successful implementation of this Project.
- 2) Tenants: BNYDC holds the leases for over 550 tenant entities within the Navy Yard. These businesses employ over 11,000 people and are served by the utilities owned and/or maintained by BNYDC. Please be mindful that coordination with tenants that may be affected by the Work will be required throughout this Project.
- 3) New York City Department of Buildings (DOB): The primary authority having relevant jurisdiction related to this Contract.



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## **Scope of Services**

### ***Phase 1: Services Pertaining to Compliance with NYC Local Laws 84, 87 & 97***

BNYDC expects Work under this Phase to be completed by **4/30/2025**. This is based on an assumption of approximately four months for NYSERDA to award a contract and issue a purchase order, both of which shall occur after BNYDC award of contract (described in detail above).

#### **Task 1: Local Law 84**

The Successful Respondent will benchmark energy and water consumption of all buildings indicated in Exhibit H (collectively, “the Buildings”), and report these to the *Energy Star Portfolio Manager* portal (“Portfolio Manager”).

This work should be conducted in accordance with the requirements set forth in Local Law 84 of 2009 (Exhibit J), including any amendments or updates to said Local Law or any portions of the charter, code, and/or rules of the City of New York contained in said Local Law (said amendments and updates are hereinafter referred to as “LL 84 Updates”).

Individuals performing benchmarking and reporting must be qualified to perform services in the manner described in §28-309.4 and §28-309.5 of Exhibit J (LL 84).

#### **Scope of Services**

1. Assist BNYDC to set up an Energy Star Portfolio Manager (ESPM or Portfolio Manager) account.
2. Calculate the gross square footage of the Buildings and input the characteristics into Portfolio Manager account.
3. Assist BNYDC with benchmarking energy and water consumption:
  - 3.1. Gather and analyze energy and water consumption data for all applicable buildings.
  - 3.2. Ensure accurate and timely submission of benchmarking reports to the DOB to comply with LL 84 Section § 28-309.4 and § 28-309.5.
4. Conduct compliance reporting in the manner specified in LL 84 and any LL 84 updates:
  - 4.1. Prepare and submit LL 84 compliance reports to the DOB in compliance with LL 84 and its updates.
  - 4.2. Address any inquiries or requests for additional information from regulatory authorities in accordance with LL 84 Section § 28-309.5 (i.e. DOB.)
5. Document and keep records according to standards set forth in LL 84:
  - 5.1. Maintain and organize all required records of energy and water usage, benchmarking data, and compliance reports as in the manner detailed in LL 84.
  - 5.2. Provide documentation to support reported energy consumption figures as required by LL 84.
6. In the event capital investment is needed to comply with LL 84, Successful Respondent shall:
  - 6.1. Provide cost estimates for any such capital investment;





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6.2. Identify incentives and subsidies to offset the project cost of any such capital investments.

### **Task 2: Local Law 87**

The Successful Respondent shall prepare Energy Efficiency Reports (“EERs”) consisting of energy audits (“EAs”) and retrocommissioning (“RCx”) for all Buildings.

The above shall be carried out in accordance with the requirements set forth in Local Law 87 of 2009 (Exhibit K), including any amendments or updates to said Local Law or any portions of the charter, code, and/or rules of the City of New York contained in said Local Law (said amendments and updates are hereinafter referred to as “LL 87 Updates”), the NYC Department of Buildings Rule 103-07 (Attachment L) including all amendments or updates.

Individuals performing EERs must be qualified to perform energy audits and retro-commissioning per Section (c) (1), Energy auditor qualifications, and Section (c) (2), Retro-commissioning agent qualifications, of Exhibit L.

### **Scope of Services**

#### *Energy Audit*

As per Exhibit K, the energy audit shall be “performed by or under the supervision of an energy auditor and shall be performed in accordance with rules promulgated by the DOB” and any other applicable agencies. The energy audit shall cover base building systems (“the Building Systems”). These are defined as the systems or subsystems of a building that use energy and/or impact energy consumption, and include:

1. The building envelope
2. The HVAC (heating ventilating and air conditioning) systems
3. Conveying systems
4. Domestic hot water systems
5. Electrical and lighting systems

The energy audit shall at a minimum identify:

1. All reasonable measures, including capital improvements, that would, if implemented, reduce energy use and/or the cost of operating the Buildings;
  - a. This should include, but is not limited to:
    - i. A detailed lighting inventory and analysis of lighting replacements throughout the Buildings.
    - ii. Documentation of which spaces in the Buildings have and do not/should have electric submeters;



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2. For each measure, the associated annual energy savings, the cost to implement, and the simple payback, calculated by a method determined by the DOB and any other agencies having jurisdiction over the implementation of LL 87;
3. The building's benchmarking output consistent with the United States Environmental Protection Administration (EPA) Portfolio Manager tool or as otherwise established by the Department of Buildings and any other applicable agencies;
4. A breakdown of energy usage by Building System and predicted energy savings by system after implementation of the proposed measures; and
5. A general assessment of how major energy-consuming equipment and systems used within tenant spaces impact the energy consumption of the base building systems based on a representative sample of spaces.
6. A review of the mechanical and electrical system design, its installed condition, as well as O&M methods, problems, and logs.

The Successful Respondent shall prepare and certify a report of the EA in line with §28-308.2.1 of Exhibit K.

The Energy Audit shall be an ASHRAE Level II Energy Survey and Engineering Analysis.

#### Retrocommissioning

Retrocommissioning shall be performed on the base building systems of the Buildings under the supervision of a retro-commissioning agent in accordance with rules promulgated by the Department of Buildings and any other applicable agencies, and shall be carried out fulfilling all requirements as spelled out under §28-308.3 and all its subsections of Exhibit K.

The Successful Respondent shall prepare and certify a report per building of the RCx in line with §28-308.3.1 of Exhibit K. The Retrocommissioning report shall, as per §28-308.3.1, at a minimum contain:

1. Project and team information:
  - 1.1. Building address.
  - 1.2. Experience and certification of person performing retrocommissioning and any staff involved in the project.
  - 1.3. Name, affiliation, and contact information for persons performing retro-commissioning and members of the retro-commissioning team, owner of building, and facility manager of building.
2. Building information:
  - 2.1. List of all HVAC, domestic hot water, electrical equipment, lighting, and conveyance equipment types in the base building systems.
  - 2.2. Benchmarking output.
3. Testing protocol:



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- 3.1. List of all equipment types tested.
- 3.2. For each equipment type tested, a list of the sample rates (percent of each type of equipment tested), the testing methodology, including any diagnostic equipment used, and the test results.
- 3.3. List of integrated system testing performed.
4. Master list of findings, including for each, the name of the retrocommissioning measure and its assigned number, a brief description of the measure, recommended corrections, the benefits attained, estimated annual savings (energy and cost), the estimated implementation cost, and the simple payback.
5. Deficiencies corrected:
  - 5.1. List of repairs completed during investigation.
  - 5.2. List of deficiencies corrected, including, for each deficiency, the date corrected, by whom the correction was made, the actual cost, and projected savings.

The Successful Respondent shall, in addition to the above, provide cost estimates to implement each identified RCx measure, where applicable.

#### Energy Efficiency Report

The Successful Respondent shall also, as per §28-308.3.4 of Exhibit K and all its subsections, prepare and file an EER for all Buildings. For each building, this report shall as per §28-308.5 be comprised of an EA report and an RCx report.

#### **Task 3: Local Law 97 (Article 321 only)**

The Successful Respondent shall:

1. Identify what energy conservation measures listed under Article 321 of Local Law 97 of 2019 (Exhibit M), and its addenda, are covered by complying with Local Laws 84, 87, and 88.
2. List any remaining energy conservation measures of Article 321 not covered in compliance with Local Laws 84, 87, and 88, should BNYDC in the future voluntarily comply with said Article.
3. Provide cost estimates for compliance with the remainder of energy conservation measures under Article 321, for all Buildings.

#### Phase 2: Climate Action Plan

BNYDC expects Work under this Phase to be completed by **10/31/2025**.

The Successful Respondent shall, informed by and drawing on the deliverables and information gathered as part of Phase 1, research, draft, and deliver a comprehensive climate action (decarbonization) plan (“the Climate Action Plan”) for the Brooklyn Navy Yard. The Climate Action



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Plan shall comprehensively assess concrete avenues for, and set up goals for the Yard to, decarbonize its built assets, campus-wide systems, and operations, as described below, to a net-zero level by 2050.

### Phase 2: Background for Tasks 1-3

As noted above, the Brooklyn Navy Yard is an urban manufacturing hub spanning 300 acres, with over 550 tenants. BNYDC as a landlord heats buildings, cools buildings, provides electricity and gas, and runs a fleet of vehicles and a passenger shuttle (all of these drive Scope 1 & 2 emissions).

- Heating: The Brooklyn Navy Yard’s assets are heated by:
  - Steam supply from on-site Cogen plant in Building 41 (from natural gas and/or oil)
  - Dual-fuel boilers that service multiple buildings
  - Dual-fuel boilers that service individual buildings
  - Electrical heating
- Cooling: Two BNYDC buildings, totaling 1.1m SF, have building-wide chilled water cooling systems. Some tenant spaces and tenant buildings have dedicated cooling systems, and some are cooled with window A/C units or similar means. Some buildings and spaces are not cooled.
- Electricity: BNYDC receives electricity, and provides it to tenants, from two sources, each of which powers different buildings across the Yard:
  - Brooklyn Navy Yard Cogeneration Partners (“Cogen”) (from gas and/or oil)
  - ConEd
- Natural Gas: BNYDC and its tenants receive gas from National Grid.
- Fleet/Shuttle: In addition, BNYDC maintains and operates its own fleet of vehicles, primarily passenger cars and light trucks, as well as a bus shuttle service that connects tenants and visitors with the Yard via a third-party operator. The shuttle runs throughout the Yard and connects to multiple subway lines elsewhere in Brooklyn.

### Phase 2: Background for Task 4

In addition, BNYDC and its tenants engage in other relevant activities:

- Landlord Capital Work: BNYDC regularly undertakes capital work to maintain and upgrade its physical plant. This can include gut renovation of existing spaces, substantial replacement of building systems (e.g., fire alarm/sprinkler replacement, roof replacement, elevator upgrades), and reconstruction of elements of its waterfront (e.g., berths, bulkheads).
- Tenant Alterations: BNYDC tenants often upgrade or substantially renovate their spaces. If a tenant is contemplating work that requires pulling a permit, it must submit relevant



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documents (e.g., architectural or MEP drawings and plans) for BNYDC review and approval. Such documents and work must conform to BNYDC's Tenant Alteration Guidelines.

### Phase 2 Tasks

The Successful Respondent shall perform, at a minimum, the following Tasks under Phase 2:

1. Baseline Assessment:
  - a. Conduct a comprehensive emissions study that quantifies Scope 1 and 2 carbon emissions by BNYDC and its controlled assets and operations described in "Phase 2 Background: Tasks 1-3" above, in line with requirements pertaining to New York City Local Law 97 of 2019.
2. Carbon Reduction Measures:
  - a. Propose specific measures to decarbonize assets and operations considered in Task 1. In addition to relevant measures identified in Phase 1, these may also include, but should not be limited to:
    - i. Building systems and energy efficiency upgrades (i.e. HVAC, building envelope improvements, electric boilers, fuel cells, PV's, etc.)
    - ii. Renewable energy transition and generation
    - iii. Electrification and battery storage storage/peak load shaving/dual-charging
    - iv. Usage of energy management systems, building operating systems, and digital twins
    - v. Decarbonized transportation operations (e.g., electric bus shuttle, fleet vehicles, and associated charging infrastructure)
3. Strategy Development:
  - a. Set short- and long-term goals to implement and execute the Carbon Reduction Measures articulated in the previous Task 2, with the goal to reduce carbon emissions as defined in "Phase 2 Background: Tasks 1-3" to a net-zero level by 2050.
    - i. Short-term goals shall be set for every other year from 2025 through December 31, 2034.
    - ii. Long-term goals shall be set for 2040, 2045 and 2050.
  - b. These goals shall constitute a comprehensive phased approach to implementing the above Carbon Reduction Measures and shall be comprised of defined, specific tasks and timelines for implementation.
4. Standards for Landlord Capital Work and Tenant Alterations:
  - a. Provide standards for Landlord Capital Work to reduce embodied carbon/Scope 3 emissions and minimize future operational carbon emissions related to BNYDC capital projects.
  - b. Provide updates to the Tenant Alteration Guidelines to reduce embodied carbon/Scope 3 emissions and minimize future operational carbon emissions related to BNYDC tenant alterations.



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- c. Work under this Task shall be informed by the Whole Project Life Cycle Assessment (LCA) methodology.
5. Monitoring and Reporting:
  - a. Establish a framework for internal monitoring and recording progress towards established goals.
6. Report Writing
  - a. Write and design a comprehensive, publishable, report considering all the above, focusing on a clear action-based strategy.

### ***Phase 2: Alternate 1***

1. Cost Estimating
  - a. Provide cost estimates for all Carbon Reduction Measures identified under Task 2 above.
    - i. Cost estimates shall be adjusted in line with the timeline for implementation.

### **General Administrative Requirements**

- 1) **Quality Control Program**: The Successful Respondent shall have a written Quality Control Program in place as part of standard office practices. BNYDC may request to review the Quality Control Program at any time. The Quality Control Program shall apply to all areas of the scope of services, including the review of all drawings prior to submission to BNYDC.
- 2) **Meetings**: The Successful Respondent shall initiate and function as coordinator for all meetings required in the performance of the Services and shall provide necessary data and prepare appropriate presentations for these meetings. The Successful Respondent shall be available to meet with BNYDC and other agencies and/or organizations as required to effectively perform the Services. Unless otherwise agreed to, the Successful Respondent shall be responsible for preparing meeting agendas and presentations, recording minutes, distributing minutes within 5 business days and revising minutes based on comments received.
- 3) **Site Visits**: As part of carrying out the tasks and deliverables under this RFP, the Respondent is expected to coordinate and make site visits (including, but not limited to, common areas of buildings, BNYDC-controlled utility infrastructure, etc.) as needed together with relevant BNYDC departments. In addition, Respondent may, in coordination with BNYDC, conduct site visits to BNYDC tenant spaces.
- 4) **Resources & Information Sharing**: BNYDC will share all available resources pertaining to the scope of this RFP with the selected Respondent, including but not limited to, drawings



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related to BNYDC-managed renovations and new construction, base building systems, site utilities, and tenant alterations. BNYDC will also provide pertinent information regarding BNYDC-managed fleet and shuttle operations.

- 5) Additional Allowable Expenses: All anticipated expenses shall be included in the provided lump sum fee. The Successful Respondent is permitted to be reimbursed for printing, mailing, courier service or any other expenses approved in advance by BNYDC. An allowance for these expenses must be included in the fee proposal.
- 6) Staffing Plan: The Successful Respondent shall maintain a spreadsheet of all personnel assigned to the Project, including their name, title and role on the Project. This should be sent to BNYDC along with each invoice. For any changes to Key Personnel, a resume must be submitted to BNYDC.



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**Exhibit D**  
**LOCAL LAW 34 DOING BUSINESS DATA FORM**  
(see [here](#))





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**Exhibit E**  
**DRAFT FORM OF CONTRACT**  
(see [here](#))





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**Exhibit G  
FEE PROPOSAL FORM**

Complete and submit this form in a separate, sealed envelope in accordance with the requirements of the RFP. Fees for the Task shall be all-inclusive, including all expenses and subcontractor fees. In addition, please note that the fee for the Task is “not to exceed” maximum to be billed at the hourly rates listed in Exhibit F.

Task	Not-To-Exceed Fee
Phase 1	
Task 1: Local Law 84	\$
Task 2: Local Law 87	\$
Task 3: Local Law 97	\$
Phase 1: Total	\$
Phase 2	
Task 1-6: Climate Action Plan	\$
Alternate 1	\$
Phase 2: Total	\$
Voluntary Alternate(s)	\$
<b>TOTAL NOT-TO-EXCEED FEE (Phase 1 &amp; 2):</b>	\$
<b>TOTAL FEE INCLUDING ALTERNATES:</b>	\$

Submitted by:

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Authorized Signature, Name, Title

Date

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Firm Name

Federal Tax Identification Number

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Business Address



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Telephone Number

Email Address