



# Roosevelt Island Operating Corporation

## Request for Proposal # 19-35945 Water Distribution Repairs

Key Events	Date	Time
<b>Key Events</b>	<b>Date</b>	<b>Time</b>
RFP Release	<b>MAR 18</b>	
<b>Mandatory Pre-Bid Walk-Through</b>	<b>MAR 26</b>	<b>11:00 AM</b>
Cut-off for Submission of RFIs (Requests for Information) by Email	<b>APR 5</b>	<b>5:00 PM</b>
RFI Responses Posted on RIOC Website	<b>APR 12</b>	<b>5:00 PM</b>
RFP Bids Due - <b>LATE BIDS WILL NOT BE ACCEPTED</b>	<b>APR 18</b>	<b>3:00 PM</b>

Roosevelt Island Operating Corporation (RIOC) is a Public Benefit Corporation a political subdivision of the State of New York. This project is funded by RIOC and is the issuing agency for this RFP.

RIOC reserves the right to modify the above schedule at its discretion, to alter the overall scope of work and/or to make no award on this RFP. Notification of any changes will be made via RIOC’s website at <https://rioc.ny.gov/216/RFPs-Bids> and also by email to registered bidders.

### Restricted Period & Designated Contacts

Per State Finance Law Section 139-j, the Restricted Period is defined as the time from publication of the RFP to the final contract award and approval by the governmental entity. During the Restricted Period contact between bidders and RIOC employees about this RFP is restricted to the following two designated RIOC procurement personnel: **Amy Firestein** and **Natalee Grant-Henriques**. Any perceived attempt to unfairly influence the bidding process will lead to disqualification and potentially other consequences. Please email all questions to [rfpbids.waterdistribution@rioc.ny.gov](mailto:rfpbids.waterdistribution@rioc.ny.gov)

This RFP complies with the 2014 NYS Office of General Services (OGS) Procurement Guidelines.

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## SECTION 1 – Scope and Technical Requirements

### 1.1 Statement of Purpose

The Roosevelt Island Operating Corporation seeks to complete repairs and upgrades to the water distribution system which feeds various uses throughout the island's parks. The repairs include but are not limited to; new water service connection using existing to remain taps, relocation of water meters, replacement of RPZ devices, new double check valves, new below ground vaults and above grade enclosures as needed and initial testing of backflow prevention as needed to provide RIOC with up-to-date DEP certifications/inspections for the system.

### 1.2 Term of Project

The expected duration of the project is 120 calendar days.

Bidders **must include a proposed schedule start date and completion date**. Timely completion of the project is critical as the system feeds park uses which should be open to the public as warm weather approaches. Any bidder strategies proposed to shorten the project schedule will be considered when evaluating bids prior to award. The agreed upon dates will become the "contract time for the completion of the work".

### 1.3 Scope of Work Summary

Scope of work shall be per the 100% Construction Documents prepared by Cameron Engineering dated February 2019.

All work by the contractor shall be performed under the latest applicable federal, state and city law and codes. Interpretation of Codes and or the work to be performed shall be made by RIOC's Engineer, or any other so designated by the Owner and his/her decision shall be binding.

### 1.4 Site Conditions

The sites are located at various parks throughout Roosevelt Island. Access assistance will be provided by RIOC's staff on an as needed basis throughout the duration of the project. Bidders shall note that Roosevelt Island has only one vehicular access; the Roosevelt Island Vehicular Bridge.

Bidders shall, at their own expense, examine the site of the proposed work as well as all adjacent areas and seek other typical sources of information regarding site conditions. Each Bidder will conclusively be presumed to have knowledge of any and all conditions on, about, below or above the site relating to or affecting in any way the performance of the work to be done under the Contract which were or should have been evident to a reasonably prudent Bidder.

### 1.5 Project Documents

**Drawing List** prepared by Cameron Engineering & Associates, LLP, dated Feb. 2019, that are associated with this project: See link associated with this posting to access Drawings & Specifications files.

#### **DRAWINGS (Dated Feb. 2019)**

C-001.00 GENERAL NOTES  
C-002.00 LIGHTHOUSE PARK  
C-003.00 CAPOBIANCO PARK  
C-004.00 BLACKWELL PARK  
C-005.00 MEDITATION STEPS (RIVER-CROSS LAWN)  
C-006.00 MEDITATION STEPS MTA

C-007.00 FIREFIGHTER SHED  
C-008.00 CAPOBIANCO BUILDING  
C-009.00 OCTAGON FIELD  
C-010.00 PONY FIELD  
C-011.00 SITE DETAILS PLAN

Each Bidder shall examine specifications and all other data or instruction pertaining to the work (as contained within the project definition). No pleas of ignorance of conditions that may be encountered or of any other matter concerning the work to be performed in the execution of the work will be accepted by RIOC as an excuse for any failure or omission on the part of the Bidder to fulfill every detail of all the requirements of the documents governing the work. Bidder, if awarded the contract, will not be allowed any extra compensation by reason of any matter or thing that the Bidder should have been fully informed of prior to bidding.

## 1.6 General Requirements

In addition to those requirements outlined in the Specifications and General Conditions stated in the RIOC Sample Contract, the following shall apply:

- a. The Contractor shall be completely responsible for their work, including any damages or breakdowns caused by their failure to take appropriate and prompt action.
- b. The Contractor shall furnish all equipment, material and labor necessary to complete the work requested in this RFP.
- c. The Contractor shall provide all inspections, permits and warranties affiliated with the requested scope of work.
- d. Contractor shall have all necessary trade laborers with licenses in good standing with NYS and NYC.
- e. The Contractor agrees to comply with all applicable Federal, State and Local rules and regulations.
- f. Contractor shall clearly mark all work areas that may reasonably be expected to endanger the health and safety of Roosevelt Island residence, guests or any other persons/animals. Contractor will provide such signs, markers, cones and barricades within reason as required to identify all work areas, minimize dangers and provide maintenance and protection of traffic. All areas of protection to be coordinated with RIOC representatives.
- g. Article 8 (Sections 220-223) and Article 9 (Sections 230-239) of the New York State Labor Law require **public work** contractors and subcontractors to pay workers employed in the performance of a public work contract not less than the prevailing rate of wage and to provide supplements (fringe benefits) in accordance with prevailing practices in the locality where the work is performed. **Contracts awarded will require the successful Bidder and their subcontractors to submit a certified payroll with each of their invoices.** The Prevailing Wage Schedule for this project is available on RIOC's website right below the link to this RFP. Prevailing wage rates are updated by Department of Labor (DOL) each year on Jul 1. If your firm is a participant of the NYSDOL Apprenticeship programs, please provide proof of participation and the approved apprentice rates.
- h. Bidders will be required to submit a "Contractor's Monthly MWBE Contractor Compliance & Payment Report" (Form MWBE 105) with their pay requisitions/invoices pursuant to their MWBE Utilization Plan, and monthly Workforce Utilization Report pursuant to NYS Executive Order 162. Templates are available under this RFP on RIOC's website.
- i. RIOC's interpretation of Specifications shall be final and binding upon the contractor.
- j. Should it appear that there is a real or apparent discrepancy between different sections of this RFP and/or the project definition specifications concerning the nature, quality, or extent of work to be furnished, it shall be assumed that the Bidder has based its bid on the more expressive manner. Final decision will rest with RIOC.
- k. During the term of the contract, RIOC may authorize the contractor to use overtime in order to expedite major repairs. This authorization will be granted only in those instances where RIOC has made a determination that such action is in the overall best interest of the project.

- l. RIOC has the right to the full and exclusive possession of information, materials, documents, software and electronic data produced by the contractor and / or its subcontractors.
- m. Upon completion of the work, contractor shall clean up the area where the work was performed and remove any hazardous or non-hazardous debris generated by the repairs / maintenance in a legal and safe fashion.
- n. Failure to complete the project on time, as per Sections 5 and 6 of the Contract, may result in Liquidated Damages listed in the Contract under 'Scope of Work' and 'Additional Terms'. Liquidated damages will be calculated at \$750.00 per calendar day.
- o. Any deviation from the terms and conditions of this RFP will not be considered unless specifically referred to in a separate letter submitted with the bid and titled "Extraneous Terms." All extraneous terms submitted will be reviewed and negotiated with RIOC as appropriate.

### **1.7 Contract Meetings**

- a. The successful Bidder will be responsible for the completion of a variety of administrative and reporting requirements, and the cost of same will be included in the base bid price.
- b. Upon award of a contract and prior to the start of any work, the successful Bidder shall be available for an initial job meeting with RIOC. This meeting shall include:
  - i. The contractor's submission of a schedule of work to be reviewed and approved by RIOC.
  - ii. A review of all RIOC facility use rules.
- c. Unless otherwise directed by RIOC, there shall be monthly job meetings for the following purposes:
  - i. Review job progress, quality of work, and approval and delivery of materials.
  - ii. Identify and resolve problems that impede planned progress.
  - iii. Coordinate the efforts of all concerned so that the contract progresses on schedule through to on-time completion.
  - iv. Maintain a sound working relationship between the contractor and RIOC and a mutual understanding of the contract.
  - v. Maintain sound working procedures.

### **1.8 Contractor Close-Out Inspection**

At Substantial Completion and prior to the expiration of the contract, the contractor, architect/engineer and RIOC will make a complete examination of all Work specified in the contract. The contractor shall coordinate and schedule the examination with RIOC. The architect/engineer will prepare an Existing Deficiency Report listing all deficiencies noted during the examination. The contractor shall correct all deficiencies, as required by this contract, prior to the expiration of the contract. CONTSTRUCTION

## SECTION 2 - General Instructions to Bidders

- 2.1 Interested Bidders should register their intent to bid on the project by emailing [rpbids.waterdistribution@rioc.ny.gov](mailto:rpbids.waterdistribution@rioc.ny.gov) with the name of the primary contact person, company name, best telephone number to reach you at, and company address. Any changes to the bid process or additional information (such as responses to Requests for Information) will be posted as Addenda to this RFP on the RIOC website at <https://rioc.ny.gov/216/RFPs-Bids> and also emailed to registered bidders.
- 2.2 A **mandatory** walk-through will be held **at the date and time listed on the front page of this RFP** at our 680 Main St. office (under the parking garage, the entrance faces East across the river toward Queens). See map at <http://rioc.ny.gov/398/680-Main-Street-Directions>. All questions answered at this meeting are informal; requests for formal written responses to questions must be made by email.
- 2.3 RIOC is not responsible for any oral responses made by RIOC representatives or responding to inquiries made by telephone. Formal Requests for Information (RFIs) seeking interpretation or correction of any ambiguity, inconsistency or error in bid documents must be submitted to [rpbids.waterdistribution@rioc.ny.gov](mailto:rpbids.waterdistribution@rioc.ny.gov) **by the RFI cut-off date listing on the front page of this RFP**. In the email subject line include the RFP Number and Project Name. A collection of all RFIs received and official responses will be posted to the RIOC website as an Addendum and a copy emailed to registered bidders. RFIs received after the cut-off date will not be responded to unless it is deemed by RIOC to be important, in which case additional addenda may be issued. If no RFIs are received, no addenda will be issued for responses and no notice will be sent out to registered bidders.
- 2.4 The successful Bidder will be required to execute a RIOC Standard Form Contract for Construction. A sample contract is provided on the RIOC website below the link to this RFP. By submitting a bid, the Bidder implies that it has carefully reviewed this sample contract and is able to comply with its requirements.
- 2.5 Bid Contents and General Appearance:
- Bidders shall supply **one (1) physical bid binder** with original signatures AND **one (1) electronic copy** on CD or USB. Double-check that the electronic copy has every page - scanner/printers can skip pages, which could lead to an incomplete bid package.
  - Bids should be submitted in binders with the official name of the Bidder on the outside front cover. Each binder shall include the following:
    - Title Page – include the full name, email address, phone number of Bidder’s primary contact(s)
    - Bid Completeness Checklist (on the back of the Title Page)
    - The following sections (with index tabs for easy reference)
      1. Fee Proposal
      2. Financials
      3. Experience and Qualifications (including the 5 References)
      4. Staffing Proposal
      5. Required Attached Forms
      6. Required Additional Forms
- 2.6 Bid submissions must be placed in a **sealed** envelope or package addressed to:
- **Roosevelt Island Operating Corporation**  
**RFP #19-35945 – Water Distribution Repairs**  
**591 Main Street**  
**Roosevelt Island, NY 10044**
  - If delivering by hand, bidders should allow extra time to accommodate for any unexpected delays getting onto the island or accessing parking (paid parking is located at Motorgate, immediately to the right upon exiting the Roosevelt Island bridge or metered parking on the Island).
  - If using a commercial delivery company that requires you to use their shipping package or envelope, your bid should be placed within a second sealed envelope labeled to ensure that your

bid is not prematurely opened. Bidders using commercial delivery companies are encouraged to ship early or arrange a guaranteed delivery time in order to avoid late delivery.

- Bid submission by email or fax is **not acceptable** and **will not be considered**.
- Bidders assume all risks for timely delivery of their submission. **Late bids will not be accepted**.
- Any submission that is incomplete may result in a disqualification of that bid.

**2.7** All bid documentation in written and electronic format will become the property of the State of New York and will not be returned. All information submitted in response to this RFP is subject to the Public Officer Law Article 6, Sections 84-90 ("Freedom of Information Law"), which generally mandates the disclosure of documents in the possession of RIOC upon the request of any person unless the content of the document falls under a specific exemption. In addition, all responses may be discussed at meetings of the RIOC Board of Directors and Committees meetings, which are subject to the Public Officers Law Article 7, Sections 100-111 ("Open Meetings Law").

## 2.8 Bid Evaluation Criteria

Bid Evaluation Criteria	Points
<p><b>1. Experience and Qualifications:</b></p> <p>Bidder will be evaluated on its experience (business references and work samples) and qualifications as explained in the Bid Proposal. Specifically, RIOC will evaluate the Bidder's experience by the number of years the Bidder (or its key personnel performing the work) has conducted the specified work on past similar projects as well as quality of performance and difficulty of this work. RIOC will also take into account affiliations or partnerships that may contribute to the Bidder's qualifications. Bidder should clearly explain the role of any proposed subcontractors in the performance of the services.</p>	<b>30</b>
<p><b>2. Ability to Perform the Required Services / Accelerated Construction Schedule:</b></p> <p>RIOC will evaluate the Bidder's approach to meeting the needs of the project and assign points based on the shortest construction duration provided by bidders. Bidders shall submit a proposed construction schedule with lead-time, proposed logistics and multiple crew distribution.</p>	<b>30</b>
<p><b>3. Staffing Proposal and Team Experience Together:</b></p> <p>RIOC will evaluate the proposed staffing plan to ensure overall project coverage and specific tasks required in the proposal. Individual experience (including any proposed subcontractors) will be evaluated in addition to overall team experience to ensure that the selected team has demonstrated prior successful completion of projects similar in nature, scale, and scope.</p>	<b>15</b>
<p><b>4. Financial Capability:</b></p> <p>RIOC evaluates the pertinent information provided in the Vendor Responsibility Questionnaire form in order to determine the Bidder's ability to perform the services and calculates four commonly used financial ratios based on the financial statements provided by the Bidder to award points.</p>	<b>15</b>
<p><b>5. Fee:</b></p> <p>The Bidder with the lowest fee on the Fee Proposal Form will receive the maximum points in the Cost category. All other Bidders will receive a percentage of points based on the variance from the lowest fee. This scoring is a calculation, not an analysis. RIOC uses the NYS Office of the State Comptroller's recommended formula for cost scoring:  <b>Max Points x (Lowest Fee ÷ Fee Being Evaluated).</b></p>	<b>10</b>
<b>Maximum Available Points:</b>	<b>100</b>

- 2.9** Award and Non-Award Letters will be emailed to bidders when a selection has been made. Award Letters may be subject to approval of the RIOC Board of Directors, depending on the timing of scheduled meetings. The emailing of Award/Non-Award Letters represents the conclusion of the Restricted Period for this RFP.
- 2.10** Upon request, RIOC will provide a debriefing to any unsuccessful Bidder regarding the reasons that bid was not selected for an award, in accordance with State Finance Law Section 163(9)(c) as amended by Section 3 of Chapter 137 of the Laws of 2008. Debriefings shall be requested by emailing [rfpbids.waterdistribution@rioc.ny.gov](mailto:rfpbids.waterdistribution@rioc.ny.gov) within 15 calendar days of RIOC's notification of non-award to the unsuccessful Bidder. The debriefing will take place in person at RIOC's offices and shall be scheduled within 15 calendar days of receipt of the written request by RIOC, or as soon after that time as practicable under the circumstances.
- 2.11** The issuance of this RFP and the submission of a response by a Bidder or the acceptance of such response by RIOC does not obligate RIOC in any manner. RIOC reserves the right to:
- a. Accept or reject any or all proposals received in response to the RFP;
  - b. Amend, modify or withdraw the RFP at any time, at RIOC's sole discretion;
  - c. Make an award under the RFP in whole or in part;
  - d. Disqualify any Bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
  - e. Seek clarifications and revisions of proposals;
  - f. Use proposal information obtained through site visits, management interviews and the State's investigation of a Bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the Bidder in response to RIOC's request for clarifying information in the course of evaluation and/or selection under the RFP;
  - g. Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
  - h. Prior to the bid opening, direct Bidders to submit proposal modifications addressing subsequent RFP amendments;
  - i. Extend the deadline for submission of responses to this RFP or otherwise modify the schedule of dates set forth in this RFP;
  - j. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Bidders;
  - k. Waive any requirements that are not material;
  - l. Require supplemental statements or information from any responsible party;
  - m. Negotiate with the successful Bidder within the scope of the RFP in the best interests of RIOC;
  - n. Conduct contract negotiations with the next responsible Bidder should RIOC be unsuccessful in negotiating with the selected Bidder;
  - o. Negotiate potential contract terms with any Bidder;
  - p. Utilize any and all ideas submitted in the proposals received; and
  - q. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of the Bidder's proposal and/or to determine the Bidder's compliance with the requirements of the solicitation.

RIOC may exercise the foregoing rights at any time without notice and without liability to any Bidder 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 Bidder.



## SECTION 3 – Explanation of Bid Content

### 3.1 Explanation of Bid Proposal Section 2 – Fee Proposal

### 3.2 Explanation of Bid Proposal Section 3 – Financials

#### a. Financial Statements

Include in your bid financial statements that have been compiled, reviewed or audited by a certified professional accountant (CPA), or signed by your firm's CFO, including a **full-year** income statement (P&L) **and** associated balance sheet. **If the ending date** of these financial statements is earlier than six months before the publication date of this RFP, in addition to the statements above you **must** provide an interim balance sheet dated less than six months before publication of this RFP.

#### b. Vendor Responsibility Questionnaire

All Bidders 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. In addition, Bidders 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 RIOC. Further, the Bidder must show satisfactory performance of all prior government contracts. Accordingly, the contract to be entered into between RIOC and the Bidder, if any, shall include clauses providing that the Bidder remain "responsible" throughout the term of the contract; that RIOC may suspend the contract if information is discovered that calls into question the responsibility of the Bidder, and that RIOC may terminate the contract based on a determination that the Bidder is non-responsible.

#### c. Proof of Bonding Capacity

This is a bonded project. Include in your bid "Proof of Bonding Capacity," a letter from an "A" rated (or better) Surety company outlining your firm's aggregate and available bonding. To confirm the rating of the company providing your letter, search the name of company and A.M. Best.

Within seven (7) calendar days of the date of the Award Letter, the winning Bidder must deliver to RIOC an original Payment & Performance Bond, from an "A" rated or better Surety Company, for the full value of work. Inability to comply may result in revocation of the Award and selection of the next highest bidder.

### 3.3 Explanation of Bid Proposal Section 4 - Experience and Qualifications

- a. **Executive Summary:** A brief description and history of the company, including total number of years in business and years supplying relevant services, and total number of employees. Include information on key office locations and sales/service area coverage.
- b. **Detail of the organization** showing products, technologies, professional strengths and abilities. Include an organizational chart for key employees and departments and resumes of all key personnel. Identify the project manager(s) who will be responsible for communicating with RIOC.
- c. **List the most relevant projects** in which the Bidder has been involved with in the past five (5) years that are similar in type, size, scale, or complexity to the project as outlined in this RFP, identifying at a minimum:
  - Project name
  - Description of work/service
  - Client/Owner name
  - Original commencement and completion dates, and final commencement and completion dates
  - Original contract price and final contract price (including change orders)
  - An explanation of any differences in dates and prices above

- An explanation of any regulatory issues that required resolution
- d. For each project above, submit the client/owner name, address of work/service, contact name and title, phone number, and email address. At least 5 references are required. If needed, from projects started more than five years ago.
- e. If the Bidder will be offering certain elements of the project through one or more subcontractors, describe prior working experience with these subs, including project name, rough dollar value of sub contract and total contract cost.
- f. If any litigation resulted from any of the contracts above please explain.

### 3.4 Explanation of Bid Proposal Section 6 – Required Attached Forms

- a. **MWBE Participation** RIOC wishes to maximize the participation of Minority- and Women-Owned Business Enterprises (MWBE), in accordance with New York State Executive Law Article 15-A, and 5 NYCRR Parts 142-144.

RIOC has established a goal of **30%** for MWBE participation for this RFP. The basis for determining the dollar value of this 30% is **the final contract price** (including change orders). Only firms **currently certified by New York State can be used** to meet MWBE participation goals on this contract. Firms currently certified can be found at <https://ny.newnycontracts.com/> (click the blue “Search the Directory” button in the middle of the page). Bidders **currently under application** to become certified are **not eligible** to use their firm towards meeting the MWBE participation goals until they are certified. ESD (Empire State Development Corporation) oversees the NYS MWBE certification process; ESD-certified means NYS-certified.

Required Forms:

- Form MWBE 100 – MWBE Participation/Equal Employment Opportunity Policy Statement
- Form MWBE 101 – Staffing Plan
- Form MWBE 103 – Utilization Plan (the detail must meet the 30% goal)

If your firm is unable to identify any partnership opportunities with currently certified MWBE firms, in lieu of Form MWBE 103 above, you may submit Form MWBE 104 and request a full or partial waiver. With this waiver request you must submit documentation showing your firm’s Good Faith Efforts, as listed on page 2 of Form MWBE 104 and defined by 5 NYCRR Section 142.8. Such documentation includes, but is not limited to, a list of all MWBE firms from the NYS MWBE Directory in this region and applicable trades, and copies of emails and/or dates-times of all phonecalls soliciting the certified MWBEs for this bid.

Failure to comply with the requirements of the MWBE Regulations may result in a finding of non-responsiveness or non-responsibility leading to disqualification of the Bidder.

If awarded a Contract, Contractor certifies that it will follow the submitted MWBE Utilization Plan for the performance of MWBEs on the Contract pursuant to the prescribed MWBE contract goals set forth above. Contractors will be required to submit a “Contractor’s Monthly MWBE Contractor Compliance & Payment Report” (**Form MWBE 105**) with their pay requisitions/invoices pursuant to their MWBE Utilization Plan, and Monthly **Workforce Utilization Report** pursuant to NYS Executive Order 162. Templates are available under this RFP on RIOC’s website

Contractor further agrees that a failure to use MWBEs 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, RIOC shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

- b. **SDVOB Participation**

RIOC wishes to maximize the participation of Service-Disabled Veteran-Owned-Businesses (SDVOB) in the performance of RIOC contracts, in accordance with Article 17-B of the New York State Executive Law and 9 NYCRR § 252.2(i).

RIOC has established an overall goal of **6%** for SDVOB participation for this RFP. The basis for determining the dollar value of this 6% is **the final contract price** (including change orders). Only firms **currently certified by OGS can be used** to meet SDVOB participation goals on this contract. Certified firms can be found at <https://online.ogs.ny.gov/SDVOB/search>.

Required Forms:

- Form SDVOB 103 – Utilization Plan (the detail must meet the 6% goal)

If your firm is unable to identify any partnership opportunities with currently certified SDVOB firms, in lieu of Form SDVOB 103 above, you may submit Form SDVOB 104 and request a full or partial waiver. With this waiver request you must submit documentation showing your firm's Good Faith Efforts, as listed on page 2 of Form SDVOB 104 and defined by 5 NYCRR Section 252.2(n). Such documentation includes, but is not limited to, a list of all SDVOB firms from the OGS SDVOB Directory in this region and applicable trades, and copies of emails and/or dates-times of all phonecalls soliciting the certified SDVOBs for this bid.

RIOC may deem a Bidder non-responsive if a Bidder fails to submit an SDVOB Utilization Plan.

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. Contractors will be required to submit a "Contractor's Monthly SDVOB Compliance Report" (**Form SDVOB 101**) pursuant to their SDVOB Utilization Plan

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, RIOC shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

c. **EO 177 Certification**

Pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Bidder and its subcontractors may 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.

d. **Non-Collusive Bidding Certification**

As part of this submission, each Bidder must submit a signed copy of the Non-Collusive Bidding Certification, which is required by section 139-d of the State Finance Law.

e. **Lobbying and Accuracy Certifications, and Disclosure of Prior Non-Responsibility**

Pursuant to State Finance Law Sections 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between RIOC and a Bidder during the procurement process. From the publication of this RFP through to the Notices of Award/Non-Award sent by RIOC, a Bidder is restricted from making contact to RIOC designated staff **as identified on the first page of this RFP**. RIOC employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Bidder pursuant to these two statutes. Certain findings of non-responsibility can result in disqualification of the Bidder and, in the event of two findings within a four-year period, the Bidder is barred from obtaining governmental Procurement Contracts. Further information can be found on the OGS website: <https://ogs.ny.gov/acpl/>.

f. **Iran Divestment Act and MacBride Fair Employment Principles Stipulation**

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 State Finance Law Section 165-a Subdivision 3 Paragraph (b). This list is available at <http://www.ogs.ny.gov/about/regs/ida.asp>.

In accordance with Chapter 807 of the Laws of 1992 the Bidder, by submission of this bid, certifies that if it or any individual or legal entity in which the Bidder holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership interest in the Bidder has business operations in Northern Ireland, such Bidder, shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of their compliance with such Principles.

g. **Encouraging Use of NYS Businesses in Contract Performance**

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 contracts resulting from this RFP for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contracts. Each Bidder must complete the Encouraging Use of New York State Businesses in Contract Performance form.

### 3.5 Explanation of Bid Proposal Section 7 – Required Additional Forms

a. **Addenda**

Addenda will be issued to respond to RFIs and for any other items added, deleted or other changes made after the RFP is published. Addenda will be published on the RIOC website in the same location as the RFP and sent to bidders that have registered with RIOC. In order to show their receipt and review of the information included in each addendum, Bidders must sign and include the cover page of each addendum issued for this RFP with their bid proposal.

b. **Form ST-220-CA**

Any contract resulting from this solicitation is also subject to the requirements of State Tax Law Section 5-a (“STL 5-a”). The aim of STL 5-a is to ensure that contractors do not get state work unless they, their affiliates and their subcontractors are, when required by section 5-a, registered to collect New York State and local sales and compensating use taxes. Included within the statute’s scope are out-of-state businesses making sales of more than \$300,000 into New York but having no physical presence in the state.

The statute defines the term *contract* as an agreement between a contractor and a covered agency for the purchase by the covered agency, pursuant to Article 11 of the New York State Finance Law, of *commodities* or *services* having a value in excess of \$100,000.

To comply with STL 5-a, all Bidders must include a completed Form ST-220-CA in their bid (see [https://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](https://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)) if applicable. If a contract is renewed Form ST-220-CA must be submitted again. Only the prime contractor completes Form ST-220-CA.

**Form ST-220-TD should be filed with the NYS Department of Taxation and Finance.**

Schedule A of Form ST-220-TD requires information about any subcontractors.



**SECTION 4 – Attached Forms to Be Submitted With Bid Proposal**

**Title Page**

Legal Business Name of Bidding Firm	
D/B/A - Doing Business As Name (if applicable)	
Federal Tax ID Number / EIN (not SSN)	
NYS Vendor ID Number	
Business Address	
Name of Primary Contact Person for this RFP	
Email of Primary Contact Person	
Phone Number of Primary Contact Person	

**Bid Completeness Checklist**

- One (1) physical copy of Bid Proposal **AND** one (1) electronic copy on CD or USB
- Title Page** – including the full name, email address, phone number of Bidder’s primary contact
- Bid Completeness Checklist** (signed)
- Section 1** – Fee Proposal Form
- Section 2** – Financials
  - Financial Statements for a 1-year period, within 6 months of the bid publication date
  - Vendor Responsibility Questionnaire
  - Proof of Bonding Capacity
- Section 3** - Experience and Qualifications including five References
- Section 4** – Required Attached Forms
  - M/WBE 100
  - M/WBE 101
  - M/WBE 103 **OR** M/WBE 104 and Proof of “Good Faith Efforts”
  - SDVOB 103 **OR** SDVOB 104 and SDVOB 109 and Proof of “Good Faith Efforts”
  - EO 177 Certification
  - Non-Collusive Bidding Certification
  - Bidder’s Lobbying Certification and Bidder’s Certification of Accuracy
  - Bidder’s Disclosure of Prior Non-Responsibility
  - Iran Divestment Certification AND MacBride Fair Employment Principles Stipulation
  - Encouraging Use of New York State Businesses in Contract Performance
- Section 5** – Required Additional Forms
  - Addenda (signed initial page of each, if any)
  - Form ST-220-CA, ST-220-TD

*Bidder certifies that the documents above have been submitted as part of this Bid Proposal.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 1 - Fee Proposal Form**

For calculation of fee, RIOC is a Public Benefit Corporation and is **exempt from Sales and other taxes** imposed by Local, State and Federal Law. RIOC's Employer ID Number is 13-3317974.

**Fee Proposal Form** - See **mandatory** fee proposal in excel attachment posted on the website.

**Allowances**

All allowance use to be directed by the owner. Any unused balance of the allowances as indicated in the Bid Fee Schedule shall be credited back to the owner. All costs shall be documented and approved by the Owner.



**Vendor Responsibility Questionnaire**

Note that a "yes" answer below will not automatically disqualify a firm from consideration for this project.

**1. Bidder Identification**

a. Legal Name and Address of Bidder: \_\_\_\_\_  
\_\_\_\_\_

b. Type of Entity (check only one)

- Corporation
- Sole Proprietor
- General Partnership
- Limited Partnership
- Limited Liability Company (LLC)
- Other – (please specify)
- Not-for-Profit Corporation

State and Date of Incorporation

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Charities Registration Number: \_\_\_\_\_

**2. Major Ownership Interest**

List below the names of all major owners of the bidding entity (10% or more for publicly traded companies, 25% or more for all others), home addresses and percentages of ownership:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**3. Relationships to Other Organizations**

Is the Bidder owned by (an)other corporation(s)? Does the Bidder have ownership interest in any other corporations, partnerships, LLCs that might be providing similar construction or services to this bid?

- no
- yes; list each such corporation, firm or organization by name and address, specify its relationship to the Bidder, and ownership percentage:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**4. Financial and Legal History**

a. Has the Bidder, or any of its subsidiaries, ever filed for bankruptcy or reorganization (either voluntary or involuntary) within the last ten years.

- no
- yes, please explain:

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b. Has the Bidder, or any of its subsidiaries, been involved in any of the following within the last ten years (check all that apply):

- Contract in default
- Outstanding judgment on a mechanic's liens
- Union dispute
- Malperformance
- Warranty default
- OSHA violation or litigation
- Standby letter of credit forfeiture (all or in part)
- Had firm's surety called upon
- Pending litigation on any construction or service-related work

Explain any items selected above (use additional pages if necessary). If resolved, please provide date and proof of resolution. Provide court name, address and docket number of any current proceedings.

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**Certification of Vendor Responsibility Questionnaire**

*I certify that the information set forth in or attached to this Vendor Responsibility Questionnaire is true and correct. I understand that, as a result of information which is contained or omitted herein, RIOC may at its sole discretion determine that the qualifications presented are not suitable for the project.*

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**MWBE and EEO Policy Statement (Form MWBE 100)**

<b>M/WBE</b>	<b>EEO</b>
<p>This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:</p> <ol style="list-style-type: none"> <li>1. Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.</li> <li>2. Request a list of State-certified M/WBEs from Roosevelt Island Operating Corporation and solicit bids from them directly.</li> <li>3. Ensure that plans, specifications, request for proposals and other documents used to secure bids will e made available in sufficient time for review by prospective M/WBEs.</li> <li>4. Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.</li> <li>5. Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.</li> <li>6. Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.</li> </ol>	<ol style="list-style-type: none"> <li>a. This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on state contracts.</li> <li>b. This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.</li> <li>c. At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organizations' obligations herein.</li> <li>d. This organization will include the provisions of sections (a) through (c) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract</li> </ol>

*I, the Bidder, agree to adopt the following policies with respect to the project being developed or services rendered at Roosevelt Island Operating Corporation.*

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## STAFFING PLAN

**Submit with Bid or Proposal – Instructions on page 2**

<b>Solicitation No.:</b>	<b>Reporting Entity:</b>	<b>Report includes Contractor's/Subcontractor's:</b> <input type="checkbox"/> Work force to be utilized on this contract <input type="checkbox"/> Total work force
<b>Offeror's Name:</b>		<input type="checkbox"/> Offeror <input type="checkbox"/> Subcontractor <b>Subcontractor's name</b> _____
<b>Offeror's Address:</b>		

Enter the total number of employees for each classification in each of the EEO-Job Categories identified

EEO-Job Category	Total Work force	Work force by Gender		Work force by Race/Ethnic Identification														
		Total Male (M)	Total Female (F)	White (M) (F)		Black (M) (F)		Hispanic (M) (F)		Asian (M) (F)		Native American (M) (F)		Disabled (M) (F)		Veteran (M) (F)		
Officials/Administrators																		
Professionals																		
Technicians																		
Sales Workers																		
Office/Clerical																		
Craft Workers																		
Laborers																		
Service Workers																		
Temporary /Apprentices																		
Totals																		

<b>PREPARED BY (Signature):</b>	<b>TELEPHONE NO.:</b>	<b>DATE:</b>
	<b>EMAIL ADDRESS:</b>	
<b>NAME AND TITLE OF PREPARER (Print or Type):</b>		<b>Submit completed with bid or proposal M/WBE 101 (Rev 11/08)</b>

**General instructions:** All Offerors and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan (M/WBE 101) and submit it as part of the bid or proposal package. Where the work force to be utilized in the performance of the State contract can be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form only for the anticipated work force to be utilized on the State contract. Where the work force to be utilized in the performance of the State contract cannot be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form for the contractor's and/or subcontractor's total work force.

**Instructions for completing:**

1. Enter the Solicitation number that this report applies to along with the name and address of the Offeror.
2. Check off the appropriate box to indicate if the Offeror completing the report is the contractor or a subcontractor.
3. Check off the appropriate box to indicate work force to be utilized on the contract or the Offerors' total work force.
4. Enter the total work force by EEO job category.
5. Break down the anticipated total work force by gender and enter under the heading 'Work force by Gender'
6. Break down the anticipated total work force by race/ethnic identification and enter under the heading 'Work force by Race/Ethnic Identification'. Contact the OM/WBE Permissible contact(s) for the solicitation if you have any questions.
7. Enter information on disabled or veterans included in the anticipated work force under the appropriate headings.
8. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in the designated boxes.

**RACE/ETHNIC IDENTIFICATION**

Race/ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. For the purposes of this form, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group. The race/ethnic categories for this survey are:

- **WHITE** (Not of Hispanic origin) All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- **BLACK** a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
- **HISPANIC** a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
- **ASIAN & PACIFIC ISLANDER** a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
- **NATIVE INDIAN (NATIVE AMERICAN/ ALASKAN NATIVE)** a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

**OTHER CATEGORIES**

- **DISABLED INDIVIDUAL** any person who:
  - has a physical or mental impairment that substantially limits one or more major life activity(ies)
  - has a record of such an impairment; or
  - is regarded as having such an impairment.
- **VIETNAM ERA VETERAN** a veteran who served at any time between and including January 1, 1963 and May 7, 1975.
- **GENDER** Male or Female

## M/WBE UTILIZATION PLAN

**INSTRUCTIONS:** This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. This Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Minority and Women-owned Business Enterprise (M/WBE) under the contract. Attach additional sheets if necessary.

**Offeror's Name:**

**Address:**

**City, State, Zip Code:**

**Telephone No.:**

**Region/Location of Work:**

**Federal Identification No.:**

**Solicitation No.:**

**Project No.:**

**M/WBE Goals in the Contract:** MBE      %    WBE      %

1. Certified M/WBE Subcontractors/Suppliers Name, Address, Email Address, Telephone No.	2. Classification	3. Federal ID No.	4. Detailed Description of Work (Attach additional sheets, if necessary)	5. Dollar Value of Subcontracts/ Supplies/Services and intended performance dates of each component of the contract.
A.	<b>NYS ESD CERTIFIED</b> <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
B.	<b>NYS ESD CERTIFIED</b> <input type="checkbox"/> MBE <input type="checkbox"/> WBE			

**6. IF UNABLE TO FULLY MEET THE MBE AND WBE GOALS SET FORTH IN THE CONTRACT, OFFEROR MUST SUBMIT A REQUEST FOR WAIVER FORM (M/WBE 104).**

<p><b>PREPARED BY (Signature):</b> <b>DATE:</b></p> <p><b>NAME AND TITLE OF PREPARER (Print or Type):</b> SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE-REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND POSSIBLE TERMINATION OF YOUR CONTRACT.</p>	<p><b>TELEPHONE NO.:</b></p>	<p><b>EMAIL ADDRESS:</b></p>
<b>FOR M/WBE USE ONLY</b>		
<p><b>M/WBE 103 (Revised 11/08)</b></p>	<p><b>REVIEWED BY:</b></p>	<p><b>DATE:</b></p>
<p><b>UTILIZATION PLAN APPROVED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO    Date: _____  <b>Contract No.:</b> _____                      <b>Project No. (if applicable):</b> _____</p> <p><b>Contract Award Date:</b> _____  <b>Estimated Date of Completion:</b> _____  <b>Amount Obligated Under the Contract:</b> _____  <b>Description of Work:</b> _____</p> <p><b>NOTICE OF DEFICIENCY ISSUED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO    Date: _____  <b>NOTICE OF ACCEPTANCE ISSUED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO    Date: _____</p>		

## REQUEST FOR WAIVER FORM

**INSTRUCTIONS: SEEPAGE 2 OF THIS ATTACHMENT FOR REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS.**

<b>Offeror/Contractor Name:</b>	<b>Federal Identification No.:</b>
<b>Address:</b>	<b>Solicitation/Contract No.:</b>
<b>City, State, Zip Code:</b>	<b>M/WBE Goals: MBE      %      WBE      %</b>

**By submitting this form and the required information, the offeror/contractor certifies that every Good Faith Effort has been taken to promote M/WBE participation pursuant to the M/WBE requirements set forth under the contract.**

**Contractor is requesting a:**

1.  **MBE Waiver** – A waiver of the MBE Goal for this procurement is requested.  **Total**  **Partial**
2.  **WBE Waiver** – A waiver of the WBE Goal for this procurement is requested.  **Total**  **Partial**
3.  **Waiver Pending ESD Certification** – (Check here if subcontractors or suppliers of Contractor are not certified M/WBE, but an application for certification has been filed with EmpireState Development.)      **Date of such filing with EmpireState Development:** \_\_\_\_\_

**PREPARED BY (Signature):**

**Date:**

SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR/CONTRACTOR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A AND 5 NYCRR PART 143. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND/OR TERMINATION OF THE CONTRACT.

**Name and Title of Preparer (Printed or Typed):**

**Telephone Number:**

**Email Address:**

**Submit with the bid or proposal or if submitting after award submit to:**

Roosevelt Island Operating Corporation  
Procurement Manager  
591 Main Street  
Roosevelt Island, NY 10044

\*\*\*\*\* FOR M/WBE USE ONLY \*\*\*\*\*

**REVIEWED BY:**

**DATE:**

**Waiver Granted:**  **YES**      **MBE:**       **WBE:**

- Total Waiver**                       **Partial Waiver**  
 **ESD Certification Waiver**       **\*Conditional**  
 **Notice of Deficiency Issued** \_\_\_\_\_

**\*Comments:**

## REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

**When completing the Request for Waiver Form please check all boxes that apply. To be considered, the Request for Waiver Form must be accompanied by documentation for items 1 – 11, as listed below. If box # 3 has been checked above, please see item 11. Copies of the following information and all relevant supporting documentation must be submitted along with the request:**

1. A statement setting forth your basis for requesting a partial or total waiver.
2. The names of general circulation, trade association, and M/WBE-oriented publications in which you solicited certified M/WBEs for the purposes of complying with your participation goals.
3. A list identifying the date(s) that all solicitations for certified M/WBE participation were published in any of the above publications.
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified M/WBE participation levels.
5. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation if an identical solicitation was made to all certified M/WBEs.
6. Provide copies of responses made by certified M/WBEs to your solicitations.
7. Provide a description of any contract documents, plans, or specifications made available to certified M/WBEs for purposes of soliciting their bids and the date and manner in which these documents were made available.
8. Provide documentation of any negotiations between you, the Offeror/Contractor, and the M/WBEs undertaken for purposes of complying with the certified M/WBE participation goals.
9. Provide any other information you deem relevant which may help us in evaluating your request for a waiver.
10. Provide the name, title, address, telephone number, and email address of offeror/contractor's representative authorized to discuss and negotiate this waiver request.
11. Copy of notice of application receipt issued by Empire State Development (ESD).

**Note:**

**Unless a Total Waiver has been granted, the Offeror/Contractor will be required to submit all reports and documents pursuant to the provisions set forth in the Contract, as deemed appropriate by Roosevelt Island Operating Corporation, to determine M/WBE compliance.**



## SERVICE-DISABLED VETERAN-OWNED-BUSINESS UTILIZATION PLAN

**INSTRUCTIONS:** This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. This Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Service-Disabled Veteran-Owned Business (SDVOB) under the contract. Attach additional sheets if necessary.

Offeror's Name:

Address:

City, State, Zip Code:

Telephone No.:

Region/Location of Work:

Federal Identification No.:

Solicitation No.:

Project No.:

SDVOB Goals in the Contract: %

1. Certified SDVOB Subcontractors/Suppliers Name, Address, Email Address, Telephone No.	2. Classification	3. Federal ID No.	4. Detailed Description of Work (Attach additional sheets, if necessary)	5. Dollar Value of Subcontracts/ Supplies/Services and intended performance dates of each component of the contract.
A.	NYS OGS CERTIFIED			
B.	NYS OGS CERTIFIED			

**6. IF UNABLE TO FULLY MEET THE SDVOB GOALS SET FORTH IN THE CONTRACT, OFFEROR MUST SUBMIT A REQUEST FOR WAIVER FORM (SDVOB 104).**  
**7. UTILIZATION OF CERTIFIED SDVOB ENTERPRISES MAY NOT BE COUNTED TOWARDS UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES**

**PREPARED BY (Signature):**

**DATE:**

**NAME AND TITLE OF PREPARER (Print or Type):**

SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE SDVOB REQUIREMENTS SET FORTH IN THE NYS SERVICE-DISABLED VETERAN-OWNED BUSINESS ACT AND ARTICLE 17-B, AND THE ABOVE-REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND POSSIBLE TERMINATION OF YOUR CONTRACT.

**SDVOB 103**

**TELEPHONE NO.:**

**EMAIL ADDRESS:**

**FOR SDVOB USE ONLY**

**REVIEWED BY:**

**DATE:**

**UTILIZATION PLAN APPROVED:**  YES  NO Date:

**Contract No.:** **Project No. (if applicable):**

**Contract Award Date:**

**Estimated Date of Completion:**

**Amount Obligated Under the Contract:**

**Description of Work:**

**NOTICE OF DEFICIENCY ISSUED:**  YES  NO Date: \_\_\_\_\_

**NOTICE OF ACCEPTANCE ISSUED:**  YES  NO Date: \_\_\_\_\_



## REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

**When completing the Request for Waiver Form please check all boxes that apply. To be considered, the Request for Waiver Form must be accompanied by documentation for items 1 – 10, as listed below. If box # 2 has been checked above, please see item 11. Copies of the following information and all relevant supporting documentation must be submitted along with the request:**

1. A statement setting forth your basis for requesting a partial or total waiver.
2. The names of any general circulation, trade association, and SDVOB-oriented publications in which you solicited certified SDVOBs for the purposes of complying with your participation goals.
3. A list identifying the date(s) that all solicitations for certified SDVOB participation were published in any of the above publications.
4. A list of all certified SDVOBs appearing in the NYS Directory of Certified Firms that were solicited, in writing, for purposes of complying with your certified SDVOB participation levels.
5. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation if an identical solicitation was made to all certified SDVOBs.
6. Provide copies of responses made by certified SDVOB to your solicitations.
7. Provide a description of any contract documents, plans, or specifications made available to certified SDVOBs for purposes of soliciting their bids and the date and manner in which these documents were made available.
8. Provide documentation of any negotiations between you, the Offeror/Contractor, and the SDVOBs undertaken for purposes of complying with the certified SDVOB participation goals.
9. Provide any information not satisfied by items 1 – 8, above, that otherwise satisfies Part 252.2(n) of the Rules and Regulations of the SDVOB program (see <http://ogs.ny.gov/About/Regs/docs/part252.pdf> ) for additional information.
10. Provide any other information you deem relevant which may help us in evaluating your request for a waiver.
11. Provide the name, title, address, telephone number, and email address of offeror/contractor's representative authorized to discuss and negotiate this waiver request.
12. Copy of notice of application receipt issued by the Office of General Services (OGS).

**Note: Unless a Total Waiver has been granted, the Offeror/Contractor will be required to submit all reports and documents pursuant to the provisions set forth in the Contract, as deemed appropriate by RIOG, to determine SDVOB compliance.**

## SDVOB CONTRACTOR UNAVAILABILITY CERTIFICATION

PROJECT/CONTRACT # \_\_\_\_\_

I, \_\_\_\_\_

(Principal or Prime Consultant/Contractor)

\_\_\_\_\_ of \_\_\_\_\_

(Title)

(Name of Consultant's/Contractor's Firm)

\_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number)

I certify that on (Date) \_\_\_\_\_ I contacted the following New York State Certified Service-Disabled Veteran-Owned-Business Enterprises by registered mail to obtain bids for work to be performed on the above-mentioned contract.

List of names of SDVOB's, and type of work that bids were requested

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

To the best of my knowledge and belief, said New York State Certified Service-Disabled Veteran-Owned-Business contractor(s) was unavailable for work on this project, or unable to prepare a bid for the following reasons: Please check appropriate reasons given by each SDVOB firm contacted above.

\_\_\_\_\_ I did not have the capability to perform the work

\_\_\_\_\_ Contract too small

\_\_\_\_\_ Remote location

\_\_\_\_\_ Received solicitation notices too late

\_\_\_\_\_ Did not want to work for this contractor

\_\_\_\_\_ Other (give reason) \_\_\_\_\_

\_\_\_\_\_  
Signature of Prime Consultant/Contractor

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**EO 177 Certification**

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics.

The Human Rights Law may also require reasonable accommodation for persons with disabilities and pregnancy-related conditions. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. The Human Rights Law may also require reasonable accommodation in employment on the basis of Sabbath observance or religious practices.

Generally, the Human Rights Law applies to:

- all employers of four or more people, employment agencies, labor organizations and apprenticeship training programs in all instances of discrimination or harassment;
- employers with fewer than four employees in all cases involving sexual harassment; and,
- any employer of domestic workers in cases involving sexual harassment or harassment based on gender, race, religion or national origin.

In accordance with Executive Order No. 177, the Bidder hereby certifies that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.

Executive Order No. 177 and this certification do not affect institutional policies or practices that are protected by existing law, including but not limited to the First Amendment of the United States Constitution, Article 1, Section 3 of the New York State Constitution, and Section 296(11) of the New York State Human Rights Law.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Non-Collusive Bidding Certification** (required by Section 139-D of the State Finance Law)

By submission of this bid, bidder and each person signing on behalf of bidder certifies, and in the case of joint bid, each party thereto certifies as to its own organization, **under penalty of perjury**, that to the best of his/her knowledge and belief:

- [1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor;
- [2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and
- [3] No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A bid shall not be considered for award nor shall any award be made where [1], [2], [3] above have not been complied with; provided however, that if in any case the bidder(s) cannot make the foregoing certification, the bidder shall so state and shall furnish below a signed statement which sets forth in detail the reasons therefore.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Legal Name of Firm: \_\_\_\_\_

**Joint or combined bids must be certified by each participant/firm:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Legal Name of Firm: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Legal Name of Firm: \_\_\_\_\_

**Bidder’s Lobbying Certification**

Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j(3) and §139-j(6)(b)

Background:

State Finance Law §139-j(6)(b) provides that: “Every Governmental Entity shall seek written affirmations from all Offerers as to the Offerer’s understanding of and agreement to comply with the Governmental Entity’s procedures relating to permissible Contacts during a Governmental Procurement pursuant to subdivision three of this section.”

**In other words, if contact with RIOC employees is necessary during the restricted period (from publication of the RFP to final contract award and approval by the governmental entity, the bidder agrees to restrict contact to the RIOC designated contacts (as stated at the beginning of this RFP) for any matters pertaining to this RFP.**

<i>Bidder affirms that it understands and agrees to comply with the procedures of the Government Entity relative to permissible contacts as required by State Finance Law §139-j(3) and §139-j(6)(b).</i>	
Name: _____	Title: _____
Signature: _____	Date: _____

**Bidder’s Certification of Accuracy**

Offerer’s Certification of Compliance with State Finance Law §139-k(5)

Background:

New York State Finance Law §139-k(5) requires that every Procurement Contract award subject to the provisions of State Finance Law §§139-k or 139-j shall contain a certification by the Offerer that all information provided to the procuring Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

Bidder Certification:	
<i>I certify that all information provided to the Roosevelt Island Operating Corporation with respect to State Finance Law §139-k is complete, true and accurate.</i>	
Name: _____	Title: _____
Signature: _____	Date: _____



**Bidder’s Disclosure of Prior Non-Responsibility**

Offerer Disclosure of Prior Non-Responsibility Determinations

Name of Bidder Seeking to Enter into Contract: \_\_\_\_\_

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years?

- no
- yes; if yes, explain fully (add additional pages as necessary): \_\_\_\_\_

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j

- no
- yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity?

- no
- yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: \_\_\_\_\_

Date of Finding of Non-responsibility: \_\_\_\_\_

Basis of Finding of Non-Responsibility (Add additional pages as necessary.) \_\_\_\_\_

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information?

- no
- yes; if yes, please provide details below. (Add additional pages as necessary.)

Governmental Entity: \_\_\_\_\_

Date of Termination or Withholding of Contract: \_\_\_\_\_

Basis of Termination or Withholding: \_\_\_\_\_

*Bidder certifies that all information provided to RIOC with respect to State Finance Law §139-k is complete, true and accurate.*

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Iran Divestment Act Certification**

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted at: [www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf](http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf) and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should RIOC receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, RIOC will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then RIOC shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default.

RIOC reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**MacBride Fair Employment Principles Stipulation**

Chapter 807 of the Laws of 1992 prohibits a State department from contracting for the supply of goods and services or construction with any Contractor who does not agree to stipulate that it either has no business operations in Northern Ireland, or if it does have such business operations, it shall take lawful steps in good faith to conduct such operations in accordance with the MacBride Fair Employment Principles.

Read and check either statement #1 or #2 (Do NOT select both statements)

- 1. The Contractor, and any individual or legal entity in which the Contractor holds a 10% or greater ownership interest and any individual or legal entity that holds a 10% or greater ownership interest in the Contractor has no business operations in Northern Ireland.
- 2. The Contractor, and any individual or legal entity in which the Contractor holds a 10% or greater ownership interest and any individual or legal entity that holds a 10% or greater ownership interest in the Contractor shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles and shall permit the independent monitoring of their compliance with such principles.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Encouraging Use of New York State Businesses in Contract Performance**

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 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. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Bidders 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, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, Bidders are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State Contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the Contractor and its New York State business partners. New York State businesses will promote the Contractor's optimal performance under the Contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its Contractors. The State therefore expects Bidders to provide maximum assistance to New York businesses in their use of the Contract. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Bidders can demonstrate their commitment to the use of New York State businesses by responding to the question below:

Will New York State businesses be used in the performance of this Contract?

- no
- yes