



New York Convention Center Development Corporation

REQUEST FOR PROPOSALS “Comprehensive Facilities Conditions Assessment and Long Term Capital Asset Plan” JACOB K. JAVITS CONVENTION CENTER

ISSUED: September 16, 2019

IMPORTANT NOTICE: A restricted period under the Procurement Lobbying Law is currently in effect for this Procurement and it will remain in effect until approval of the Contract. Bidders are prohibited from contact related to this procurement with any New York State employee other than the designated contacts listed below. Please refer to: <http://ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

Designated Contacts for this Procurement:

- Primary Contact: Ralph Volcy
- Secondary Contact: Samantha Adolphe
- Additional Contact: John Discolo

All contacts/inquiries shall be made by email to the following address:
CCDC_Assessment&CapitalPlanning-RFP@esd.ny.gov

This RFP is posted on the Empire State Development website:
<https://esd.ny.gov/doing-business-ny/requests-proposals>

**PROPOSAL DUE DATE AND TIME
October 11, 2019, By 2:00 PM EST**

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I. INTRODUCTION

New York Convention Center Development Corporation (“CCDC” or “Owner”), a subsidiary of New York State Urban Development Corporation d/b/a Empire State Development (“ESD”), extends this Request for Proposals (“RFP”) to solicit sealed Proposals for a consultant to provide a comprehensive facilities condition assessment of and a long-term capital asset plan for the Jacob K. Javits Convention Center located on the West Side of Manhattan in New York City (“Javits”). CCDC owns Javits, which is operated on a daily basis by the New York Convention Center Operating Corporation (“CCOC”). This RFP outlines the basic requirements of CCDC’s Comprehensive Facilities Conditions Assessment and Long Term Capital Asset Plan solicitation. Every respondent to this RFP (“Bidder”) should submit a proposal which clearly and concisely provides all of the information requested.

II. OVERVIEW OF JAVITS

Background

Javits has been open since 1986 and is New York’s primary venue for large conventions, exhibitions, and major trade shows. These events are key contributors to the State and City economies, stimulating direct and indirect employment, economic activity, and tax revenues, and strongly supporting the City’s hotel, restaurant, tourism, and entertainment industries.

In 2015, CCDC completed a renovation of existing Javits (between West 34th and 38th Streets, 11th to 12th Avenues; the “Existing Facility”). The renovation included repair and/or replacement of: (i) the roof; (ii) the exterior curtain wall; (iii) roof-top mechanical units; (iv) exterior doors; (v) life safety systems; (vi) interior structural space frame; (vii) select MEP systems; (viii) security systems; (ix) exhibition hall and Crystal Palace lighting; (x) select paint areas; and (xi) exterior site work. The remaining portions of the Existing Facility remain unaltered from their original state, other than changes made in the course of routine maintenance.

CCDC currently is undertaking a \$1.325 billion expansion of the Existing Facility (between West 38th and 40th Street, 11th to 12th Avenues; the “New Facility”). The New Facility, to be completed in 2021, will consist of: (i) a four level on-site truck marshaling garage, including 27 new loading docks; (ii) new prime exhibit space to be combined with Existing Facility exhibit space to create a contiguous approximately 500,000 square foot exhibition hall on Level 3; (iii) state-of-the-art meeting rooms, a ballroom, and special event space; (iv) roof-top pavilion, farm, and terrace accommodating up to approximately 1,500 people; (v) pre-function space; (vi) a kitchen and food service areas; and (vii) back-of-house and administrative space. The New Facility will be LEED Silver certified. The New Facility will be integrated seamlessly into the Existing Facility at the exposition and concourse levels and also was designed to operate autonomously for certain functions.

CCDC also currently is constructing a new transformer building in the southwest corner of the New Facility site (the “Transformer Building”) which will meet the electrical demands of both the Existing and New Facilities. The Transformer Building is a three-story structural steel frame with concrete floors on a metal deck supported by steel beams with composite studs. The Transformer Building is expected to be completed in 2020.

Upon completion of the Transformer Building and the New Facility, the combined Javits will be a state-of-the-art convention center with old and new systems and equipment that will require ongoing capital and maintenance activities. Via this solicitation, CCDC seeks a consultant to analyze

the Existing Facility, the New Facility, and the Transformer Building to identify future capital renewal needs of the combined Javits as a whole (“Combined Javits”).

III. SCOPE OF WORK

A. Deliverables

1. Comprehensive Facilities Conditions Assessment
2. Long Term Capital Asset Plan
3. Facilities Conditions Index (“FCI”)
4. Contract Meetings and Deliverables

B. Requirements

1. *Comprehensive Facilities Conditions Assessment*

a- Provide an assessment of the percentage used of the service lifespan of Combined Javits building components, systems, and equipment for renewal forecasting. Bidder shall provide baseline standards for reference to support the projected service life for each element. Bidder shall use statistical guidelines and nationally recognized references for cost data to model building system costs. The Facilities Conditions Assessment shall address all Combined Javits capital building components, systems, and equipment, including but not limited to:

- Roofing systems;
- Building envelope and waterproofing;
- Exterior aluminum and glass curtain walls and gaskets;
- Exterior precast concrete panels;
- Exterior curbs and sidewalks;
- Exterior inner roadway and waterproofing (11th Avenue to 34th Street to 12th Avenue);
- Exterior existing L1 and L3 loading dock ramps;
- Primary structural steel framing (including space frames throughout Crystal Palace, L3, and L4);
- Interior structural steel framing, (including columns and pile foundations);
- Interior concrete framing for New Facility truck garage;
- Interior concrete floor slabs, including expansion joints, and floor coverings;
- Interior finishings (flooring, ceilings, walls);
- Elevators, escalators, stairs;
- Vehicular and pedestrian wayfinding/signage;
- Mechanical HVAC equipment, including cooling towers, rooftop units, interior units, ductwork, condenser water piping, controls;
- Electrical (primary electrical service substation(s), emergency power, switchgear rooms, switches, panels throughout; circuit breakers, wiring throughout, electrical closets throughout, and lighting throughout;
- Plumbing, including domestic cold water, local hot water heaters, sanitary/waste drainage, storm drainage, and associated piping; natural gas for rooftop AC and kitchen equipment; compressed air system throughout;
- Fire protection systems (automatic (wet/dry) sprinkler systems, fire standpipe system, fire alarms);
- Life safety/security systems, including control rooms, CCTV, emergency lighting, communication, and egress, and ADA compliance;
- Building Management System (BMS)

- Site utility tie-ins, including electric, domestic/fire water, natural gas;
 - Communications (audio/visual) systems;
 - Data (IT; WiFi) systems; and
 - Kitchen/food service.
- b- Provide an assessment of existing deferred maintenance and code-related deficiencies. Develop multi-level financial scenarios illustrating the level of funding required to renew or upgrade Combined Javits capital components, systems, and equipment to meet and maintain legal requirements and first-class operational standards.
- c- Complete a visual, non-destructive inspection of the Existing Facility and the Transformer Building, and an inspection of plans for the New Facility, by architectural and engineering professionals. The inspections, combined with a review of base building data and maintenance history (if available), shall be used to produce an accurate quantitative and qualitative assessment of Combined Javits conditions that identifies deficient components and elements, including building and life/safety code compliance deficiencies of the buildings, and site utilities and infrastructure, including components and elements at or near end of useful life.
- d- Each requirement identified in the Conditions Assessment shall be prioritized in detail.

An example of such detail is presented below:

Priority 1: Currently Critical

Conditions in this category require immediate action to correct a cited safety hazard, stop accelerated deterioration, or return a component to operation.

Priority 2: Potentially Critical

Conditions in this category, if not corrected expeditiously, will become critical within a year. Situations within this category include intermittent operations, rapid deterioration, or potential life safety hazards.

Priority 3: Necessary - Not Yet Critical

Conditions in this category require appropriate attention to preclude predictable deterioration or potential downtime and the associated damage or higher costs if deferred further.

Priority 4: Recommended

Conditions in this category include items that represent a sensible improvement to existing conditions. These are not required for the most basic function of Combined Javits. However, Priority 4 projects will improve overall usability, performance, efficiency and/or reduce long-term maintenance and energy costs. These projects could be scheduled for completion within the next 10, 20, or 30 years.

Priority 5: Does Not Meet Current Codes/Standards - “Grandfathered”

Conditions in this category include items that do not conform to existing codes, but are “grandfathered” in their condition. No action is required at this time, but should substantial work be undertaken in contiguous areas, certain existing conditions may require correction.

2. Long Term Capital Asset Plan

- a- Evaluate current and future levels of service in Combined Javits necessary to support on-going first-class convention center operations
 - i. In consultation with CCDC and CCOC, define realistic targets and timeframes to achieve and maintain performance standards.
 - ii. Assess the current performance of the Existing Facility and show this performance relative to proposed performance standards.
 - iii. Discuss external trends that may affect expected levels of service or the ability of Combined Javits to meet them.
 - iv. Provide best-practices for how and when information regarding performance and targets will be updated.

- b- Identify Asset Management Strategy
 - i. Develop a 10-year, 20-year and 30-year capital asset plan, optimizing expenditures as they relate to lifecycle costs and benefits.
 - ii. In consultation with CCDC and CCOC, recommend additional or alternate actions that will enable the assets of Combined Javits to provide the desired level of service in a sustainable way, at the lowest lifecycle cost.
 - iii. Show comparative lifecycle, direct and indirect costs and benefits of alternate actions to achieving the desired level of service.
 - iv. Investigate and provide procurement options for the recommended actions.
 - v. Assess and comment on risks associated with the recommended actions.
 - vi. Provide best-practices for how and when information regarding planned actions, options analysis, and risks will be updated.

- c- Provide Visual Documentation
Provide digital photographs integrated with the Capital Asset Plan to document Combined Javits relevant components, systems, and equipment.

- d- Identify Expenditures
 - i. Categorize and identify all planned expenditures as either:
 - Non-infrastructure solution;
 - Maintenance activity;
 - Renewal/rehabilitation activity;
 - Replacement activity;
 - Disposal activity; or
 - Expansion activity.
 - ii. Gather actual expenditures for the last three (3) years.
 - iii. Record all assumptions.
 - iv. Provide best-practices of implementation.

3. Facilities Conditions Index (“FCI”)

Generate an FCI that follows recognized industry standards for each Combined Javits component, system, and equipment, as well as an overall Combined Javits FCI.

4. Contract Meetings and Deliverables

a - Upon award of contract and prior to start of work, successful Bidder shall meet with CCDC and CCOC. This meeting shall include:

- i. A review of Bidder’s submitted schedule of work; and
- ii. A review of all Existing Facility capital plans and associated documentation.

b – The parties shall meet periodically to:

- i. Review job progress, quality of work, and approval and delivery of materials.
- ii. Identify and resolve problems that impede planned progress.
- iii. Coordinate efforts so that the contract progresses on schedule through to on-time completion.
- iv. Maintain a sound working relationship between Bidder, CCDC and CCOC and a mutual understanding of the contract.

c – The successful Bidder shall produce a draft of each of the Facilities Conditions Assessment, Capital Asset Plan, and Facilities Conditions Index for CCDC and CCOC review prior to finalization of each such document.

5. General Requirements

- a- For every deficiency identified in the deliverables, develop one or more means of mitigation (a required action). Each required action shall entail a description of the methods and materials necessary to mitigate the deficiency. Each required action should include a preliminary budget and schedule. The estimates shall be based upon standard estimating measure (e.g., RSMeans® Unit Costs), indexed for New York, New York. The cost models shall include a defined escalation rate. The system shall permit changes to these escalation rates.
- b- If needed, Bidder shall inspect all the electrical panels in each building including, but not limited to, inspection with an infrared gun to detect hot spots and to correct any loose connection found in the panels. Deficiencies that will require less than 16 hours to correct will be reported to CCDC for CCOC correction. Descriptions of deficiencies need to be in sufficient detail for work crews to locate and correct the deficiencies. This includes deficiencies that are beyond the scope of service calls. Should the inspectors find an immediate life threatening or property-damaging situation they shall notify CCDC within one hour of discovery.
- c- Facility replacement is not an option for analysis; this is a condition assessment not a code compliance assessment. While components and systems replaced need to meet the American with Disability Act, the Energy Policy Act of 1992, and the Life Safety Code, this effort is strictly an existing component, system, and equipment assessment and it does not include analysis to initiate new construction to bring buildings into code compliance.
- d- Bidder cannot interfere with active exhibits and events at the Existing Facility nor with on-going construction at the New Facility or the Transformer Building.
- e- Proposed schedule should identify required work tasks and deliverables, as well as key meetings.

IV. SCHEDULE OF DATES

It is anticipated that a contract will be awarded in response to this RFP based on the following schedule:

Release of RFP	September 16, 2019
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Deadline to Submit Appendix B	September 24, 2019 by 3:00 PM EST
Site Visit	September 26, 2019 @ 11:00 AM EST
Deadline for Submission of Questions	October 1, 2019, 2019 by 5:00 PM EST
Deadline for ESD to Respond to Questions	October 4, 2019
Submission of Proposals (date and time)	October 11, 2019
Interviews (if necessary)	Week of October 28, 2019
Announcement of Successful Bidder	TBD
Anticipated Contract Start Date	TBD

Please note, CCDC reserves the right to change any of the dates stated in this RFP.

VI. SELECTION CRITERIA

Owner reserves the right to waive any irregularities in the selection process and shall, at its own discretion, determine the appropriateness and acceptance of submitted qualifications.

Evaluation of proposals and selection will be based on the following criteria with the accompanying weights used to calculate an overall proposal score:

- 40% Pricing and Project Approach
- 40% Team Experience
- 10% Schedule
- 10% Diversity Practices

VII. SUBMISSION OF PROPOSALS

Every Bidder should submit a proposal which clearly and concisely provides all of the information requested. Emphasis should be concentrated on conformance to the RFP instructions and requirements, as well as completeness and clarity in its proposal response. Bidder is advised to thoroughly read and follow all instructions contained in this RFP. Proposals that do not comply with these instructions or do not meet the full intent of all the requirements of this RFP may be subject to scoring reductions during the evaluation process or may be deemed non-responsive.

i. Technical Proposal

Bidder must provide technical information listed below. No information is required beyond what is specifically requested. CCDC requests that all Technical Proposals be bound and organized with dividers identified to match the specific information requested as follows:

- A. Table of Contents
- B. Firm Experience and Qualifications

- C. Staff Experience and Qualifications
- D. Project Plan/Approach, including Schedule with submission dates of draft and final reports
- E. Cost Proposal
- F. Diversity Practices Questionnaire

The purpose of the Technical Proposal is to provide Bidders with an opportunity to demonstrate their qualifications, competence, and capacity to undertake the engagement described herein, in a manner which complies with applicable laws and regulations, and the requirements of the RFP.

A. Table of Contents

The Table of Contents should clearly identify the location of all material within the proposal by section and page number.

B. Firm Experience and Qualifications

In this section of the Technical Proposal, Bidder should demonstrate relevant firm experience and qualifications by providing the following:

1. A summary of firm experience and qualifications, including relevant experience with projects of similar size and type.
2. Firm's experience and qualifications over the past ten (10) years that demonstrates a record of successful completion of work of similar scope.
3. Firm representatives with conditions assessment and capital asset plan experience and experience with government projects.
4. List of all proposed sub-consultants, their work assignments and the percent of the work each will be performing. State that Bidder agrees not to subcontract any of its services, except as indicated in its proposal, without the prior written consent of CCDC in CCDC's sole discretion.
5. Specific tools and processes used by Bidder for conditions assessments, capital asset plans, FCIs, and cost estimating.
6. Redundancy in the company of staff experienced in this type of work.
7. Statement and explanation of any instances where the firm has been removed from a project or disqualified from proposing on a project.
8. A minimum of three references.

Information provided by references may be used by CCDC for proposal evaluation purposes. CCDC may seek additional information from references regarding subjects that include, but are not limited to, the quality of services provided, anticipated ability to perform the services required in this RFP, and the responsiveness of the Bidder to the client during the engagement. CCDC reserves the right to deploy, at its sole discretion, a variety of methods and communication approaches to contact references, depending on what CCDC deems to be the most effective and efficient manner.

C. Staff Experience and Qualifications

In this section of the Technical Proposal, Bidder should demonstrate relevant staff experience and qualifications by providing the following:

1. The proposed team to be assigned to perform the services solicited by this RFP, including key individuals, their experience and qualifications, and their proposed role in the solicited work. The proposal should identify the primary point of contact. Provide an organizational chart as appropriate. CCDC in its sole discretion must approve any changes to any key personnel provided in Bidder's proposal after contract award.
2. The availability of the proposed team and sufficient resources to provide required services timely.
3. Bidder specifically represents and agrees that any and all Bidder representatives assigned to perform the services solicited by this RFP have and shall possess the experience, qualifications, knowledge, ability, and character necessary to qualify them individually for the particular duties they would be assigned to perform.

Information provided by references also may be used for staff evaluation purposes. CCDC may seek additional information from references regarding subjects that include, but are not limited to, the ability of proposed staff to perform the services solicited and to be responsive to the client during the engagement.

D. Project Plan / Approach, including Schedule

In this section of the Technical Proposal, Bidder should demonstrate its competence and capacity to undertake the services described in this RFP. Below are examples of what would be a part of a project plan; Bidder must respond with their specific project approach.

- Plan for interfacing with CCDC, CCOC, and existing architects, operating engineers, and consulting engineers with knowledge of Combined Javits components, systems, and equipment.
- Timeframe and schedule to complete required deliverables, including drafts and finals.
- Access plans for components, systems, and equipment, including shutdowns if needed.
- Required specialty sub consultants.
- How Bidder would review plans and specifications and analyze and include New Facility currently under construction.

E. Cost Proposal

- Bidder must provide a lump sum bid for all services and deliverables included in its proposal, with detailed schedule of values for services/deliverables. In addition, Bidder should provide hourly billing rates for additional services beyond the base scope of services that may be required by CCDC.

F. Diversity Practices Questionnaire

- ESD has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of Bidders is practical, feasible, and appropriate. Accordingly, Bidders shall be required to include as part of their response to this RFP the Diversity Practices Questionnaire in the Appendix A.

ii. **Administrative Proposal**

Schedule A of this RFP states standard requirements that must be included in every CCDC contract. The successful Bidder must agree to abide by these requirements and provide any information requested by CCDC

in connection with these requirements. Accordingly, Bidders should complete and submit the items listed below, in the order in which they are listed. Failure to submit any of the requirements below may result in rejection of a Bidder's proposal.

- i. [State Finance Law §§139-j and 139-k forms](#), submit with proposal
- ii. [Vendor Responsibility Questionnaire](#), submit with proposal or submit online (and include copy of submitted form with proposal)
- iii. Iran Divestment Act Statement, submit with proposal
- iv. Non-Discrimination and Contractor & Supplier Diversity Requirements, submit with proposal
 - o [OCSD-1 - MWBE/SDVOB Participation / EEO Policy Statement](#)
 - o [OCSD-2 - Staffing Plan](#)
 - o [OCSD-4 - MWBE/SDVOB Utilization Plan](#)
- v. [Encouraging the Use of NYS Businesses in Contract Performance Form](#), submit with proposal
- vi. Certification under State Tax Law Section 5-a [220-CA](#) or [Affidavit](#), submit with proposal
- vii. Insurance Requirements, submit with proposal
- viii. [W-9 Form](#), submit with proposal

Additional information about these items and ESD's procurement requirements can be found in Section IX of this RFP ("Procurement Forms and Requirements"). In the event that the above links are unavailable or inactive, the forms may also be requested from OCSD at OCSD@esd.ny.gov.

Submission of a Complete Proposal

Firms submitting a proposal are indicating their acceptance of the conditions in this RFP. Submission of proposals in a manner other than as described in these instructions (e.g., facsimile, electronic transmission) may result in rejection of a proposal. When submitting each proposal, Bidders must comply with the following:

1. The proposal must be submitted in a sealed package (which may be submitted within one complete package for mailing);
2. "Original" documents must have an original signature and be clearly marked "Original";
3. Clearly mark the outside packaging for each set of sealed proposals (Technical and Administrative);
4. Clearly mark the original and each copy as **"RFP – Combined Javits Comprehensive Facilities Conditions Assessment and Long Term Capital Asset Plan Proposal submitted by [Bidder's name]"**
5. Each Bidder must submit:
 - o Four (4) hardcopies and four (4) text-searchable electronic copies on CD or flash drive of the *Technical Proposal*.
 - o One (1) original and one (1) electronic copy on CD or flash drive of the *Administrative Proposal*.
 - o The appendices must be included in the proposal at the time of submission. See Section X.

A complete package (Technical Proposal and Administrative Proposal) must be received by the deadline in the "Schedule of Dates" in this RFP. Proposals should be sent to the following address:

Empire State Development
633 Third Avenue 35th Floor
New York, New York 10017-8167
Attention: Ralph Volcy
RFP: Javits “Comprehensive Facilities Conditions Assessment and Long Term Capital Asset Plan”

Late proposals will not be considered for award.

VII. QUESTIONS

Questions or requests for clarification regarding the RFP should be submitted via email, citing the RFP page and section, in accordance with the “Schedule of Dates” in this RFP to CCDC_Assessment&CapitalPlan-RFP@esd.ny.gov. Questions will not be accepted orally and any question received after the deadline may not be answered. The comprehensive list of questions/requests for clarifications and the official responses will be posted with this RFP.

VIII. GENERAL PROVISIONS

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

- i. Amend, modify or withdraw this RFP;
- ii. Revise any requirement of this RFP;
- iii. Require supplemental statements or information from any responsible party;
- iv. Accept or reject any or all responses hereto;
- v. Extend the deadline for submission of responses hereto;
- vi. Negotiate potential contract terms with any Bidder;
- vii. Communicate with any Bidder to correct and/or clarify responses which do not conform to the instructions contained herein;
- viii. Cancel, or reissue in whole or in part, this RFP, if ESD determines in its sole discretion that it is in its best interest to do so; and
- ix. Extend the term of any agreement on terms consistent with this RFP.

CCDC and 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 Bidder.

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 CCDC or ESD upon the request of any person unless the content of the document falls under a specific exemption to disclosure. In addition, proposals may be discussed at meetings of the CCDC Directors, which meetings are subject to the Open Meetings Law.

CCDC and ESD reserve the right, in their sole discretion, to retain and use all the materials and information, and the ideas and suggestions therein, submitted in response to this solicitation (collectively, the “Response

Information”) for any purpose. By submitting a Proposal, each Bidder waives any and all claims against CCDC or ESD relating to CCDC’s or ESD’s retention or use of the Response Information.

Required Approvals

The awarded contract, if any, may be subject to review and approval by the Office of the State Comptroller (“OSC”) pursuant to Public Authorities Law §2879-a and the regulations issued thereunder. Such OSC review and approval may be required of contracts with a value in excess of one million dollars, or modifications to contracts that result in an aggregate value in excess of one million dollars, where such contracts are paid in whole or in part with monies appropriated by the State, or were awarded on a basis other than a competitive procurement (as that term is defined in the law and regulations). If the awarded contract is subject to OSC review and approval, the contract shall not be valid and enforceable, nor shall CCDC have any liability of any kind arising from or in connection with the contract, unless and until OSC approval has been received.

The successful Bidder will be required to enter into a contract inclusive of ESD’s Schedule A, a copy of which can be found at: https://esd.ny.gov/sites/default/files/ScheduleA-Services_Materials-3818.pdf.

IX. PROCUREMENT FORMS AND REQUIREMENTS

This section contains additional information about the forms that are required to be included in each Bidder’s submission pursuant to Section VI of this RFP, as well as information about CCDC’s and ESD’s procurement requirements.

i. Conflicts of Interest

Bidder must attest it has read, understood, and will comply with the following provisions. See <https://esd.ny.gov/sites/default/files/Conflict-of-Interest-Attestation-June-2019.pdf>. ESD shall have the right to disqualify any respondent to this RFP or terminate any contract entered into as a result of this RFP should ESD determine that the Respondent has violated any of these requirements.

A. Gifts and Offers of Employment: Respondent has not and shall not during this procurement and during the negotiation of any contract resulting from this procurement, offer to any employee, member or director of ESD, any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the offer was intended to influence said employee, member or director, or could reasonably be expected to influence said employee, member or director, in the performance of the official duty of said employee, member or director or was intended as a reward for any official action on the part of said employee, member or director. Respondent may not make any offers of employment or discuss the possibility of such offers with any employee, member or director of ESD who is involved in this procurement and/or resulting contract negotiation within at least 30 days from the time that the employee’s involvement in this matter closed.

B. Disclosure of Potential Conflicts: Respondent shall disclose any existing or contemplated relationship with any other person or entity, including relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers/employers of the Respondent or former officers and employees of ESD, in

connection with your rendering services enumerated in this RFP. If a conflict does or might exist, Respondent must describe how it would eliminate or prevent it.

- C. Disclosure of Ethics Investigations:** Respondent must disclose whether it, or any of its members, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any ongoing investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "Commission"), and if so, a description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

ii. 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 Bidders and ESD or other involved governmental entities with respect to this RFP, including CCDC and CCOC; (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 Bidders 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 ESD web site under "RFPs/RFQs"); and periodic updating of such forms during the term of any contract resulting from this RFP.

Bidders 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.

The Procurement Requirements also require ESD and CCDC staff to obtain and report certain information when contacted by 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 Bidder is found to have knowingly and willfully violated the State Finance Law provisions, that 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. The designated contacts for this solicitation are referenced on the cover of this RFP.

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/Data/RFPs/RequiredForms/PermissibleContactsPolicy_Jan2007.pdf.

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

iii. Vendor Responsibility Questionnaire

All Bidders 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 Bidder and its principals have and will maintain the level of integrity needed to contract with New York State entities such as ESD and CCDC. Further, the Bidder must show satisfactory performance of all prior government contracts. Accordingly, the contract to be entered into between CCDC and Bidder, if any, shall include clauses providing that the Bidder remain “responsible” throughout the term of the contract, that CCDC may suspend the contract if information is discovered that calls into question the responsibility of the contracting party, and that CCDC 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 Bidder to this RFP.

To assist in the determination of responsibility, ESD and CCDC require that all Bidders 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. Bidders 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 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.

Bidders 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) and execute accordingly pertaining to the company’s trade industry. Per the website, Bidders are to “Select the questionnaire which best matches the business type (either For-Profit or Not-For-Profit) and business activity (Construction or Other).”

In addition, please see link to EO-192: <https://www.governor.ny.gov/news/no-192-executive-order-imposing-continuing-vendor-integrity-requirements-state-contracts>

iv. Iran Divestment Act

Every Proposal made to CCDC pursuant to a competitive solicitation must contain the following statement, signed by the Bidder 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. For further information and to view this list please go to: <https://ogs.ny.gov/system/files/documents/2019/03/listofentities.pdf>

V. Executive Order 177

In accordance with New York State Executive Order 177, all bidders must certify that they are in compliance with the New York State Human Rights Law which prohibits discrimination and harassment based on a protected class, and which requires reasonable accommodation for persons with disability or pregnancy related conditions.

The required certification for can be found at: <https://esd.ny.gov/sites/default/files/EO-177-Certification.pdf> and must be signed and included in all Proposals.

vi. Non-Discrimination and Contractor & Supplier Diversity Requirements

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations, ESD is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of ESD contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, ESD hereby establishes an overall goal of 30 percent for MWBE participation (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, bidder agrees that ESD may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how ESD will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of contract and ESD may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract

System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Office of Contractor and Supplier Diversity (“OCSD”) at OCSD@esd.ny.gov.

Additionally, a respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to ESD for review and approval. ESD will review the submitted MWBE Utilization Plan and advise the respondent of ESD acceptance or issue a notice of deficiency within 30 days of receipt.
- B. If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to OCSD, at OCSD@esd.ny.gov, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

ESD may disqualify a respondent as being non-responsive under the following circumstances:

- a) If a respondent fails to submit an MWBE Utilization Plan;
- b) If a respondent fails to submit a written remedy to a notice of deficiency;
- c) If a respondent fails to submit a request for waiver; or
- d) If ESD determines that the respondent has failed to document good faith efforts.

The successful respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to ESD, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful respondent will be required to submit a quarterly MWBE Contractor Compliance & Payment Report to ESD, by the 10th day following each end of quarter over the term of the Contract, documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions contained in [SCHEDULE B - PARTICIPATION BY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES: REQUIREMENTS AND PROCEDURES](#). The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the “Work”), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement

does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, OCSD-1, to ESD with its bid or proposal.

If awarded a Contract, respondent, regardless of whether a goal is established, shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by ESD on a quarterly basis during the term of the Contract.

Pursuant to Executive Order #162, contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the Workforce Utilization Report on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status, or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

The required forms can be found at the following web addresses:

Form OCSD-1: <https://esd.ny.gov/sites/default/files/OCSD-1-Policy-Statement.pdf>

Form OCSD-2: <https://esd.ny.gov/sites/default/files/OCSD-2-Staffing-Plan.pdf>

Form OCSD-3: <https://esd.ny.gov/sites/default/files/OCSD-3-Workforce-Utilization-Report.xlsx>

Form OCSD-4: <https://esd.ny.gov/sites/default/files/OCSD-4-Utilization-Plan.pdf>

Form OCSD-5: <https://esd.ny.gov/sites/default/files/OCSD-5-Waiver-Request-Form.pdf>

Form OCSD-6: <https://esd.ny.gov/sites/default/files/OCSD-6-Compliance-Report.pdf>

In the event that the above links are unavailable or inactive, the forms may also be requested from OCSD at OCSD@esd.ny.gov.

Diversity Practices

ESD has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of Bidders is practical, feasible, and appropriate. Accordingly, Bidders shall be required to include as part of their response to this procurement the Diversity Practices Questionnaire (Appendix A).

PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN OWNED BUSINESSES

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOB"), thereby further

integrating such businesses into New York State's economy. ESD recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of ESD contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

Contract Goals

- A. ESD hereby establishes an overall goal of 6% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Bidder/Contractor should reference the directory of New York State Certified SDVOBs found at: <https://online.ogs.ny.gov/SDVOB/search>. Questions regarding compliance with SDVOB participation goals should be directed to the Designated Contacts. Additionally, following Contract execution, Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veterans' Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss additional methods of maximizing participation by SDVOBs on the Contract.
- B. Contractor must document "good faith efforts" to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract.

SDVOB Utilization Plan

- A. In accordance with 9 NYCRR § 252.2(i), Bidders are required to submit a completed SDVOB Utilization Plan on Form OCSD-4.
- B. The Utilization Plan shall list the SDVOBs that the Bidder intends to use to perform the Contract, a description of the work that the Bidder intends the SDVOB to perform to meet the goals on the Contract, the estimated dollar amounts to be paid to an SDVOB, or, if not known, an estimate of the percentage of Contract work the SDVOB will perform. By signing the Utilization Plan, the Bidder acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOBs after the Contract award and during the term of the Contract must be reported on a revised SDVOB Utilization Plan and submitted to ESD.
- C. ESD will review the submitted SDVOB Utilization Plan and advise the Bidder/Contractor of ESD acceptance or issue a notice of deficiency within 20 days of receipt.
- D. If a notice of deficiency is issued, Bidder/Contractor agrees that it shall respond to the notice of deficiency, within seven business days of receipt, by submitting to ESD a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the Bidder/Contractor and direct the Bidder/Contractor to submit, within five business days of notification by ESD, a request for a partial or total waiver of SDVOB participation goals on OCSD-5. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

- E. ESD may disqualify a Bidder's bid or proposal as being non-responsive under the following circumstances:
 - (a) If a Bidder fails to submit an SDVOB Utilization Plan;
 - (b) If a Bidder fails to submit a written remedy to a notice of deficiency;
 - (c) If a Bidder fails to submit a request for waiver; or
 - (d) If ESD determines that the Bidder has failed to document good faith efforts.
- F. If awarded a Contract, Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Contract pursuant to the prescribed SDVOB contract goals set forth above.
- G. Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, ESD shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

Request for Waiver

A. Prior to submission of a request for a partial or total waiver, Bidder/Contractor shall speak to the Designated Contacts at ESD for guidance.

B. In accordance with 9 NYCRR § 252.2(m), a Bidder/Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in clause IV below, may submit a request for a partial or total waiver on Form OCSD-5, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by ESD at that time, the provisions of clauses II (C), (D) & (E) will apply. If the documentation included with the Bidder's/Contractor's waiver request is complete, ESD shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.

C. Contractor shall attempt to utilize, in good faith, the SDVOBs identified within its SDVOB Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract award may be made at any time during the term of the Contract to ESD, but must be made no later than prior to the submission of a request for final payment on the Contract.

D. If ESD, upon review of the SDVOB Utilization Plan and Monthly SDVOB Compliance Report (OCSD-6) determines that Contractor is failing or refusing to comply with the contract goals and no waiver has been issued in regard to such non-compliance, ESD may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals.

Waiver requests should be sent to OCSD.

Required Good Faith Efforts

In accordance with 9 NYCRR § 252.2(n), Contractors must document their good faith efforts toward utilizing SDVOBs on the Contract. Evidence of required good faith efforts shall include, but not be limited to, the following:

- (1) Copies of solicitations to SDVOBs and any responses thereto.
- (2) Explanation of the specific reasons each SDVOB that responded to Bidders/Contractors' solicitation was not selected.

- (3) Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by ESD with certified SDVOBs whom ESD determined were capable of fulfilling the SDVOB goals set in the Contract.
- (4) Information describing the specific steps undertaken to reasonably structure the Contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs.
- (5) Other information deemed relevant to the waiver request.

Monthly SDVOB Contractor Compliance Report

In accordance with 9 NYCRR § 252.2(q), Contractor is required to report Monthly SDVOB Contractor Compliance to ESD during the term of the Contract for the preceding month's activity, documenting progress made towards achieving the Contract SDVOB goals. This information must be submitted using form OCSD-6 available on the ESD website and should be completed by the Contractor and submitted to ESD, by the 10th day of each month during the term of the Contract, for the preceding month's activity to: OCSD@esd.ny.gov.

Breach of Contract and Damages

In accordance with 9 NYCRR § 252.2(s), any Contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the Contract, shall be found to have breached the contract and Contractor shall pay damages as set forth therein.

vii. 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 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 Bidder complete the Encouraging Use of New York State Businesses in Contract Performance form, accessible here:
<http://esd.ny.gov/CorporateInformation/Data/ENCOURAGINGUSEOFNEWYORKSTATEBUSINESSESINCONTRACTPERFORMANCE.pdf>.

viii. 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 Bidders to this solicitation must include in their Proposals a properly completed Form ST-220-CA http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf), or an affidavit (http://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/STL_5A_Affidavit.pdf) that the Bidder is not required to be registered with the State Department of Taxation and Finance. 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.

ix. Schedule A

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

https://esd.ny.gov/sites/default/files/ScheduleA-Services_Materials-3818.pdf

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

x. 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 (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, Bidders and their advisors should consult the Laws of 2011, Ch. 399 for guidance.

xi. Insurance Requirements

The selected Bidder will be required to provide the following insurance (at a minimum and to the extent applicable):

- Commercial General Liability of \$1 million per occurrence and \$2 million general aggregate;
- In the event that you are using a vehicle in business, Commercial Automobile insurance with a limit of not less than \$1 million each accident; or if Contractor has no owned autos, covering hired and non-owned;
- Must show evidence of Worker's Compensation & Disability Benefits Liability insurance at State statutory limits;
- Must show evidence of Employer's Liability of Bodily Limits \$1 million Bodily Injury each accident, \$1 million Bodily injury by Disease – Policy Limit, \$1M Bodily Injury by Disease each employee; and
- Professional Liability \$5 million per claim, \$5 million aggregate. Coverage must be maintained for a period of at least three (3) years following completion of the work.

CCDC, CCOC, and ESD must be named as additional insureds on a primary and non-contributory basis on all of the following policies: Commercial General Liability and Auto Liability. All policies above should include a waiver of subrogation in favor of CCDC, CCOC, and ESD.

xii. W-9 Form

Provide a completed W-9 form (<https://www.irs.gov/pub/irs-pdf/fw9.pdf>), submit with proposal.

X. APPENDICES

Any attached appendix must be completed, signed and returned to ESD with the proposal.

- i. Appendix A – Diversity Practices questionnaire
- ii. Appendix B – Site Visit Declaration Form