



The State University
of New York

Request for Qualifications

Rehabilitation of Music Building Studio A
SU-031820

dated March 23 , 2020

Proposal Due Date
April 15, 2020 at 2:00PM

Submit Proposals to:
State University of New York Purchase College
730 Anderson Hill Road
Campus Center South 3rd Floor
Purchase, New York 10577
Elizabeth Pleva
Associate Director of Procurement and Accounts Payable

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1 Request for Qualifications

1.1 Introduction

Purchase College is soliciting proposals to provide design through construction administration services for the renovation of our music recording studio locating on the 1st floor of our Music Building, as outline in this Request for Qualifications (RFQ).

1.2 Accessing the Request For Qualifications (RFQ) and Addenda

Purchase College is dedicated to environmentally sustainable practices. In an effort to conserve resources and reduce waste, the RFQ will only be available electronically in pdf format at the following website: <https://www.purchase.edu/purchasemeansbusiness>

2 Instructions

Proposals are due by *April 15, 2020 at 2 PM*, the Offeror must:

1. Prepare a clearly readable document. Attach all required information.
2. Indicate any deviations from the specifications and if necessary attach separate documents and/or explanation.
3. Sign the qualifications submittal. By signing the Offeror indicates full knowledge and acceptance of this Request for Qualifications (RFQ) including Exhibits A and A-1. The proposal must be completed in the name of the proposer, corporate or otherwise, and must be fully and properly executed by an authorized person.
4. Submit *seven (7)* complete qualifications, one of which must have original signatures. (*as paper hardcopies along with an electronic version as a pdf copy on CD disc or flash drive*) proposals are to be addressed to:

Elizabeth Pleva
Associate Director of Procurement & Accounts Payable
735 Anderson Hill Road
Purchase, NY 10577
Telephone: 914-251-6070
Email: elizabeth.pleva@purchase.edu

5. Qualifications must be received by Elizabeth Pleva, *Associate Director of Procurement & Accounts Payable* by the due date and time listed above. Offerors mailing their qualifications must allow sufficient time to ensure receipt of their proposals by the time specified. Electronically transmitted qualifications will **not** be accepted.
6. **No cost proposals are to be submitted with the qualifications.** Cost proposals will be requested only after a consultant selection is made.

2.1 Format of Proposal and Statement of Qualifications

- A. Purchase College is soliciting proposals to provide design through construction administration services for the renovation of our music recording studio locating on the 1st floor of our Music Building. To be considered for this project perspective consultants shall submit the following:
- a) Specific expertise and successful completion of projects similar in size and scope as described in the (RFQ).
 - b) State the experience and qualifications of the firm’s key personnel in the planning, organizing and execution of projects similar in scope.
 - c) Organization of staff specifically dedicated to this project; identify assignment of responsibilities and authority.
 - d) Indicate workload and availability of all key personnel assigned to the project.
 - e) Past experience working on SUNY projects and/or with Purchase College or other colleges and state agencies.
 - f) Completeness and responsiveness of Proposal; Understanding of Project Scope
 - g) Organization of Design/Technical resources required (In-House vs. Consultants).
 - h) Listing of MBE-WBE status and staffing.
- B. Additional Requirements:
- a. List number of licenses and qualifications of employees that will be working on this project.
 - b. List of References for design and construction administration of similar design and security-related projects in public and educational settings with addresses and contact information.
 - c. Ability to conduct on-site meetings and project inspections as needed.

2.2 Pre Bid Meeting

There will be a non-mandatory Pre-Bid/Proposal Conference on Wednesday, April 1st, 2020. Vendor must contact Sean Connolly, Associate Director of Facilities and Capital Planning (email: sean.connolly@purchase.edu), no later than Monday, March 30th for meeting connect details.

2.3 RFQ Process and Evaluation Criteria

Method of Award / Proposal Evaluation Criteria:

- a) *Evaluation Committee.* The submitted proposals will be reviewed by an internal committee of 3 to 5 members at the College.
- b) *All Submitted Proposals.* Each submitted proposal will be reviewed by each committee member to determine the proposals that will be considered further. At a minimum, the five (5) firms with the highest ratings will continue in the selection process. (Do not submit a fee proposal as part of this submission).
 - (1) firm should not be considered for this contract (1)
 - (2) firm may merit further consideration for this contract (2)
 - (3) firm merits further consideration for this contract (3)
- c) *Interviews.* The five (5) short-listed firms will, then, be invited to the college for formal interviews by the evaluation committee. The interview will provide an opportunity for the Offeror to clarify or elaborate on the Qualifications, but in no way change the original Qualifications Proposal. Purchase College will schedule the time and location of the interviews.
- d) *Evaluation Criteria.* The criteria below will be the basis of review of the five (5) short-listed firms.

- up to 20 points	Firm Qualifications and Experience
- up to 20 points	Personnel Qualifications and Experience
- up to 20 points	Approach and Capability
- up to 20 points	Previous Experience with Work Scope Specific to the Project Scope
- up to 10 points	MWBE Utilization
- up to 10 points	References
- e) The College will select one of the firms as awardee (or tentative awardee) firm, i.e., the “most qualified”, for this project. The College will send the “most qualified” firm a Letter of Intent that will request a fee proposal, among other documents.
- f) *Fee Negotiation.* The College will, then, begin negotiating fees with awardee.

2.4 References

When submitting references, the following information should be submitted:

- Provide name and title of person to contact
- Provide both phone and e-mail contacts for that person
- Provide information on project and/or reason for reference.

References will be contacted as part of the evaluation process.

3 Scope of Services

3.1 Background

Purchase College is soliciting proposals to provide design through construction administration services for the renovation of our music recording studio locating on the 1st floor of our Music Building, as outline in this Request for Qualifications (RFQ).

3.2 Available Data

College will provide all available documents in its possession to aid the awarded design firm to design and produce bid documents. It will be the responsibility of the awarded firm to verify accuracy of existing drawings and provided documentation.

3.3 Scope of Services

The services indicated below shall include, but not be limited to the following:

Purchase College is exploring options to renovate one of our old sound recording and teaching studios in the Music Building. Referred to as Studio A, we recently had to strip the room of its finishes, however, we now have a space that can be fully developed (see attached photos). The studio consists of two spaces, a recording studio, and an adjoining control/teaching room. The revised studio will help us give our students the experiences of professional sound editing and recording, and ability to upgrade the spaces for 21st century usage. There is also a desire to incorporate sound tie-in to the other studios, and performance spaces in the building.

The new design will need to illustrate how best to layout the spaces, integrate technology and the necessary equipment needed, address acoustics within the spaces and isolation to the outside adjoining spaces, indicate the necessary electrical, mechanical, and fire alarm requirements for the spaces, and look at future growth and flexibility in delivering our program (as it relates to the studio).

The college's intent is to also hire a separate architect and engineer to assist in this project who will work with you on this project.

3.4 Program Budget

Project construction budget is estimated at \$**500,000**.

3.5 Basic Design Fee

Fee shall be negotiated with the most qualified consultant. **Do not submit fees at this time.**

3.6 Sub consultant staffing

The consultant shall provide a sub consultant staffing list for the project using [Form 7555-15](#), [7555-16](#) or [7555-17](#). This sub consultant staffing list shall include the percent of work to be completed by each sub consultant and indicate whether or not each sub consultant is a Minority or Women Owned Business.

3.7 Time of Completion Schedule

PROJECT SCHEDULE:

Release of RFQ to Vendor	March 23, 2020
Open Question Period	Mar. 24, 2019 – April 3, 2020
Pre-Bid Meeting	April 1, 2020
Response to Questions/Addendum Release	April 8, 2020
Proposal Due Date	April 15, 2020
Notification to Finalist	April 20, 2020
Finalist Interviews	April 21, 2020 – Apr. 24, 2020
Design Award	May 06, 2020
Begin Design	May 07, 2020
80% Design Submission	June 05, 2020
Pre-Bid Document Submission	June 26, 2020
Advertise for Construction Bid	July 1, 2020
Open Question Period	July 02, 2020 – July 16, 2020
Pre-Bid Meeting	July 13, 2020
Response to Questions/Addendum Release	July 22, 2020
Receive Bids	August 03, 2020
Award Construction	Sept. 10, 2020
Begin Construction	Sept. 14, 2020
Begin Punch list	December 15, 2020
Client Fit Out	January 04 – Jan. 15, 2020
Occupancy	January 18, 2020

4 General Conditions

The following items will be incorporated into, and made part of, the formal agreement: (1) SUNY’s RFQ; (2) the Successful Offeror's proposal; (3) Exhibit A, Standard Contract Clauses; (4) Exhibit A-1, Affirmative Action Clauses; and, (5) Exhibit B, Procurement Lobbying Form.

In the event of any inconsistency in or conflict among the document elements of the agreement described above, such inconsistency or conflict shall be resolved by giving precedence to the document elements in the following order: (1) Exhibits A and A-1; (2) Exhibit B, (3) the Agreement; (4) this RFQ; and (5) the Successful Offeror's proposal.

4.1 Additional Terms & Conditions

4.1.1 Vendor Debriefing

Upon notification of the selection and award of a contract unsuccessful offerors may request in writing a debriefing of the results of their response to this solicitation. Requests for debriefing must be received within a reasonable timeframe, not more than 30 days after notice of award.

4.1.2 Proposal/Qualifications Confidentiality

All proposals and qualifications submitted for SUNY’s consideration will be held in confidence. However, the resulting contract is subject to the New York State Freedom of Information Law (FOIL). Therefore, if an Offeror believes that any information in its proposal constitutes a trade secret or should otherwise be treated as confidential and wishes such information not to be disclosed the Offeror shall submit with its proposal a separate letter to the designated contact. The letter shall specifically identify the page number(s), line(s) or other appropriate designation(s) containing such information, explaining in detail why such information is a trade secret and formally requesting that such information be kept confidential. Failure by an Offeror to submit such a letter will constitute a waiver by the Offeror of any rights it may have under Section 89(5) of the Public Officers' Law relating to protection of trade secrets.

The proprietary nature of the information designated confidential by the Offeror may be subject to disclosure if ordered by a court of competent jurisdiction. A request that an entire proposal be kept confidential is not advisable since a proposal cannot reasonably consist of all data subject to FOIL proprietary status.

4.1.3 Information Security Breach and Notification Act

The Offeror shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa and State Technology Law, Section 208). The Offeror shall be liable for the costs associated with such breach if caused by its negligent or willful acts or omissions, or the negligent or willful acts or omissions of its agents, officers, employees or subcontractors.

4.2 Required Consultant Documentation

CONSULTANT’S BASIC SERVICES

- A. Provide design through construction administration services for the renovation of the Music Building’s Studio A recoding and teaching studio, including but not necessarily limited to the following:
 - a. Review of existing building construction documents) that are available, and programming requirements (provided by the college).
 - b. Generate schematic design documents for the college’s review and approval that illustrate the design intent.
 - c. For an approved schematic design, develop necessary design documents to be shared with other college design consultants, along with a preliminary budget.
 - d. Generate construction bid documents.
 - e. Generate construction budgets.
- B. Design services shall be comprehensive, include all phases (Schematic Design Development thru Construction Administration).
- C. The Construction Documentation is to indicating removal of any hazardous materials (note that most of the buildings contain some form of asbestos-based materials – based on previous reports). College will provide all available information to Consultant. College

will hire separate consultant for full design and removal documentation that will be referenced into the bidding documents.

- D. The Construction Documents developed must address all applicable codes, including ADA, existing structural and site related conditions as required for construction of the existing building improvements as described.
- E. Consultant shall determine staffing and any sub-consultants necessary for the timely performance of the services required to meet the College's program requirements. Contracts for sub-consultants shall be the responsibility of the Consultant.
- F. Consultant shall periodically advise the College of the progress of the planning, design, and construction of the Project. Any anticipated delays shall be immediately brought to the College's attention.
- G. Consultant shall have attendance, together with its sub-consultants, at all conferences reasonably required by the College and shall be responsible for taking, preparing and distributing minutes of all such conferences.
- H. Consultant shall be responsible for all coordination as it relates to its design services between its consultants and College's consultants and/or College's designated personnel.

DOCUMENT / DRAWING REQUIREMENTS

Programming / Schematic Design Development:

- A. College shall provide the following to Consultant:
 - a. Architectural Plan Drawings for all spaces in both ACAD and PDF formats.
 - b. Any existing drawings that the College has for architectural and MEP's for all the spaces.
 - c. Departmental program requirements.
- B. Consultant shall review submitted program and scope, and provide review of design and/or modifications if required for the MEP services as they relate to the new work (to be design by college's consultant). This shall include but not be limited to; HVAC (does existing air distribution need to be relocated due to design changes), electrical (is existing electrical systems supportive of new design or need modifications), and fire alarm systems (does work impact existing system).
- C. Consultant shall prepare an analysis of the probable cost of the Project, based upon square footage, volume and/or systems involved, projects of similar scope and size.

Construction Document

- A. Provide separate plans, specifications, sections, elevations and details of the existing and proposed design and/or supportive construction for review during each phase of the work.

Plans and details shall be of sufficient detail required to accurately indicate the work as indicated in the RFQ.

- B. Drawings shall be in conformance with all applicable building code requirements that govern the work of this project.
- C. Include an updated detailed estimate with each submission of the design phase.
- D. The Consultant shall assist in prepare a complete and comprehensive Project Manual which shall include SUNY Standard Documents, the NYS procurement requirements, General Requirements for Construction and the Technical Specifications. Consultant will be required to provide drawings and specifications of the scope of their work, for inclusion in Project Manual.
- E. All contract documents shall contain a New York State licensed design professional's seal and signature (when needed). The title page of the Project Manual shall be signed and sealed.
- F. Provide (2) sets of drawings and specifications for each design phase submission.

BID PHASE REQUIREMENTS:

- A. The bid period phase includes, but is not limited to, the reproduction and distribution of bid documents, pre-bid and walk-thru meeting attendance, responses to bidder inquiries, preparation of addenda,
- B. Review bids and make a recommendation.
- C. The consultant shall submit (3) copies of the final construction documents including addenda to the College Representative. After the Bidding Period, submit (2) electronic CD copies of the Drawings and Specifications.

CONSTRUCTION ADMINISTRATION PHASE REQUIREMENTS:

- A. The Construction Administration period phase includes, but is not limited to, review of construction schedule, review of submitted RFI's, shop drawings and samples, attendance at bi-monthly site meetings, preparation of sketches and bulletins, and project closeout.
- B. Consultant will make periodic site inspections to verify construction is in accordance with design intent and reflective of what is described in the Construction Documentation.

4.2.1 Minority & Woman Owned Business Enterprises Participation

Pursuant to New York State Executive Law Article 15-A, SUNY recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and

women-owned business enterprises and the employment of minority group members and women in the performance of SUNY contracts.

For purposes of this solicitation, SUNY hereby establishes an overall goal of **30%** for MWBE participation, **19.5%** for Minority-Owned Business Enterprises (“MBE”) participation and **10.5%** for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). For additional information please refer to the MWBE requirements outlined in the Prospective Bidders Notice (Form 7557-121) and Exhibit A-1. Documentation required with the submittal of qualifications includes a/an Subconsultant Staffing List (Forms 7555-15, 16 or 17) and the consultant’s EEO policy statement (or Form 7557-104 MWBE-EEO Policy Statement).

4.2.2 Service Disabled Veteran Owned Business Enterprises Participation

Consistent with the State University of New York (SUNY) ’s commitment and in accordance with Article 17-B of the New York State Executive Law, contractors are required to ensure that good faith efforts are made to include meaningful participation by Service Disabled Veteran-Owned Business in SUNY’s MWBE Program. The requirements apply to contracts in excess of \$25,000.

To ensure that SDVOB Enterprises are afforded the opportunity for meaningful participation in the performance of the University’s contracts, and to assist in achieving the SDVOB Act’s statewide goal for participation on state contracts the University hereby establishes an overall goal of 6% for SDVOB participation for this solicitation.

For additional information please refer to the SDVOB requirements outlined in the Prospective Bidders Notice ([Form 7557-121c](#)). Documentation required with the submittal of qualifications includes a Subconsultant Staffing List (Forms [7555-15](#), [16](#) or [17](#)).

4.2.3 State Finance Law §§ 139-j and 139-k (Forms as defined in SUNY Procedure 7552)

State Finance Law §§139-j and 139-k imposes certain restrictions on communications between a Governmental Entity and an Offeror during the procurement process. During the restricted period the Offeror is restricted from making contacts to other than designated contact unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). The restricted period is from the earliest notice of intent to solicit offers through final award and approval of the Contract.

SUNY employees and their designated representatives are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offeror pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period the Offeror is debarred from obtaining government procurement contracts.

1. a. Prior to approval by Purchase College, or, if applicable, the Office of the State Comptroller (OSC), of the contract for which this solicitation has been issued, an

Offeror shall not communicate with Purchase College other than with the persons identified in this solicitation as Designated Contacts, or with a person who the Designated Contacts has advised the Offeror is also a Designated Contact.

b. The **Designated Contacts for this RFQ are:**

Elizabeth Pleva, Associate Director of Procurement & Accounts Payable
Telephone 914-251-6089
Fax 914-251-6075
Email Elizabeth.Pleva@purchase.edu

Sean Connolly, Associate Director, Capital Facilities Planning
Telephone 914-251-5916
Fax 914-251-6063
Email Sean.Connolly@purchase.edu

Lula Curanovic, MWBE Coordinator
Telephone 914-251-6088
Fax 914-251-6075
Email Lula.Curanovic@purchase.edu

- i. Policy and Procedure of the State University of New York
State Finance Law §§139-j and 139-k, enacted by Ch. 1 L. 2005, as amended by Ch. 596 L. 2005, effective January 1, 2011, regulate lobbying on government procurement, including procurements by State University to obtain commodities and services and to undertake real estate transactions.

Generally, the law restricts communications between a potential offeror or a person acting on behalf of the offeror, including its lobbyist, to communications with the officers and employees of the procuring agency designated in each solicitation to receive such communications. Further, the law prohibits a communication (a “Contact”) which a reasonable person would infer as an attempt to unduly influence the award, denial or amendment of a contract. These restrictions apply to each contract in excess of \$15,000 during the “restricted period” (the time commencing with the earliest written notice of the proposed procurement and ending with the later of approval of the final contract by the agency, or, if applicable, the State Comptroller). The agency must record all Contacts, and, generally, must deny an award of contract to an offeror involved in a knowing and willful Contact. Each agency must develop guidelines and procedures regarding Contacts and procedures for the reporting and investigation of Contacts. The agency’s procurement record must demonstrate compliance with these new requirements.

Accordingly, neither a potential offeror nor a person acting on behalf of the offeror should contact any individual at State University other than the person designated in this solicitation as State University’s Designated Contact, nor attempt to unduly influence award of the contract. State University will make a record of all Contacts,

and such records of Contact will become part of the procurement record for this solicitation. A determination that a offeror or a person acting on behalf of the offeror has made intentionally a Contact or provided inaccurate or incomplete information as to its past compliance with State Finance Law §§139-j and 139-k is likely to result in denial of the award of contract under this solicitation. Additional sanctions may apply.

A complete copy of the State University of New York Procurement Lobbying Policy and Procedure is available for review at:

http://www.suny.edu/sunypp/documents.cfm?doc_id=430

2. Each Offeror shall submit with its Qualifications a written affirmation of its understanding of the State University's procurement lobbying procedures and agreement to comply with such procedures. Please see form SFL-139jk-Form B:

http://www.suny.edu/sunypp/documents.cfm?doc_id=282

3. Each Offeror shall submit with its Qualifications written disclosure as to whether the Offeror has been determined to be non-responsible within the previous four years by reason of having violated NY State Finance Law § 139-j or having intentionally provided false or incomplete information to a Governmental Entity with respect to its compliance with NY State Finance Law §139-j; and certification that the Offeror has provided accurate and complete information with respect to the Offeror's compliance with NY State Finance Law §§ 139-j and 139-k within the previous four years. Please see form SFL-139jk-Form C:

http://www.suny.edu/sunypp/documents.cfm?doc_id=283

4.2.4 Omnibus Procurement Act of 1992 (Form from SUNY Procedure 7553)

It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts. Information on the availability of New York State subcontractors and suppliers and a directory of minority and women-owned business enterprises is available from:

Empire State Development
Division for Small Business
One Commerce Plaza
Albany, NY 12210
Phone: 1-800-782-8369

4.2.5 Encouraging Use of New York State Businesses in Contract Performance

New York State businesses have a substantial presence in SUNY contracts and strongly contribute to the economies of New York and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers/contractors 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/proposers/contractors need to be aware that to the maximum extent practical and

consistent with legal requirements, they are strongly encouraged 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/proposers/contractors 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 SUNY 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 this 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. SUNY therefore expects bidders/proposers 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 New York State and its taxpayers.

Bidders/proposers can demonstrate their commitment to the use of New York State businesses by responding to the question "Will New York State Businesses be used in the performance of this contract?" on the

4.2.6 Required Insurance

Prior to the commencement of work the Successful Offeror will provide, at its sole cost and expense, Certificates of Insurance in accordance with Article VII of the Consultant Agreement, which shall remain in force throughout the term of the agreement, or any extension thereof. Such Certificates of Insurances shall be from an insurance company licensed by the New York State Department of Insurance with a rating of at least "A-" as published with Standard & Poor's, and a liability insurance policy with limits no less than two million dollars (\$2,000,000.00) per claim. If during the term of the policy, the carrier's rating falls below "A-", the liability insurance must be replaced no later than the renewal date of the policy with an insurer acceptable to the State of New York. Such policies shall name the STATE UNIVERSITY OF NEW YORK as an additional insured. The policy shall designate the State University of New York as the loss payee and shall contain a provision that the State University of New York shall receive at least thirty (30) days' notice prior to material change, cancellation or expiration of any such policy.

Workers Compensation Insurance & Disability Benefits Coverage

All employees of the Successful Offeror shall be adequately and properly covered by Workers' Compensation Insurance and Disability Benefits coverage for all work related to the resultant contract. Such policies shall name the STATE UNIVERSITY OF NEW YORK as an additional insured and are to be written by recognized and well-rated insurance companies authorized to transact business in the State of New York. The Successful Offeror shall deliver certificates of such coverage, or proof that such coverage is not required, in the required format, as required by the Workers' Compensation Board, to the following when the agreement is signed by the parties and thereafter not less than thirty (30) days prior to material change or cancellation of such coverage. Proof of NYS Worker's Compensation is only accepted on the C-105.2 or U-26.3

form. Proof of Disability insurance is only accepted on the DB-120.1 form.

4.2.7 Vendor Responsibility

SUNY recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at http://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website www.osc.state.ny.us/vendrep or may contact SUNY or the Office of the State Comptroller's Help Desk for a copy of the paper form.

4.2.8 State Consultant Services Reporting (OSC Form A and B)

Chapter 10 of the Laws of 2006 amends State Finance Law §§ 8 and 163 by requiring that contractors annually report certain employment information to the contracting agency, the Department of Civil Service (DCS) and Office of the State Comptroller (OSC). As a result of these changes in law, State contractors will be required to disclose, by employment category, the number of persons employed to provide services under a contract for consulting services, the number of hours worked and the amount paid to the contractor by the State as compensation for work performed by these employees. This will include information on any persons working under any subcontracts with the State contractor.

This is a two-step process. The first step, Form A is to be submitted with the Consultants' fee proposal; the State Consultant Services Contractor's Planned Employment From Contract Start Date Through the End of the Contract Term (OSC Form A). The completed form must include information for all employees providing service under the contract whether employed by the contractor or a subcontractor. Please note that the form captures the necessary planned employment information ***prospectively from the start date of the contract through the end of the contract term.***

The second step is the completion and filing of State Consultant Services Contractor's Annual Employment Report (OSC Form B), which is to be used to report the annual / actual information. Please note that, in contrast to the information to be included on Form A, which is a one-time report of planned employment data for the entire term of a consulting contract on a projected basis, ***Form B will be submitted each year the contract is in effect and will capture historical information, detailing actual employment data for the most recently concluded State fiscal year (April 1 – March 31). The legislation mandates that the annual employment reports are to be submitted by the contractor to the contracting agency, to OSC and to the Department of Civil Service. Annual reports are due May 1.***

Form A and Form B shall be completed for contracts for consulting services in accordance with

the following:

Scope of Contract (Form B only): a general classification of the single category that best fits the predominate nature of the services provided under the contract.

Employment Category: the specific occupation(s), as listed in the O*NET occupational classification system, which best describe the employees providing services under the contract. (Note: Access the O*NET database, which is available through the US Department of Labor's Employment and Training Administration, on-line at online.onetcenter.org to find a list of occupations.)

Number of Employees: the total number of employees in the employment category employed to provide services under the contract during the Report Period, including part time employees and employees of subcontractors.

Number of hours (to be) worked: for Form A, the total number of hours to be worked, and for Form B, the total number of hours worked during the Report Period by the employees in the employment category.

Amount Payable under the Contract: the total amount paid or payable by the State to the State contractor under the contract, for work by the employees in the employment category, for services provided during the Report Period.

By submitting Qualifications for consideration on this project you are agreeing to comply with the requirements Chapter 10 of the Laws of 2006.

4.2.9 Contract Award Protest Procedure

This procurement is subject to [SUNY Procedure Item 7561, Contract Award Protest Procedure](#).

4.2.10 Executive Order 177 (EO 177)

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: (i) all employers of four or more people, employment agencies, labor organizations and apprenticeship training programs in all instances of discrimination or harassment; (ii) employers with fewer than four employees in all cases

involving sexual harassment; and (iii) 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, prior to contract award, successful bidder must submit a certification that it does not have institutional policies or practices that fail to address harassment and discrimination as described above. SUNY is electing to obtain the certification with the bid documents to avoid unnecessary delay in the contract award process. All bidders must sign and submit the certification that is part of this RFQ.

4.2.10 State Finance Law § 139-l Certification

Pursuant to N.Y. State Finance Law § 139-l, every bid made on or after January 1, 2019 to the State or any public department or agency thereof, where competitive bidding is required by statute, rule or regulation, for work or services performed or to be performed or goods sold or to be sold, and where otherwise required by such public department or agency, shall contain a certification that the Bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of N.Y. State Labor Law § 201-g.

N.Y. State Labor Law § 201-g provides requirements for such policy and training and directs the Department of Labor, in consultation with the Division of Human Rights, to create and publish a model sexual harassment prevention guidance document, sexual harassment prevention policy and sexual harassment prevention training program that employers may utilize to meet the requirements of N.Y. State Labor Law § 201-g. The model sexual harassment prevention policy, model sexual harassment training materials, and further guidance for employers, can be found online at the following URL: <https://www.ny.gov/combating-sexual-harassment-workplace/employers> .

Pursuant to N.Y. State Finance Law § 139-l, any bid by a corporate bidder containing the certification required above shall be deemed to have been authorized by the board of directors of such Bidder, and such authorization shall be deemed to include the signing and submission of such bid and the inclusion therein of such statement as the act and deed of the Bidder.

If the Bidder cannot make the required certification, such Bidder shall so state and shall furnish with the bid a signed statement that sets forth in detail the reasons that the Bidder cannot make the certification. After review and consideration of such statement, SUNY may reject the bid or decide that there are sufficient reasons to accept the bid without such certification.

All bidders must sign and submit the certification that is part of this RFQ.

4.3 Additional Terms & Conditions

1. The terms and conditions of the State University of New York (*pick one: Consultant Contract Form 7555-10 or Consultant Term Contract Form 7555-10A*) shall apply, and is provided as an attachment to this RFQ.

2. Consultant's Terms: The Consultant's standard terms and conditions will not be considered relevant to their proposal or the contract, and should not be included with their proposal. Any additional Consultant terms and conditions which are attached or referenced with Consultant's proposal shall not be considered part of the qualifications or proposal, but shall be deemed included for informational purposes only. No extraneous terms will be incorporated into an agreement unless approved in writing by the Office of General Counsel. Acceptance and/or processing of a proposal shall not constitute acceptance of the extraneous terms.
3. The resulting agreement shall be binding upon its execution by both parties and, if required by New York State law, upon the approval of the Attorney General and the Office of the State Comptroller.
4. The agreement may be revised at any time upon mutual consent of the parties in writing. Such written consent will not be effective until signed by both parties and, if required by New York State law, approved by the Attorney General and the Office of the State Comptroller.
5. The relationship of the Successful Offeror to SUNY shall be that of independent consultant.
6. Compliance with the post-employment restrictions of the Ethics in Government Act is required.
7. The submission of a proposal constitutes a binding offer to perform and provide said services.
8. In the event the Successful Offeror uses partners, subcontracts or subcontractors, the Successful Offeror will remain responsible for compliance with all specifications and performance of all obligations under the contract resulting from this RFQ. For the resulting agreement, the Successful Offeror will be the prime contractor.
9. SUNY will not be liable for any costs associated with the preparation, transmittal, or presentation of any proposals or materials submitted in response to this RFQ.
10. Public announcements or news releases regarding this RFQ or any subsequent award of a contract must not be made by any offeror without the prior written approval of SUNY.
11. The Successful Offeror(s) is responsible for compliance with all applicable rules and regulations pertaining to cities, towns, counties and State where the services are provided, and all other laws applicable to the performance of the resulting contract. The Successful Offeror shall provide all necessary safeguards for safety and protection as set forth by the United States Department of Labor, Occupational Safety and Health Administration.
12. The Successful Offeror will be responsible for the work, direction and compensation of

its employees, consultants, agents and contractors. Nothing in the resulting agreement or the performance thereof by the Successful Offeror will impose any liability or duty whatsoever on SUNY including, but not limited to, any liability for taxes, compensation, commissions, Workers' Compensation, disability benefits, Social Security, or other employee benefits for any person or entity.

13. In the event the Successful Offeror is required to be reimbursed for travel, Offeror shall be reimbursed at rates not to exceed the current NYS Schedule of Allowable Reimbursable Travel Expenses. Refer to the U.S. Government Administration Rates for Travel at: <http://www.gsa.gov>

SUNY reserves the right to:

1. Not accept any and all proposals received in response to this RFQ.
2. To terminate any resulting contract for: (1) unavailability of funds; (2) cause; (3) convenience; (4) in the event it is found that the certification filed by the Offeror in accordance with State Finance Law §§139-j and 139-k are found to be intentionally false or intentionally incomplete; and if applicable, the Department of Taxation and Finance Contractor Certification Form ST-220CA was false or incomplete. Upon such finding, SUNY may exercise its termination right by providing written notification to the Offeror in accordance with the written notification terms of the contract.
3. Request certified audited financial statements for the past three (3) completed fiscal years and/or other appropriate supplementation including, but not limited to, interim financial statements and credit reports.
4. Contact any or all references.
5. Waive requirements or amend this RFQ upon notification to all Offerors. Mandatory requirements may be eliminated if unmet by all Offerors.
6. Negotiate with Offerors responding to this RFQ within the requirements necessary to serve the best interests of SUNY.
7. Begin contract negotiations with another Offeror in order to serve the best interests of SUNY, should SUNY be unsuccessful in negotiating a contract with the Successful Offeror within an acceptable time frame.
8. Reject any or all portions of any offer, to negotiate terms and conditions consistent with the intent of SUNY, and to make an award for any or all remaining portions.
9. Request clarifications from Offerors for purposes of assuring a full understanding of responsiveness, and further to permit revisions from all Offerors determined to be susceptible to being selected for contract award, prior to award.

10. Advise Offeror of any objectionable employee(s) and/or subcontractor(s) and request their removal from the project. Such removal shall not be reasonably withheld by the Offeror.
11. Terminate agreement with thirty (30) days written notice.

5 Attachments

5.1 Terms and Conditions

1. [Exhibit A](#) - Standard Contract Clauses
2. [Exhibit A-1](#) - Affirmative Action Clauses
3. [7555-10 or 7555-10A](#) - State University of New York Consultant Contract (*or Consultant Term Contract*)

5.2 Minority and Women Owned Business Enterprise Requirements

1. Prospective Bidders Notice ([Form 7557-121c](#), Procedure 7557)

5.3 Service Disabled Veteran-owned Business Enterprise Requirements

1. Prospective Bidders Notice ([Form 7564-121c](#), Procedure 7564)

5.4 Required Consultant Documentation Forms

The following forms are required with the Submittal of Qualifications

1. State Finance Law §§139-j and 139-k *from SUNY Procedure Item #7552 “Procurement Lobbying Procedure for State University of New York” (applies >\$15,000)*
 - a. [Form A](#) - Summary: Policy and Procedure of the State University of New York Relating to State Finance Law §§139-j and 139-k
 - b. [Form B](#) - Affirmation with respect to State Finance Law §§139-j and 139-k
 - c. [Form C](#) - Disclosure and Certification with respect to State Finance Law §§139-j and 139-k
2. Affirmative Action and Minority & Women Owned Business Enterprises *from SUNY Procedure Item #7557 “Participation by Minority Group Members and Women (MWBEs) with Respect to State University of New York Contract (applies >\$25,000); and Service Disabled Veteran-owned Business Enterprise from SUNY Procedure Item #7564 “Participation by Service-Disabled Veteran-Owned Business (SDVOBs) with Respect to State University of New York Contract (applies >\$25,000) *
 - a. [Forms 7555-15, 16 or 17](#) - Subconsultant Staffing List
 - b. [Form 7557-104](#) - MWBE-EEO Policy Statement

The following forms are required from the most qualified bidder

1. Certificate of Insurance *from SUNY Procedure Item #7555 “Construction-Related Consultant Contracting Procedures*

- a. [Form 7555-09 - Certificate of Insurance](#) (*applies all contracts*)
 - b. NYS Workers Compensation and Disability Insurance (*applies all contracts*)
2. Vendor Responsibility
- a. OSC’s [Vendrep - Online System](#) or [Link to paper forms](#) (*form applies \geq \$100,000*)
3. Procurement Forms from SUNY Procedure Item #7553 “Purchasing and Contracting (Procurement)”
- [Form I](#) - Omnibus Procurement Act of 1992 (*applies $>$ \$1,000,000*)
 - [Form II](#) - Omnibus Procurement Act of 1992, Out of state firms (*applies $>$ \$1,000,000*)
 - [Form XIII](#) - Public Officers Law Compliance
4. State Consultant Services Reporting
- a. [OSC Form A](#) (required prior to contract award) (*applies $>$ \$15,000; applicable to salaries, does not include travel or reimbursable*)
 - b. [OSC Form B](#) (required annually)