



Purchase College

STATE UNIVERSITY OF NEW YORK

735 Anderson Hill Road
Purchase, NY 10577-1402
www.purchase.edu

Procurement Department
RFQ: Engineering Design Services for Replacing Motor Control Centers at Heating Plant
Project SU-032123
Addendum #1 * June 14, 2023

To: Prospective Bidders

No. of Pages: 23

SUNY Purchase hereby issues this Addendum, dated June 14, 2023, for the above referenced IFB, in order to provide the following clarification:

Item 1:

SUNY Purchase received questions at the pre-bid meeting and via email. Answers with additional clarification are provided on the following pages.

Item 2:

SUNY Purchase made two corrections to Section 2.1 of the RFQ to remove legacy text. Attached for convenience is a copy of the revised RFQ. Please format your proposal and statement of qualifications accordingly.

Please be sure to sign THIS ADDENDUM (as acknowledgment that your firm received it) and submit it with your qualifications package, which is due **Wednesday, June 21, 2023, at 3 pm.**

Respectfully,

Sheli Taylor, Associate Director
Contract & Procurement Services

Acknowledgement of ADDENDUM #1

Signature Date

Typed printed name and title

Company name

Addendum #01 - Consultant's Questions & Answers

- Q1. It says on PAGE 4 – Purchase college is dedicated to environmentally sustainable practices. In an effort to conserve resources and reduce waste the RFP will only be available electronically in PDF format. Yet to submit the RFP we have to submit 2 paper pages and a USB format – no electronic submissions will be accepted – how is that dedicated to environmentally sustainable practices?

The environmentally sustainable practice would be to have the submissions accepted electronically and not on paper.

- A1. In an effort to be environmentally sensitive we have reduced the paper copy requirements from 7 to 2. As we review these proposals in a committee with members of multiple departments from our college, we like to have a paper copy available to circulate, due to vision/computer formatting issues, as well as some review committee members may be more comfortable with paper copies instead of the electronic version. The other copy is kept for record purposes at our purchasing department. Please note that New York State requires us to collect original signatures.**
- Q2. Can the campus elaborate or expand further about the future retubing or replacement of the existing boilers, and the possible combination of a single contract for controls and boiler replacement...?
- A2. We currently have a concurrent Construction Fund (FUND) project looking at re-tubing the three existing boilers. That project is currently being scoped by the FUND, so it's trailing behind this project. We may elect to combine these projects depending upon where things fall, but for now we are running these are two separate projects. We are currently without boiler #2 due to tube leaks and boiler #1 is currently not operational due to problems with the burner master control panel which puts us in a very precarious position come heating season.**
- Q3. Is the campus seeking a particular Basis of Design (BOD) manufacturer for the control equipment? Please expand on the control equipment characteristics and specific capabilities (if possible).
- A3. We currently have 2 proposals to upgrade the burner controls so not particularly partial to any one manufacturer. We will share these with the awarded design team.**
- Q4. Will the campus have existing record drawings data and/or as-built information useful for the selected consultant?
- A4. We have equipment manuals from INDECK located in the heating plant.**
- Q5. Do you anticipate an accelerated design schedule for the implementation of equipment controls given the vulnerability and/or possible risk(s) for the upcoming Winter season...?
- A5. Yes.**
- Q6. Do you anticipate this RFQ response moving from the original due date...? Please advise.
- A6. No.**



The State University
of New York

Request for Qualifications

Engineering Design Services for Replacing
Motor Control Centers at Heating Plant
SU-032123

Qualifications Due
June 21, 2023, at 3:00PM

Submit Proposals to:
Sheli Taylor, Associate Director
Contract & Procurement Services
SUNY Purchase College
735 Anderson Hill Road
Campus Center South 3rd Floor
Purchase, New York 10577

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1 Request for Qualifications

Purchase College is soliciting proposals to provide design services to address the replacement need of our existing control panels for the HTHW generators located in our Heating Plant. The current control panels are at the end of their useful life and the existing components are obsolete and we can no longer get replacement parts to keep the equipment operational if there is a failure. If a failure occurs, we will not be able to provide heat to the campus which elevates the need to get a viable solution done quickly.

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>

Calendar of Events – Procurement Timetable:

Release of RFQ to Vendor.....	May 23, 2023
Open Question Period.....	May 23, – June 12, 2023
Pre-Bid Meeting.....	May 31, 2023
Response to Questions/Addendum Release.....	June 14, 2023
Proposal Due Date.....	June 21, 2023
Notification to Finalists.....	July 19, 2023
Finalist Interviews.....	July 24 – August 4, 2023
Design Award.....	August 16, 2023

2 Instructions

Proposals are due by **June 21, 2023, at 3:00PM**, 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 **two (2)** complete qualifications, one of which must have original signatures, along with a digital copy in pdf format on a flash drive. Proposals are to be addressed to:

Sheli Taylor, Associate Director of Contract & Procurement Services
SUNY Purchase College
735 Anderson Hill Road
Purchase, NY 10577

5. Qualifications must be received by Sheli Taylor 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

1. Purchase College is soliciting proposals for design services to address the replacement need of our existing control panels for the HTHW generators located in our Heating Plant. To be considered for the project, the prospective consultant should submit the following:
 - a. Samples and description of specific expertise and successful completion of projects similar in sizes and scope as described in this RFQ.
 - b. Statement of experience and qualifications of the firm's key personnel in the planning, organization, and execution of projects similar in scope.
 - c. Organization of staff specifically dedicated to this project, identifying assignment of responsibilities and authority.
 - d. Indicate workload and availability of all key personnel assigned to the project. Indicate estimated percentage of time each member will be dedicated to this project.
 - e. Firm must have previous experience preparing New York State bid documents.
 - f. Firm must have adequate staff and experience in overseeing on-site construction of the project.
 - g. Past experience working on SUNY projects and/or with Purchase College or Higher Education Institutions.
 - h. Listing of MBE-WBE status.

2.2 Pre Bid Meeting

There will non-mandatory pre-bid meeting on May 31, 2023, at 10:00 am at Capital Facilities Planning Building, Conference Room, at Purchase College, 735 Anderson Hill Road, Purchase, NY 10577-1402.

For campus map: <https://www.purchase.edu/about/our-campus/interactive-map/>

The College will allow for a question period beginning on May 23, 2023, and closing on June 12, 2023. All questions must be submitted in writing, citing the particular RFQ page, section and

paragraph numbers where applicable. All questions must be submitted in writing and emailed to Muneeza Ismail, Project Manager (muneeza.ismail@purchase.edu). Answers will be issued as an addendum to this RFQ and posted on the [Purchase College Procurement Opportunities](#) webpage on June 14, 2023.

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 point)
- (2) firm may merit further consideration for this contract (2 points)
- (3) firm merits further consideration for this contract (3 points)

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

SUNY Purchase College requests, minimally, three (3) references for projects of similar size and scope to the current project that were completed by the Offeror. Offeror is to provide a description

of the project and identify the name, title, address, telephone number and email address of each reference. References will be contacted as part of the evaluation process.

2.5 Additional Information

None.

3 Scope of Services

3.1 Background

Purchase College is soliciting proposals to provide design services to address the replacement need of our existing control panels for the HTHW generators located in our Heating Plant. The current control panels are at the end of their useful life and the existing components are obsolete and we can no longer get replacement parts to keep the equipment operational if there is a failure. If a failure occurs, we will not be able to provide heat to the campus which elevates the need to get a viable solution done quickly. The project will include supplying and installing (3) new custom fabricated combination PLC Combustion Control (CCS), Burner Management Control System (BMS), and HMI panels for the three existing HTHW generators.

3.2 Available Data

College will provide awarded firm all existing documents, reports, and drawings (including basic AutoCAD drawings) that it has available.

3.3 Scope of Services

- A. The Scope of Services shall include, but not be limited to, the following:
- Review of existing documents, plans, and specifications that the college will provide.
 - Visual site inspections and observations.
 - Assessment of existing equipment, electrical loads, and layout in the Heating Plant.
 - Documentation of existing conditions and issues.
 - Meetings (3) with college representatives to review scope and needs.
 - Development of options to resolve issues.
 - Development of bid documents, based on selected layout for College to use to solicit construction contracts.
 - Develop preliminary project budget.
 - Attend contractor – pre-bid meeting/walk-thru to review scope of work and answer questions.
 - Issue Addendum (as needed) based on bidder questions and RFI's.
 - Review submitted bids for understanding of scope and making recommendation of who to award to College.
 - Provide full construction administration services including but not limited to (review of submittals, RFI's, attendance at bi-weekly meetings, generation of meeting minutes, field review of construction progress, field reports (as needed), review of contractor applications for payment, change orders, etc.).

B. Consultant Basic Services

1. Consultant shall be responsible for providing all necessary planning, design and Engineering services required to provide the comprehensive Engineering/ Architectural services as identified in the project scope.
2. 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.
3. 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.
4. Consultant shall be responsible for all coordination as it relates to its services between its consultants and College's consultants and/or College's designated personnel.
5. College shall provide any existing record drawings that the College has for architectural and engineering as requested by the Consultant.

C. Construction Documents

1. Upon Approval of the Design Development documents, Prepare and submit for approval complete final working drawings and specification which clearly define all work necessary to accurately bid and complete construction of the project.
2. Drawings shall be in conformance with all applicable bidding code requirements that govern the work of this project.
3. The consultant shall prepare a complete and comprehensive Project Manual which shall include SUNY standard Documents, the NYS procurement requirements, General Requirements for construction, and Technical Specifications.
4. College will require periodical submission of documents at 60%, 90% and Bid Phase for review and comments, so that such comments can be incorporated into the final documents prior to release for Bid.
5. All contracts shall contain a New York state licensed design professional seal and signature. The title page of the Project Manual shall be signed and sealed.
6. Consultant shall prepare an estimated budget of the Project. Provide two (2) sets of drawings and specification for each design phase submission.

D. Bid Phase Requirements

1. 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.
2. Review bids and make a recommendation.
3. 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.

E. Construction Administration Phase Requirements

1. 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.
2. 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.

3.4 Program Budget

The estimated cost of the project to be designed is \$2,250,000.

3.4 Basic Design Fee

Fee shall be negotiated with the most qualified consultant.

3.5 Subconsultant Staffing

The consultant shall provide a subconsultant staffing list for the project using [Form 7555-15](#), [7555-16](#) or [7555-17](#). This subconsultant staffing list shall include the percent of work to be completed by each subconsultant and indicate whether each subconsultant is a Minority or Women Owned Business.

3.6 Time of Completion Schedule

PROJECT SCHEDULE:

Release of RFQ to Vendor.....	May 23, 2023
Open Question Period.....	May 23, – June 12, 2023
Pre-Bid Meeting.....	May 31, 2023
Response to Questions/Addendum Release.....	June 14, 2023
Proposal Due Date.....	June 21, 2023
Notification to Finalists.....	July 19, 2023
Finalist Interviews.....	July 24 – August 4, 2023
Design Award.....	August 16, 2023
80% Design Submission.....	September 18, 2023
Campus Review of 80% Submission.....	Sept 18 – Sept 29, 2023
Final Bid Document Submission.....	October 16, 2023
Release Bid Documents	October 23, 2023
Pre-Bid Walk-Thru.....	November 1, 2023
Contractor Open Question Period.....	Oct 23 – November 10, 2023
Response to Questions/Addendum Release.....	November 14, 2023
Construction Bids Due.....	November 20, 2023
Construction Award.....	January 4 , 2024
Construction Period.....	Jan 8 – Sept 13, 2024
Completion.....	October 11, 2024

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) the Agreement.

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; (2) Exhibit A-1; (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 offerers 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

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, **22%** for Minority-Owned Business Enterprises (“MBE”) participation and **8%** 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 7557-121c](#)) 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).

Upon contract award and prior to contract execution the selected awardee will upload its Subconsultant Staffing List to the Statewide Utilization Management Plan (SUMP) and document its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence through the New York State Contract System, which can be viewed at: <http://ny.newnycontracts.com>, provided however, that the selected awardee may arrange to provide such evidence via a non-electronic method approved by the University.

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 7564-121c](#)). Documentation required with the submittal of qualifications includes a Subconsultant Staffing List (Forms [7555-15](#), [16](#) or [17](#)).

4.2.3 Equal Opportunity Requirements

Pursuant to Article 15 of the Executive Law (the "Human Rights Law"), and all other State and Federal statutory and constitutional non-discrimination provisions, the Bidder will not discriminate against any employee or applicant for employment because of race, creed, color, sex, religion, national origin, military status, sexual orientation, gender identity or expression, age, disability, predisposing genetic characteristics, domestic violence victim status, familial status or marital status. The Bidder 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. The Bidder will state in all solicitations or advertisements for employees that, in the performance of this Contract, all qualified applicants will be afforded equal employment opportunities without discrimination.

The Bidder will undertake, or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and, if awarded a Contract pursuant to this solicitation, will make and document

its conscientious and active efforts to employ and utilize minority group members and women in its work force during its legal engagement with SUNY.

By submission of a bid or proposal in response to this solicitation, the Bidder agrees with all of the terms and conditions of SUNY Exhibit A including Clause 12 - Equal Employment Opportunities for Minorities and Women and acknowledges that, if the Bidder is awarded a Contract, The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor, shall undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The Bidder further agrees, where applicable, to submit with the bid an EEO staffing plan ([Form 7557-108](#)) identifying the anticipated work force to be utilized on the Contract and, if awarded a Contract, will, upon request, submit to SUNY a workforce utilization report identifying the workforce actually utilized on the Contract if known. Forms are available in SUNY Procurement Policies and Procedures Document 7557 online at: http://www.suny.edu/sunypp/documents.cfm?doc_id=611.

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

4.2.4 Executive Order 162 (E0162)

Governor Cuomo's Executive Order 162 requires state contractors to disclose data on the gender, race, ethnicity, job title, and salary of employees performing work on state contracts.

Bidder agrees to submit Workforce Utilization Report ([Form 7557-110](#)) and to require the same information to be submitted by any of their subcontractors on the state contract, in such format as shall be required by SUNY on a monthly basis for all construction contracts and quarterly basis for all other contracts during the term of the contract. Empire State Development has provided specific details on this requirement at <https://esd.ny.gov/doing-business-ny/mwbe/mwbe-executive-order-162>.

4.2.5 Executive Order 177 (E0177)

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, sexual orientation, gender identity, disability, marital status, military status, or other protected status.

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, selected Awardee 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 attached to this IFB, SUNY Form [7555-18](#).

4.2.6 State Finance Law §§ 139-1

(1) Pursuant to N.Y. State Finance Law §139-1, every bid made on or after January 1, 2019 to the State of 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.

(2) 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 prevent policy and sexual harassment 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>.

(3) Pursuant to N.Y. State Finance Law §139-1, 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.

(4) 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 may decide that there are sufficient reasons to accept the bid without such certification.

(5) All Bidders must sign and submit the certification attached to this IFB, SUNY Form [7555-18](#).

4.2.7 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.

4.2.8 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

4.2.9 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 should 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?”

4.2.10 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 **\$2,000,000** 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.

4.2.11 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 <https://www.osc.state.ny.us/state-vendors/vendrep/vendrep-system>.

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.

4.2.12 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.

4.2.13 Contract Award Protest Procedure

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

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
 - c. [Form 7557-108](#) – EEO Staffing Plan
3. Vendor Responsibility
 - a. VendRep System Instructions available at <https://www.osc.state.ny.us/state-vendors/vendrep/vendrep-system> (*form applies ≥ \$100,000*)
4. Bidders Certifications (Human Rights Law EO77, State Finance Law 139-l and Non-Collusive Bidding Certifications)
 - b. [Form 7555-18](#)
5. [Certification Under Executive Order No.16](#) Prohibiting State Agencies and Authorities for Contracting with Businesses Conducting Business in Russia.

The following forms are required from the most qualified bidder

1. Certificate of Insurance *from SUNY Procedure Item #7555 “Construction-Related Consultant Contracting Procedures*
 - c. [Form 7555-09 - Certificate of Insurance](#) (*applies all contracts*)
 - d. NYS Workers Compensation and Disability Insurance (*applies all contracts*)
2. 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
3. State Consultant Services Reporting
- e. [OSC Form A](#) (required prior to contract award) (*applies >\$15,000; applicable to salaries, does not include travel or reimburseables*)
 - f. [OSC Form B](#) (required annually)