

**NOTICE TO BIDDERS**  
**Empire State Development**  
**Hutchinson Chapel Roof Replacement**

**Bids:** Sealed bids will be received and publicly read aloud at the Empire State Development office on 95 Perry Street, Suite 500, Buffalo, New York for the following contract for the Hutchinson Chapel Roof Replacement project on **July 20, 2022, at 2:00 p.m.** Each bid must be identified, on the outside of the envelope, with name and address of the bidder and designated as bid for the project titled above. Sealed bids must be received by **July 20, 2022 at 2:00 p.m.** in order to be considered.

Bids must include:

- 1) Bid form - Attached to this Notice to Bidders as Exhibit A
- 2) Allowance Form – Section 004321 of the Specifications
- 3) Statement of Qualifications in accordance with Qualifications section stated below
- 4) Required Forms – See Exhibit B attached to this Notice of Bidders

**Pre-Bid Meeting:** A pre-bid meeting and site walkover will be held on **Wednesday, June 29, 2022 at 10:00 a.m.** at the Hutchinson Chapel, located at 825 Busti Avenue in the City of Buffalo, NY. The parking lot at the corner of Rhode Island St. and Busti Avenue will be utilized as a starting point for the walkover. No on-site parking will be available. Some interior building areas of the site will not be accessible during this initial pre-bid meeting and site walkover.

All representatives entering the buildings are required to possess: a hard hat, safety glasses, construction boots, and operating flashlight. Safety equipment is required during the walk through by all bidders and will not be provided by the Owner.

**Questions:** Questions regarding this solicitation must be received by e-mail no later than **July 7, 2022 at 4:00 p.m.** by Procurement Director John Discolo, the designated contact for this solicitation, at the following email address: [HutchinsonChapelRoofRFP@esd.ny.gov](mailto:HutchinsonChapelRoofRFP@esd.ny.gov)

**Contracts:** The project will be constructed using the single contract format. A copy of the contract is included in this bid package. The following contract will be bid at this time:

Contract: Hutchinson Chapel Roof Replacement

**Project Description and Base Bid:** The work shall consist of: Removal of Existing Roofing, Re-roof – Sloped Asphalt Roof, Asbestos Abatement, Hazardous Materials Remediation, Minor Masonry Restoration Work and Fence repairs of the Hutchinson Chapel, as detailed in the project documents,

**Definitions:** The Owner shall be defined as the New York State Urban Development Corporation, d/b/a Empire State Development, 95 Perry Street, 5th Floor, Buffalo, New York 14203. The Architect, Engineer and Construction Administrator shall be defined as Foit-Albert – Architecture, Engineering, Surveying,

**Opening of Bids:** At the date and time noted for receipt of proposals, the proposals will be publicly opened and read aloud. Only those bids in the hands of Empire State Development, available to be read at the time and date designated above will be considered.

**Owner's Rights:** Empire State Development reserves the right to waive any informality or reject any or all bids, or to make any contract which it deems to be in the best interest of Empire State Development.

**Bid Withdrawal:** No bidder may withdraw his bid within sixty (60) days after actual opening thereof.

**Contract Documents:** A complete set of all Contract documents may be obtained electronically from the New York State Contract Reporter and are available on ESD’s website at <https://esd.ny.gov/doing-business-ny/requests-proposals>.

**Non-Discrimination and Contractor & Supplier Diversity:** Empire State Development’s Non-Discrimination and Contractor & Supplier Diversity policy will apply. The contractor shall be required to use Good Faith Efforts to achieve Minority/Women-owned Business Enterprise ("M/WBE") participation of not less than 30% of the total dollar value, and to achieve Service Disabled Veteran-owned Business ("SDVOB") participation of not less than 3% of the total dollar value. M/WBE and SDVOB contractors are encouraged to respond. Additional requirements and required forms can be found in the Bid Forms section of bid package.

**Qualifications:** The low bidder shall demonstrate its responsibility to perform and complete all required work by submitting a statement of its experience and of any subcontractors which the low bidder intends to use to perform the work (see Bidder’s Qualifications in the Bid Forms). The low bidder shall include his plan or program for providing sufficient labor and equipment to perform the project as detailed by the project documents, within the allotted time frame and sequencing for the asbestos abatement and demolition project. Low bidder is encouraged to employ local labor.

Bidders must demonstrate a minimum of 5 years of experience and the completion of 5 projects of similar scope and value. The work history shall also demonstrate the use of partial/selective demolition and abatement within an urban area, where structure is to remain undamaged for reuse, and the need for maintaining substructure stability during abatement/demolition operations. Additional qualification requirements and certifications as required by the individual technical specifications must be met by either the Prime Contractor or a qualified Subcontractor.

The Prime Contractor, and/or his asbestos subcontractor, shall have a valid New York State Department of Labor (NYSDOL) Company license and demonstrate a 5 year history of performing asbestos abatement work under that Company license. The prime Contractor shall obtain bid and performance bonds directly from a Surety Company with a minimum rating by A.M. Best of (A-) in the “Best’s Key Rating Guide”. The surety firm must be licensed to bond construction projects in the state of New York. The Demolition and/or Abatement Contractor’s personnel shall also have OSHA 10-hour Construction Safety & Health certifications and 40-hour HAZWOPER certifications as required by the various elements. The Prime Contractor and subcontractor(s) must demonstrate the experience level for the various work elements as listed below:

| <b>Work Element</b>                   | <b>Experience Level</b> |
|---------------------------------------|-------------------------|
| Demolition                            | 5 Years                 |
| Asbestos Removal                      | 5 Years*                |
| Universal and Hazardous Waste Removal | 5 Years*                |
| Lead Management                       | 5 Years*                |

\*Must have all required licenses and certifications

Empire State Development may require the low bidder to further demonstrate its responsibility to perform and complete the work by submitting additional information regarding the low bidder’s experience, obtaining labor/work force and financial resources. The prime Contractor shall demonstrate that they have the financial resources to perform the work. If requested by Empire State Development, additional information must be submitted by the low bidder within seven (7) calendar days of the request. All information pertaining to the bidder’s financial resources shall be submitted by a Certified Public Accountant.

**Permissible Contacts:** State Finance Law Sections 139-j and 139-k (collectively, the “Procurement Requirements”) apply to this procurement. 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: (1) 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; (2) the completion by respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law (each form is accessible at the Required Forms for Vendors link at the ESD web site under “RFPs/RFQs” and included in the Bid Forms); and (3) 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 of and Agreement pursuant to State Finance Law, as part of their submittal.**

The Procurement Requirements also require ESD staff to obtain and report certain information when contacted by prospective bidders during the restricted period, make a determination of the responsibility of bidders and make all such information publicly available in accordance with applicable law. If a prospective bidder is found to have knowingly and willfully violated the State Finance Law provisions, that prospective bidder and its subsidiaries, related or successor entities will be determined to be a non-responsible bidder 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.

**For the purpose of compliance with State Finance Law Sections 139-j only, contact with Procurement Director John Discolo, is considered permissible. Contact information for Mr. Discolo is as follows: via email to [HutchinsonChapelRoofRFP@esd.ny.gov](mailto:HutchinsonChapelRoofRFP@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 “ESD 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 the sub-consultants complete the forms required above.

**Other:** Contractors performing project work must be duly licensed in the City of Buffalo and by other entities governing work. Contractor's bid is to include an acknowledgment that the Contractor possesses the necessary license or filed a licensing application with the City of Buffalo. Asbestos abatement is to be performed by a licensed abatement contractor. Contractor is responsible to ascertain and obtain any additional licensing needed to perform work, whether such licensing is required by the City of Buffalo or other regulating entity. Insurance and other requirements applicable to the contract(s) are described in detail in the bid documents.

ESD reserves the right to:

1. amend, modify or withdraw this solicitation;
2. revise any requirement of this solicitation;
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 or hold discussions with any firm and to correct deficient responses which do not conform to the instructions contained herein;
7. cancel, or reissue in whole or in part, this solicitation, if ESD determines in its sole discretion that it is its best interest to do so; and
8. extend the term of any agreement on terms consistent with this procurement.