



**NEW YORK**  
STATE OF  
OPPORTUNITY™

**Empire State  
Development**

## **ESD Mechanical/HVAC Maintenance Request for Proposals**

**PROPOSAL DUE DATE AND TIME: 12:00 PM EST on Friday, December 18<sup>th</sup>, 2015  
(Late proposals cannot be accepted)**

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## **I. INTRODUCTION**

The mission of Empire State Development is to promote a vigorous and growing state economy, encourage business investment and job creation, and support diverse, prosperous local economies across New York State through the efficient use of loans, grants, tax credits, real estate development, marketing and other forms of assistance.

## **II. OVERVIEW**

The New York State Urban Development Corporation, d/b/a Empire State Development (ESD) is soliciting mechanical/HVAC contractors to maintain and service recently installed (approximately one-year old) mechanical equipment at ESD's 633 Third Avenue, New York City offices, 33rd through 37th floors, plus roof.

Equipment includes:

- One (1) 20 ton Liebert main frame computer room air conditioner, associated pumps, valves and piping – monthly service
- One (1) roof mounted Liebert dual fan dry cooler, associated pumps, valves and piping – monthly service
- Five (5) 1.5 ton Liebert LAN closet air conditioners – quarterly service
- Fourteen (14) supplemental Florida heat pumps (various cooling and heating outputs) above ceiling slab mounted on the 37<sup>th</sup> floor – quarterly service
- Two (2) in-line pumps, heat exchanger and miscellaneous controls serving the 37<sup>th</sup> floor supplemental heat pumps – quarterly service

## **III. SCOPE OF WORK**

Services generally shall include:

- Monthly air filter replacement (contractor to provide) of 20 ton Liebert
- Inspect and adjust all drive belts and adjust as necessary
- Lubrication of motor bearings and other moving parts
- Check and clear water strainers and condensate drains
- Check and clean all drain pans and lines
- Control adjustment and calibration as necessary
- Voltage testing and take ampere reading on all motors and compressors
- Check all wire and connection inspection on line and control wiring
- Check capacitors
- Check fuses and/or replacement
- Check for signs of refrigerant leakage. Check operating pressure and charge as necessary.
- Glycol percentage and level check and top off as necessary
- Annual cleaning (pressure washing) of dry cooler coils in the spring of each year using solvents recommended by the manufacturers
- Other required maintenance procedures and service per manufacture's recommendations.

#### IV. REQUIREMENTS

- Interested HVAC Maintenance & Service Contractors shall have at least ten (10) years of documented experience performing HVAC Maintenance on similar equipment.
- Provide three (3) examples of similar type projects, names and telephone number of the client’s contact person and exact scope of work.
- Provide executed copies of current ESD’s “Contractor’s Statement of Qualifications and Financial Responsibility”
- Permanent office and service shop located within twenty (20) miles of the ESD’s NYC office.
- Be available to be on-site within ninety (90) minutes of receiving an emergency service request from designated ESD contact.
- Maintain necessary FDNY Certificate of Fitness to perform all hot work repairs and other required necessary operations
- Mandatory Walk Through for all Mechanical Service Bidders:
  - Two dates are being provided; Monday, November 30<sup>th</sup> at 2:00 PM and Tuesday, December 1<sup>st</sup> at 10:00 AM. **All prospective bidders and/or their designated representative are required to attend one of the walk-throughs.**
  - Please contact Joseph Burkard, Senior Architect, at [esdhvacrfp@esd.ny.gov](mailto:esdhvacrfp@esd.ny.gov), no later than **November 27, 2015**, to confirm attendance for the mandatory walk-through

#### V. SCHEDULE OF DATES

Release of RFP	Monday, November 23 <sup>rd</sup> , 2015
Mandatory Walk-throughs (Must attend one)	Monday, November 30 <sup>th</sup> at 2:00 PM and Tuesday, December 1 <sup>st</sup> at 10:00 AM
Deadline for Submission of Questions	Monday, December 7 <sup>th</sup> , 2015 at 12:00 PM EST
Deadline for ESD to Respond to Questions	Monday, December 14 <sup>th</sup> , 2015 at 12:00 PM EST
Submission of Proposals (date and time)	Friday, December 18 <sup>th</sup> , 2015 at 12:00 PM EST
Interviews (if necessary)	TBD
Announcement of Successful Bidder	TBD
Anticipated Contract Start Date	TBD

#### VI. SELECTION CRITERIA

The criteria, upon which ESD will base its selection of the successful respondent, if any, may include the following:

- A. experience providing HVAC Maintenance on Liebert & Florida Heat Pump equipment similar to ESD’s;

- B. provide three (3) references with owner contact information for similar projects performed within the last five (5) years; and
- C. provide a statement that there is no material and threatened litigation, or contractual or other business relationship, involving the contractor or its principals, partners or other employees that would constitute a conflict of interest or appearance of impropriety in providing the services.

## VII. SUBMISSION OF PROPOSALS

Your response should be marked “ESD Mechanical/HVAC Maintenance RFP Response” must be received by ESD no later than 12:00 PM EST on Friday, December 18<sup>th</sup>, 2015 at the following address:

Empire State Development  
633 Third Avenue, 35<sup>th</sup> Floor  
New York, NY 10017  
Attn: Edgar Camacho, Procurement Unit  
Re: ESD Mechanical/HVAC Maintenance RFP Response

Your response must include five (5) hard copies and one (1) electronic copy (in the form of a flash drive or CD-ROM) in Adobe Acrobat or Microsoft Word/Excel/PowerPoint.

## VIII. QUESTIONS

ESD will accept written questions via email from prospective Respondents regarding the RFP. Please submit questions to:

[esdhvacrfp@esd.ny.gov](mailto:esdhvacrfp@esd.ny.gov)

Written questions must include the requester’s name, e-mail address and the Respondent represented, and should be received by 12:00 PM EST on Monday, December 7<sup>th</sup>. Responses to all timely and appropriate questions will be posted on ESD’s Website at:  
<http://esd.ny.gov/CorporateInformation/RFPs.html>

**No contact related to this solicitation with ESD Board members, staff or consultants, other than emails to the designated email account for the solicitation, [esdhvacrfp@esd.ny.gov](mailto:esdhvacrfp@esd.ny.gov), will be allowed by Respondents or employed representatives of Respondent team members during the procurement period of the RFP. Any such contact by a Respondent or potential Respondent will be grounds for disqualification.**

## IX. GENERAL PROVISIONS

The issuance of this RFP and the submission of a response by a firm or the acceptance of such a response by ESD does not obligate ESD in any manner. ESD reserves the right to:

1. amend, modify or withdraw this RFP;
2. revise any requirement of this RFP;
3. require supplemental statements or information from any responsible party;
4. accept or reject any or all responses hereto;
5. extend the deadline for submission of responses hereto;
6. negotiate potential contract terms with any respondent to this RFP;
7. discussions with any respondent to this RFP to correct and/or clarify responses which do not conform to the instructions contained herein;
8. cancel, or reissue in whole or in part, this RFP, if ESD determines in its sole discretion that it is its best interest to do so; and
9. extend the term of any agreement on terms consistent with this RFP.

ESD may exercise the foregoing rights at any time without notice and without liability to any responding firm or any other party for its expenses incurred in preparation of responses hereto or otherwise. All costs associated with responding to this RFP will be at the sole cost and expense of the responding firm.

All information submitted in response to this RFP is subject to the Freedom of Information Law (FOIL), which generally mandates the disclosure of documents in the possession of ESD upon the request of any person unless the content of the document falls under a specific exemption to disclosure. In addition, all Proposals may be discussed at meetings of the ESD Directors, which meetings are subject to the Open Meetings Law.

## **X. PROCUREMENT FORMS AND REQUIREMENTS**

Additional requirements for this RFP are described below. Relevant forms, where required to be submitted, must be executed and included in the submission in the same order as listed below:

1. State Finance Law §§139-j and 139-k forms
2. Vendor Responsibility Questionnaire
3. Iran Divestment Act Statement
4. Non-Discrimination and Contractor & Supplier Diversity Requirements
5. Encouraging the Use of NYS Businesses in Contract Performance Form
6. Certification under State Tax Law Section 5-a
7. Schedule A (for review only—no separate form requirement)
8. Project Sunlight (for review only—no separate form requirement)
9. Insurance Requirements

### **1. State Finance Law Sections 139-j and 139-k forms**

State Finance Law Sections 139-j and 139-k (collectively, the “Procurement Requirements”) apply to this RFP. These Procurement Requirements: (1) govern permissible communications between potential respondents and ESD or other involved governmental entities with respect to this RFP; (2) provide for increased disclosure in the public procurement process through identification of

persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions; and (3) establish sanctions for knowing and willful violations of the provisions of the Procurement Requirements, including disqualification from eligibility for an award of any contract pursuant to this RFP. Compliance with the Procurement Requirements requires that all communications regarding this RFP, from the time of its issuance through final award and execution of any resulting contract (the "Restricted Period"), be conducted only with the designated contact persons listed below; the completion by Respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer's Affirmation of Understanding and Agreement pursuant to State Finance Law (each form is accessible at the Required Forms for Vendors link at the ESDC web site under "RFPs/RFQs"); and periodic updating of such forms during the term of any contract resulting from this RFP.

Respondents must submit the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer's Affirmation of Understanding and Agreement pursuant to State Finance Law as part of their submittal. Copies of these forms are available at:

[http://www.empire.state.ny.us/CorporateInformation/Data/RFPs/RequiredForms/SF\\_Law139\\_JK.pdf](http://www.empire.state.ny.us/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.pdf).

The Procurement Requirements also require ESD staff to obtain and report certain information when contacted by prospective respondents during the Restricted Period, make a determination of the responsibility of Respondents and make all such information publicly available in accordance with applicable law. If a prospective respondent is found to have knowingly and willfully violated the State Finance Law provisions, that prospective respondent and its subsidiaries, related or successor entities will be determined to be a non-responsible Respondent and will not be awarded any contract issued pursuant to this solicitation. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract. The designated contact account for this solicitation is Joseph Burkard at [esdhvacrfp@esd.ny.gov](mailto:esdhvacrfp@esd.ny.gov).

This is not a complete presentation of the provisions of the Procurement Requirements. A copy of State Finance Law Sections 139-j and 139-k can be found at:

<http://esd.ny.gov/CorporateInformation/RFPs.html>

(under "ESDC Policy Regarding Permissible Contacts under SFL 139").

All potential Respondents are solely responsible for full compliance with the Procurement Requirements. Both the prime consultant and any sub-consultants complete the forms required above.

## **2. Vendor Responsibility Questionnaire**

All Respondents to this RFP must be "responsible," which in this context means that they must have the requisite financial ability, organizational capacity and legal authority to carry out its obligations under this RFP, and in addition must demonstrate that both the Respondent and its principals have and will maintain the level of integrity needed to contract with New York State entities such as ESD. Further, the Respondent must show satisfactory performance of all prior government contracts. Accordingly, the contract to be entered into between ESD and the Respondent, if any, shall include clauses providing that the Respondent remain "responsible" throughout the term of the contract, that ESD may suspend the contract if information is discovered that calls into question the responsibility of the contracting party, and that ESD may

terminate the contract based on a determination that the contracting party is non-responsible. On request, model language to this effect will be provided to any Respondent to this RFP.

To assist in the determination of responsibility, ESD requires that all respondents to this RFP register in the State's Vendor Responsibility System ("Vend-Rep System"). The Vend-Rep System allows business entities to enter and maintain their Vendor Responsibility Questionnaire information in a secure, centralized database. New York State Procurement Law requires that state agencies award contracts only to responsible vendors. Respondents are to file the required Vendor Responsibility Questionnaire online via the Vend-Rep System or may choose to complete and submit a paper questionnaire. Please include a copy of your Vend-Rep submission receipt or paper questionnaire with your proposal.

To enroll in and use the Vend-Rep System, see the System Instructions available at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or go directly to the Vend-Rep system online at <https://portal.osc.state.ny.us>. For direct Vend-Rep System user assistance, the Office of the State Comptroller's Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at [helpdesk@osc.state.ny.us](mailto:helpdesk@osc.state.ny.us).

Respondents opting to file a paper questionnaire can obtain the appropriate questionnaire from the Vend-Rep website ([http://www.osc.state.ny.us/vendrep/forms\\_vendor.htm](http://www.osc.state.ny.us/vendrep/forms_vendor.htm)) and execute accordingly pertaining to the company's trade industry. Per the website, respondents are to "Select the questionnaire which best matches the business type (either For-Profit or Not-For-Profit) and business activity (Construction or Other)."

### **3. Iran Divestment Act**

Every Proposal made to ESD pursuant to a competitive solicitation must contain the following statement, signed by the Respondent on company letterhead and affirmed as true under penalty of perjury:

"By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law."

The list in question is maintained by the Office of General Services. No Response that fails to certify compliance with this requirement may be accepted as responsive.

### **4. Non-Discrimination and Contractor & Supplier Diversity Requirements**

It is the policy of the State of New York and Empire State Development (ESD) to comply with all federal, State and local laws, policies, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action in working with contracting parties to ensure that Minority and Women-owned Business Enterprises (MWBs), Minority Group Members and

Women share in the economic opportunities generated by ESD's participation in projects or initiatives, and/or the use of ESD funds. MWBE firms currently certified by New York State's Department of Economic Development are encouraged to respond to this RFP.

ESD's Non-Discrimination and Contractor & Supplier Diversity policy will apply to this initiative. The Respondent shall be required to solicit and utilize MWBEs for any contractual opportunities generated in connection with the Project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8, see attached exhibit OCSD-4) to achieve an **overall MWBE Participation Goal of 30%** related to the total value of ESD's funding.

**A copy of each Respondent's Equal Employment Opportunity Policy Statement (Form OCSD-1), Staffing Plan (Form OCSD-2) of the anticipated workforce to be utilized and MWBE Utilization Goal Plan (Form OCSD-3) proposing specific certified firms to be utilized or industries where MWBE firms shall be in sought are to be included as part of the response to any RFP.**

Copies of these forms are attached hereto and are also available at:

**Form OCSD-1**

[http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD\\_1MWBEEOPolicyStatement.pdf](http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_1MWBEEOPolicyStatement.pdf)

**Form OCSD-2**

[http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD\\_2StaffingPlan.pdf](http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_2StaffingPlan.pdf)

**Form OCSD-3**

[http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD\\_3MWBEUtilizationPlan.pdf](http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_3MWBEUtilizationPlan.pdf)

**Form OCSD-4**

[http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD\\_4GoodFaithEfforts.pdf](http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_4GoodFaithEfforts.pdf)

In the event that the above links are unavailable or inactive, the forms may also be requested from the Office of Contractor & Supplier Diversity at [OCSD@ESD.NY.GOV](mailto:OCSD@ESD.NY.GOV).

For purposes of providing meaningful participation by MWBEs on the project and achieving the project goals established herein, Respondent should reference the directory of New York State Certified MWBEs found at the following internet address:

<https://ny.newnycontracts.com/>

Only the Respondent to the RFP shall complete these forms. In the Utilization Goal Plan (Form OCSD-3) the Respondent must list all of the sub-contractors and sub-consultants it proposes to use in achieving the MWBE goal requirement or propose the types of sub-contractors that the Respondent intends to solicit to achieve the aforementioned MWBE goal requirement. The Respondent may use the aforementioned directory of Certified MWBEs to identify firms that it proposes to utilize. OCSD is also available to assist you in identifying New York State certified MWBEs that can provide goods and services in connection with this contract. If you require listings of certified MWBE firms or have other questions relating to the requirements herein, please

contact OCSD with your inquiries and comments. Be sure to include all relevant contact information for your company and details pertaining to this RFP.

***Service-Disabled Veteran-Owned Business Provisions:***

Article 17-B of the Executive Law enacted in 2014 acknowledges that Service-Disabled Veteran-Owned Businesses (SDVOBs) strongly contribute to the economies of the State and the nation. As defenders of our nation and in recognition of their economic activity in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles. SDVOBs can be readily identified on the directory of certified businesses at:

[http://ogs.ny.gov/Core/docs/CertifiedNYS\\_SDVOB.pdf](http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf)

Bidders/Proposers need to be aware that all authorized users of this contract will be strongly encouraged to the maximum extent practical and consistent with legal requirements of the State Finance Law and the Executive Law to use responsible and responsive SDVOBs in purchasing and utilizing commodities, services and technology that are of equal quality and functionality to those that may be obtained from non-SDVOBs. Furthermore, bidders/proposers are reminded that they must continue to utilize small, minority and women-owned businesses consistent with current State law.

**A copy of each Bidders/Proposers SDVOB Contract Performance Use form proposing specific certified firms to be utilized or industries where SDVOB firms shall be sought is to be included as part of the response to this RFP.**

A copy of the aforementioned form is available at:

<http://esd.ny.gov/CorporateInformation/Data/RFPs/SDVOBContractPerformanceUse.pdf>

General inquiries or questions relating to aforementioned policies, MWBE and SDVOB participation and the goals specified herein may be addressed to OCSD at [OCSD@ESD.NY.GOV](mailto:OCSD@ESD.NY.GOV).

**5. Encouraging the Use of NYS Businesses in Contract Performance Form**

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this ESD contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. In order for ESD to assess the use of New York State businesses in each Proposal, ESD requests that each Respondent complete the Encouraging Use of New York State Businesses in Contract Performance form, accessible here:

<http://esd.ny.gov/CorporateInformation/Data/ENCOURAGINGUSEOFNEWYORKSTATEBUSINESSESINCONTRACTPERFORMANCE.pdf>.

## **6. Certification under State Tax Law Section 5-a**

Any contract resulting from this solicitation is also subject to the requirements of State Tax Law Section 5-a ("STL 5-a"). STL 5-a prohibits ESD from approving any such contract with any entity if that entity or any of its affiliates, subcontractors or affiliates of any subcontractor makes sales within New York State of tangible personal property or taxable services having a value over \$300,000 and is not registered for sales and compensating use tax purposes. To comply with STL 5-a, all Respondents to this solicitation must include in their Proposals a properly completed Form ST-220-CA, or an affidavit that the Respondent is not required to be registered with the State Department of Taxation and Finance. A copy of the ST-220-CA form and affidavit is accessible at the Required Forms for Vendors link at the ESD web site:

<http://esd.ny.gov/CorporateInformation/RFPs.html>

Also in accordance with the requirements of STL 5-a, any contract resulting from this solicitation will require periodic updating of the certifications contained in Form ST-220-CA. Solicitation responses that do not include a properly completed ST-220-CA will be considered incomplete and non-responsive and will not be considered for contract award. Only the prime consultant completes Form ST 220-CA, but Schedule A to Form ST 220-CA requires detailed information from the sub-consultants, such as tax ID number, etc., if applicable. Moreover, if applicable, certificates of authority must be attached by the prime consultant and all the sub-consultants.

## **7. Schedule A**

Following final selection of a Respondent, ESD will prepare a contract defining all project terms and conditions and the Respondent's responsibilities in conformance with "Schedule A," which can be found at:

[http://esd.ny.gov/CorporateInformation/Data/ScheduleA\\_ConditionsApplicabletoCorporationAgreementsForMaterialServices\\_RevisedAug2014.pdf](http://esd.ny.gov/CorporateInformation/Data/ScheduleA_ConditionsApplicabletoCorporationAgreementsForMaterialServices_RevisedAug2014.pdf)

Please note Respondents do not need to complete the entire Schedule A with the submission of their Proposal. However, Respondents should still review these terms, which are standard in all ESD contracts, and raise any concerns present prior to submission of their Proposal, as Respondents will need to accept these terms prior to contract execution.

## **8. Project Sunlight**

This procurement is subject to the Public Integrity Reform Act of 2011. Under the Public Integrity Reform Act of 2011, "appearances" (broadly defined and including any substantive interaction that is meant to have an impact on the decision-making process of a state entity) before a public benefit corporation such as ESD by a person (also broadly defined) for the purposes of procuring a state contract for real property (as contemplated in this RFP) must be reported by ESD to a database maintained by the State Office of General Services that is available to members of the public. If in doubt as to the applicability of Project Sunlight, Respondents and their advisors should consult the Laws of 2011, Ch. 399 for guidance.

## **9. Insurance Requirements**

- Commercial General Liability Insurance – \$1 million per occurrence / \$2 million aggregate
- Auto Liability Insurance – \$1 million per occurrence
- Excess Umbrella Liability Insurance – \$5 million per occurrence / \$5 million aggregate
- Must show evidence of NYS Workers Compensation & Employers Liability Insurance at state statutory limits.
- Must show evidence of Disability Insurance at NYS statutory limits.
- All policies shall list as “additionally insured” on a primary and non-contributory basis: NYS Urban Development Corporation d/b/a Empire State Development, the 633 Third Avenue Condominium, Sandhurst Associates, LTD., Managing Agent, 633 32 Time Equities, LLC and Fisher Brothers Management Corporation
- All policies listed above shall include a waiver of subrogation in favor of NYS Urban Development Corporation d/b/a Empire State Development