



Roosevelt Island Operating Corporation

Request for Proposal #20-36983 Southpoint Park – Open Space & Rip-Rap Revetment Project

Key Events	Date	Time
RFP Release	3/30/2020	
Cut-off for Submission of RFIs (Requests for Information) by Email	4/10/2020	5:00 P.M.
RFI Responses Posted on RIOC Website	4/21/2020	5:00 P.M.
RFP Bids Due - LATE BIDS WILL NOT BE ACCEPTED	5/1/2020	3:00 P.M.
Short-List Presentations (if required)	5/11 – 5/15/20	TBD
Estimated Contract Award	5/25/2020	

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

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

Restricted Period & Designated Contacts

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

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

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<ul style="list-style-type: none"> • Title Page • Experience and Qualifications Form • Bid Completeness Checklist • Fee Proposal Form • Vendor Responsibility Questionnaire • Form MWBE 100 • Form MWBE 101 • Form MWBE 103 OR Form MWBE 104 • EO 177 Certification • Bidder’s Lobbying Certification AND Bidder’s Certification of Accuracy • Bidder’s Disclosure of Prior Non-Responsibility • Iran Divestment Act Certification AND MacBride Fair Employment Principles Stipulation • Encouraging Use of New York State Businesses in Contract Performance 	
Other Important Links on the RIOC Website	
<ul style="list-style-type: none"> • Addenda • Forms ST-220-CA and ST-220-TD • Prevailing Wage Schedule • Sample of RIOC’s Standard Construction Contract • Forms MWBE 105, Workforce Utilization Report, • Drawings • Fee Proposal (Excel Form) • Langan Engineers Soil Management Plan • Langan Engineers Geotechnical Report • Langan Engineers Stormwater Pollution Prevention Plan • Tree Inventory Report • US Army Corps of Engineers Permit • NYSDEC Permit • NYCT Letter of No Impact • RIOC Existing Irrigation Plan 	

SECTION 1 – Scope and Technical Requirements

1.1 Statement of Purpose

The Roosevelt Island Operating Corporation (RIOC), a New York State Public Benefit Corporation seeks a suitable qualified contractor to demolish existing deteriorated seawalls on the East and West shores of Southpoint Open Space Park, install a new rip-rap revetment and construct upland areas that would integrate with the existing park. In addition, the contractor is to re-store and modified two sections of the existing seawalls located along on the west shore and construct concrete return walls to accommodate the new rip-rap slope. The project limits consist of the enclosed East and West shorelines and the adjacent areas in Southpoint Open Space Park, as indicated on the contract drawings.

1.2 Term of Project

The expected duration of the project is Five Hundred and Forty (540) calendar days.

In accordance with the regulatory permits and due to the nature of this work, there is a moratorium period for in water work activities between March 1st and June 30th. In addition, there is a maritime restriction on the western waterway of the East River during the United Nations General Assembly session. As such, work is prohibited during this timeframe which typically occurs during the latter part of September. Please note, the Contractor must notify the US Coast Guard Division of the commencement of construction activities at least 14 days prior to mobilizing on site.

The project also has a FEMA grant for damages incurred during past storms which stipulates all work must be completed by **January 31, 2021**. Upon notice of award, the contractor shall prepare and submit pertinent documents required to obtain work permits in a timely manner to commence on-site work operations no later than **July 6, 2020**.

1.3 Scope of Work Summary

The South Open Space Park (SOSP) is located between Franklin D. Roosevelt Four Freedoms Park to the south and the Cornell-Technion College Campus to the north and is bordered by the East River on both shores. The existing waterfront seawalls are the oldest remaining on the island and consist largely of hewn stones, but also include segments with cut granite blocks, concrete, and gabion baskets. Most of the seawalls are deteriorated with localized failures on both shores

The project limit line includes the park's east and west waterfront areas which remain closed to the general public pending the project construction. The Park itself is open to the public for passive recreational use and will remain so during construction. As such the Contractor must maintain safe pedestrian access to the park and Four Freedoms Park throughout construction. This route must be sized appropriately to allow authorized vehicular access for maintenance and delivery purposes.

The project site falls under the jurisdiction of three regulatory agencies, Army Corps of Engineering (ACoE), NYS Department of Environmental Conservation (DEC) and NYC Small Business Services Waterfront Permits Unit (SBS). Permit applications for each of these agencies are approved

The project intent is to replace the existing walls with a more resilient rip-rap revetment. Work includes, but is not limited to: , demolition and removal of hewn stone and gabion basket seawalls; removal of contaminated materials and construction debris; re-construction and upgrade of existing granite and concrete portions of the sea walls deemed safe to remain; construction of a new rip-rap shoreline, protection of wildlife during construction operations, and construction of new natural upland areas including landscape, hardscape, railings, and site furnishings to fit with the character of the existing SOSP.

The Contractor shall be responsible for stormwater pollution prevention, including the installation and maintenance of all temporary erosion and sediment control measures for the site. These control measures have been designed using the general principles of NYSDEC New York Standards and Specifications for Erosion and Sediment Control and are incorporated into the project Stormwater Pollution Prevention Plan (SWPPP).

The construction documents also include an Environmental Phase Two Report and NYSDEC-approved Soil Management Plan which describe a scope of environmental remediation for the site. The plan provides requirements for the delineation and removal of isolated lead-contaminated "hot-spot" areas, removal and off-site disposal of up to 5,800 cubic yards of fill material, and placement of a clean imported fill environmental cap across the entire project site. Areas outside of the fencing along each shore were capped and filled under an earlier phase of work.

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

1.4 Site Conditions

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

1.5 Contract Project Documents

Drawing, Specifications and Reports prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture, and Geology, D.P.C.

Correlation and Intent of Documents

The Contract Project Documents are complementary, and what is called for by any one shall be as binding as if called for by all.

The intent of the Contract Project Documents is to include everything necessary for the proper execution of the complete finished Work.

DRAWINGS

1. G-001.00 COVER SHEET
2. VT-100.00 TOPOGRAPHIC SURVEY
3. G-002.00 CONSTRUCTION NOTES
4. G-003.00 TAX MAP INFORMATION
5. G-004.00 FLOOD ZONE INFORMATION
6. DM-100.00 DEMOLITION PLAN
7. C-100.00 SHORELINE PROTECTION PLAN
8. C-101.00 TYPICAL RIP-RAP REVETMENT SECTIONS
9. C-102.00 PART PLAN AND ELEVATION OF EXISTING CONCRETE AND GRANITE SEAWALL
10. C-103.00 SECTION AND DETAIL OF CONCRETE AND GRANITE SEAWALL
11. C-104.00 PART PLAN AND ELEVATION OF CONCRETE SEAWALL
12. C-105.00 SECTION AND DETAIL OF EXISTING CONCRETE SEAWALL
13. C-106.00 SITE DETAILS
14. C-200.00 SOIL EROSION & SEDIMENT CONTROL PLAN
15. C-201.00 SOIL EROSION & SEDIMENT CONTROL DETAILS
16. C-300.00 RAILING LAYOUT PLAN
17. C-301.00 RAILING DETAILS

- 18. C-302.00 CONCRETE POST & RAILING DETAIL
- 19. C-400.00 EARTHWORK PLAN
- 20. C-401.00 SHORELINE CUT AND FILL
- 21. L-100.00 LANDSCAPE PLAN
- 22. L-101.00 IRRIGATED AREA PLAN
- 23. L-110.00 LANDSCAPE NOTES & DETAILS
- 24. L-111.00 IRRIGATION DETAILS

TECHNICAL SPECIFICATIONS

- 1. 022050 PROTECTION OF EXISTING UTILITIES
- 2. 022100 PROJECT SURVEY AND LAYOUT
- 3. 029000 SITE PREPARATION
- 4. 031000 CONCRETE FORMWORK
- 5. 032000 CONCRETE REINFORCEMENT
- 6. 033000 CAST IN PLACE CONCRETE
- 7. 036000 GROUTING
- 8. 044313 STONE MASONRY VENEER
- 9. 310913 MONITORING OF ADJACENT STRUCTURES
- 10. 312300 EARTHWORK
- 11. 312319 DEWATERING
- 12. 312500 SOIL EROSION AND SEDIMENT CONTROL
- 13. 313700 RIP-RAP REVETMENT
- 14. 314100 SHORING AND BRACING
- 15. 321001 SITE STONEMASONRY
- 16. 321400 UNIT PAVERS
- 17. 321500 STABILIZED CRUSHED STONE PAVING
- 18. 323100 SEAWALL RAILINGS
- 19. 323119 ORNAMENTAL METAL FENCING AND GATES
- 20. 323200 THERMAL SPRAYED METAL COATING
- 21. 323300 POWDER COAT PAINT
- 22. 323343 SITE FURNISHING
- 23. 328400 IRRIGATION
- 24. 329000 LANDSCAPE PLANTING
- 25. 329100 SOIL PREPARATION AND MIXES
- 26. 329200 LAWNS AND GRASSES

REPORTS AND DOCUMENTS OF NOTE

- 1. SOIL MANAGEMENT PLAN (SMP) DATED 20 FEBRUARY 2019.
- 2. GEOTECHNICAL ENGINEERING MEMORANDUM DATED 22 MAY 2013.
- 3. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) DATED 20 FEBRUARY 2019.
- 4. MTA – NYCT LETTER OF NO IMPACT
- 5. NYSDEC – PERMIT
- 6. RECORD IRRIGATION AS BUILT
- 7. TREE INVENTORY

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

1.6 General Requirements

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

- a. The Contractor shall be completely responsible for their work, including any damages or breakdowns caused by their failure to take appropriate and prompt action.
- b. The Contractor shall furnish all equipment, material and labor necessary to complete the work requested in this RFP.
- c. The Contractor shall provide all inspections, permits and warranties affiliated with the requested scope of work.
- d. Contractor shall have all necessary trade laborers with licenses in good standing with NYS and NYC.
- e. The Contractor agrees to comply with all applicable Federal, State and Local rules and regulations.
- f. Contractor shall clearly mark all work areas that may reasonably be expected to endanger the health and safety of Roosevelt Island residence, guests or any other persons/animals. Contractor will provide such signs, markers, cones and barricades within reason as required to identify all work areas, minimize dangers and provide maintenance and protection of traffic. All areas of protection to be coordinated with RIOC representatives.
- g. Article 8 (Sections 220-223) and Article 9 (Sections 230-239) of the New York State Labor Law require **public work** contractors and subcontractors to pay workers employed in the performance of a public work contract not less than the prevailing rate of wage and to provide supplements (fringe benefits) in accordance with prevailing practices in the locality where the work is performed. **Contracts awarded will require the successful Bidder and their subcontractors to submit a certified payroll with each of their invoices.** The Prevailing Wage Schedule for this project is available on RIOC's website right below the link to this RFP. Prevailing wage rates are updated by Department of Labor (DOL) each year on July 1. If your firm is a participant of the NYSDOL Apprenticeship programs, please provide proof of participation and the approved apprentice rates.
- h. Bidders will be required to submit a "Contractor's Monthly MWBE Contractor Compliance & Payment Report" (Form MWBE 105) with their pay requisitions/invoices pursuant to their MWBE Utilization Plan, and monthly Workforce Utilization Report pursuant to NYS Executive Order 162. Templates are available under this RFP on RIOC's website.
- i. RIOC's interpretation of Specifications shall be final and binding upon the contractor.
- j. Should it appear that there is a real or apparent discrepancy between different sections of this RFP and/or the project definition specifications concerning the nature, quality, or extent of work to be furnished, it shall be assumed that the Bidder has based its bid on the more expressive manner. Final decision will rest with RIOC.
- k. During the term of the contract, RIOC may authorize the contractor to use overtime in order to expedite major repairs. This authorization will be granted only in those instances where RIOC has made a determination that such action is in the overall best interest of the project.
- l. RIOC has the right to the full and exclusive possession of information, materials, documents, software and electronic data produced by the contractor and / or its subcontractors.
- m. Upon completion of the work, contractor shall clean up the area where the work was performed and remove any hazardous or non-hazardous debris generated by the repairs / maintenance in a legal and safe fashion.
- n. Failure to complete the project on time, as per Sections 5 and 6 of the Contract, may result in Liquidated Damages listed in the Contract under 'Scope of Work' and 'Additional Terms'. Liquidated damages will be calculated at **\$750.00** per calendar day.
- o. Any deviation from the terms and conditions of this RFP will not be considered unless specifically referred to in a separate letter submitted with the bid and titled "Extraneous Terms." All extraneous terms submitted will be reviewed and negotiated with RIOC as appropriate.
- p. The contractor shall abide by all FEMA requirements (in respect to the construction procurements, procedures or methods or any other construction related activities including

deadline to complete FEMA related work January 31, 2021) and shall provide all documentation necessary to obtain FEMA reimbursement.

- q. Contractor shall make provisions to comply with the moratoriums set forth in the New York State Department of Environmental Conservation permit.

1.7 Contract Meetings

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

1.8 Contractor Close-Out Inspection

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

SECTION 2 - General Instructions to Bidders

- 2.1 Interested Bidders should register their intent to bid on the project by emailing rfbids.southpointpark@RIOC.ny.gov April 10th, 2020 with the name of the primary contact person, company name, best telephone number to reach you, and company address. Any changes to the bid process or additional information (such as responses to Requests for Information) will be posted as Addenda to this RFP on the RIOC website at <https://rioc.ny.gov/216/RFPs-Bids> and also emailed to registered bidders.
- 2.2 Contractor's are permitted to visit the proposed work areas to assess the existing conditions on their own. All posted RIOC regulations must be followed on site. Video from site survey from 2013 are available for review on the website. Any and all questions must be submitted in a formal written request for information via email.
- 2.3 RIOC is not responsible for any oral responses made by RIOC representatives or responding to inquiries made by telephone. Formal Requests for Information (RFIs) seeking interpretation or correction of any ambiguity, inconsistency or error in bid documents must be submitted to rfbids.southpointpark@RIOC.ny.gov by the RFI cut-off date listing on the front page of this RFP. In the email subject line include the RFP Number and Project Name. A collection of all RFIs received and official responses will be posted to the RIOC website as an Addendum and a copy emailed to registered bidders. RFIs received after the cut-off date will not be responded to unless it is deemed by RIOC to be important, in which case additional addenda may be issued. If no RFIs are received, no addenda will be issued for responses and no notice will be sent out to registered bidders.

2.4 The successful Bidder will be required to execute the RIOC Standard Form Contract for Construction. A sample contract is provided on the RIOC website below the link to this RFP. By submitting a bid, the Bidder implies that it has carefully reviewed this sample contract and will comply with its requirements. RIOC will not accept modifications to the text of its standard-form agreement.

2.5 Bid Contents and General Appearance:

- **Due to the current Coronavirus health crisis, bidders shall supply one electronic copy of all bid documents via e mail, rfpbids.southpointpark@RIOC.ny.gov, or file transfer platform of choice (drop box etc.) . If there is any problem with e-mail submission, please reach out to the designated contact no later than April 27th, 2020, to make alternate arrangements. Double-check that the electronic copy has every page - scanner/printers/PDF can skip pages, which could lead to an incomplete bid package.**
- Bids documents should be organized and clearly labeled.
 - Title Page – include the full name, email address, phone number of Bidder’s primary contact(s)
 - Bid Completeness Checklist (on the back of the Title Page)
 1. The following sections
 2. Fee Proposal
 3. Financials
 4. Experience and Qualifications including:
 - a. Executive summary of the firm (500 words max.)
 - b. Three completed Experience and Qualification Project Example forms (page 17)
 - c. Staffing Proposal clearly identifying the organizational structure for the project team.
 - d. Provide a resume, list of certifications/credentials and list of 3-5 projects of similar scope and scale for the project manager and site super.
 5. Draft Project Schedule and Narrative of Approach for Permit Compliance (250 words max.)
 6. Required Attached Forms
 7. Required Additional Forms

2.6 Bid submissions:

- **Due to the current Coronavirus health crisis, COVID-19 bid submission will be done via e mail attachment, dropbox or file transfer system of choice.**
- **If digital submission is not possible, please reach out to the designated contact by no later than April 27th, 2020 to make alternate arrangements - rfpbids.southpointpark@RIOC.ny.gov**
- Only Bid submission by email are **acceptable** and **will be considered**.
- Bidders assume all risks for timely delivery of their submission. **Late bids will not be accepted.**
- Any submission that is incomplete may result in a disqualification of that bid.
- **Due to the current Coronavirus health crisis, a public bid opening may not be possible. Before the due date, RIOC will inform, via posted addenda, how this information will be communicated.**

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

2.8 Bid Evaluation Criteria

Bid Evaluation Criteria	Points
<p>1. Experience and Qualifications:</p> <p>Bidder will be evaluated on its experience on similar work as demonstrated by project examples submitted and qualifications as explained below.</p> <p>Specifically, RIOC will evaluate the Bidders on:</p> <ul style="list-style-type: none"> • The extent to which the Executive Summary demonstrates proven experience with waterfront construction and the ability to complete projects on time and within budget. • The firm has the staff and resources to properly execute the project within the prescribed timeframe. • Proposed staff for the project manager and site superintendent has demonstrated expertise & certification needed to perform in-water permitted work on projects of similar scope and scale. • Cited project examples were similarly permitted by oversight agencies and demonstrate expertise in waterfront construction operations including knowledge of coastal processes such as tides, waves, currents and the transport of sediment particles. • Cited project examples and business references that demonstrate the highest quality of finished product and workmanship for the prime and proposed subcontractor(s). 	<p>35</p>
<p>2. Work Plan & Methodology:</p> <p>RIOC will evaluate the Bidder’s approach to meeting the needs specified in the Scope of Services. Specifically, RIOC will evaluate Bidders on their:</p> <ul style="list-style-type: none"> • Proposed Project Schedule provides a rational approach to meeting the desired completion date and considers stated project constraints and permit requirements. • Narrative for overall technical approach clearly outlines potential challenges for permit compliance and provides a method to handle said challenges. • Narrative of cited examples demonstrates an expertise in handling waterfront permit compliance issues during construction in an effective manner without significant budget or schedule impacts. • Narrative of cited similar examples of work demonstrate a proven team experience for the successful completion of similar projects. • Cited project examples demonstrate a keen understanding of handling and disposal of contaminated materials. 	<p>25</p>
<p>3. Financial Capability:</p> <p>RIOC evaluates the financial statements outlined in section 3.2 in order to determine the Bidder’s ability to perform the services and calculates four commonly used financial ratios based on the financial statements provided by the Bidder to award points.</p>	<p>15</p>
<p>4. Fee:</p> <p>The Bidder with the lowest fee on the Fee Proposal Form will receive the maximum points in the Cost category. All other Bidders will receive a percentage of points based on the variance from the lowest fee. This scoring is a calculation, not an analysis. RIOC uses the NYS Office of the State Comptroller’s recommended formula for cost scoring: Max Points x (Lowest Fee ÷ Fee Being Evaluated).</p>	<p>25</p>

Bid Evaluation Criteria	Points
Maximum Available Points:	100

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

RIOC may exercise the foregoing rights at any time without notice and without liability to any Bidder or any other party for its expenses incurred in preparation of responses hereto or otherwise. All costs associated with responding to this RFP will be at the sole cost and expense of the responding Bidder.

SECTION 3 – Explanation of Bid Content

3.1 Explanation of Bid Proposal Section 2 – Fee Proposal

3.2 Explanation of Bid Proposal Section 3 – Financials

a. Financial Statements

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

b. Vendor Responsibility Questionnaire

All Bidders must be "responsible," which in this context means that they must have the requisite financial ability, organizational capacity and legal authority to carry out its obligations under this RFP. In addition, Bidders must demonstrate that both the Bidder and its principals have and will maintain the level of integrity needed to contract with New York State entities such as RIOC. Further, the Bidder must show satisfactory performance of all prior government contracts. Accordingly, the contract to be entered into between RIOC and the Bidder, if any, shall include clauses providing that the Bidder remain "responsible" throughout the term of the contract; that RIOC may suspend the contract if information is discovered that calls into question the responsibility of the Bidder, and that RIOC may terminate the contract based on a determination that the Bidder is non-responsible.

3.3 Explanation of Bid Proposal Section 4 - Experience and Qualifications

a. Executive Summary (500 words max.): A brief description and history of the company, including total number of years in business and years supplying relevant services, and total number of employees. Include information on key office locations and sales/service area coverage. Detail of the organization showing products, technologies, professional strengths and abilities. Include an organizational chart for key employees and departments and resumes of all key personnel. Identify the project manager(s) who will be responsible for communicating with RIOC. **List all qualifications and certifications held by the Project Manager and Site Superintendent.**

b. Experience and Qualification Project Example Form: List the most relevant projects (on the form provided) in which the Bidder has been involved with in the past five (5) years that are similar in type, size, scale, or complexity to the project as outlined in this RFP Draft Project Schedule and Narrative of Proposed Methodology:

1. Draft project schedule should demonstrate work operations and compliance with moratoriums and conditions noted in the RFP.
2. Narrative (max. 250 words) should outline proposed measures for permit compliance such as, Soil Management Plan, Coastal Erosion Plan, Storm Water Pollution Plan with examples of each from document submitted as a reference.
3. If the Bidder will be offering certain elements of the project through one or more subcontractors, describe prior working experience with these subs, including project name, rough dollar value of sub contract and total contract cost.
4. If any litigation resulted from any of the contracts above, please explain.

3.4 Explanation of Bid Proposal Section 6 – Required Attached Forms

a. MWBE Participation

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

RIOC has established a goal of **5%** for MWBE participation for this RFP. The basis for determining the dollar value of this **5%** is **the final contract price** (including change orders). Only firms **currently certified by New York State can be used** to meet MWBE participation goals on this contract. Firms currently certified can be found at <https://ny.newnycontracts.com/> (click the blue “Search the Directory” button in the middle of the page). Bidders **currently under application** to become certified are **not eligible** to use their firm towards meeting the MWBE participation goals until they are certified. ESD (Empire State Development Corporation) oversees the NYS MWBE certification process; ESD-certified means NYS-certified.

Required Forms:

- Form MWBE 100 – MWBE Participation/Equal Employment Opportunity Policy Statement
- Form MWBE 101 – Staffing Plan
- Form MWBE 103 – Utilization Plan (the detail must meet the 5% goal)

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

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

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

Contractor further agrees that a failure to use MWBEs as agreed in the Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, RIOC shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

b. SDVOB Participation

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

RIOC has established an overall goal of **0%** for SDVOB participation for this RFP. The basis for determining the dollar value of this **0%** is **the final contract price** (including change orders). Only firms **currently certified by OGS can be used** to meet SDVOB participation goals on this contract. Certified firms can be found at <https://online.ogs.ny.gov/SDVOB/search>.

Required Forms:

- Form SDVOB 103 – Utilization Plan (the detail must meet the **0%** goal)

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

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

If awarded a Contract, Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Contract pursuant to the prescribed SDVOB contract goals set forth above. Contractors will be required to submit a "Contractor's Monthly SDVOB Compliance Report" (**Form SDVOB 101**) pursuant to their SDVOB Utilization Plan

Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, RIOC shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

c. **EO 177 Certification**

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

d. **Non-Collusive Bidding Certification**

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

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

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

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

Each Bidder and each person signing on behalf of any Bidder certifies (and in the case of a joint bid each party thereto certifies as to its own organization), under penalty of perjury, that to the best of its knowledge and belief that each Bidder is not on the list created pursuant to State Finance Law Section 165-a Subdivision 3 Paragraph (b). This list is available at <http://www.ogs.ny.gov/about/regs/ida.asp>.

In accordance with Chapter 807 of the Laws of 1992 the Bidder, by submission of this bid, certifies that if it or any individual or legal entity in which the Bidder holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership interest

in the Bidder has business operations in Northern Ireland, such Bidder, shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of their compliance with such Principles.

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

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Bidders for contracts resulting from this RFP for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contracts. Each Bidder must complete the Encouraging Use of New York State Businesses in Contract Performance form.

3.5 Explanation of Bid Proposal Section 7 – Required Additional Forms

a. **Addenda**

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

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

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

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

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

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

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

SECTION 4 – Attached Forms to Be Submitted with Bid Proposal

Title Page

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

EXPERIENCE AND QUALIFICATIONS FORM – PROJECT EXAMPLE (pg. 1 of 2) –

Project Title	Insert Project Name.		
Project Client & Location			
Current Status	Current Status.		
Original Project Duration	Insert duration.	Final Project Duration	Insert duration.
Original Project Value	Insert \$.	Final Project Value	Current Status.
Regulatory Permits			
Overview/Justification of any differences in schedule and cost (250 words Max.):			
Overview of any regulatory issues resolved during construction (250 words Max.):			
Overview of Scope of Work (250 words Max.):			

EXPERIENCE AND QUALIFICATIONS FORM – PROJECT EXAMPLE (pg. 2 of 2)

Project Team

Name	Role

Subcontractors as it relates to proposed team for this project

Name	Work Performed	Phone

References for this project (Include at least one but no more than three)

Name	Email	Phone

Bid Completeness Checklist

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

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

Signature: _____ Date: _____

SECTION 1 - Fee Proposal Form

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

Bidder Name _____

CONSTRUCTION COST : TRADE BREAKDOWN SUMMARY					
Item No.	Description			RIOC 20-36983-Rip Rap Revetment Project	
	Units	Unit Price	Description	TOTAL	Comments
General Conditions					
1	L.S.	\$ -	Mobilization & Staging	\$ -	
2	L.S.	\$ -	Site Clearing/Disposal/Preparation	\$ -	
3	L.S.	\$ -	Soil Erosion & Pollution Control	\$ -	
4	L.F.	\$ -	Temporary Fencing / Gate	\$ -	
5	L.S.	\$ -	Construction Survey Layout	\$ -	
6	L.S.	\$ -	Traffic Control	\$ -	
7	L.S.	\$ -	Construction Protection Plan(Landmark Ruins)	\$ -	
8	L.S.	\$ -	Bonding, Insurance	\$ -	
Excavation, Demolition and Removal of Existing Walls and Excess Soil					
1	CY	\$ -	Demo, Wash & Stockpile Existing Walls for Rescue	\$ -	
2	Ton	\$ -	Disposal of Unsuitable Material from Wall Demo	\$ -	
3	CY	\$ -	Excavation and Stockpile of Excess Soil	\$ -	
4	Ton	\$ -	Export and Disposal of Excess Soil	\$ -	

Retrofit to Existing Concrete Seawall and Construction of Concrete Wall Returns					
1	CY	\$	Concrete Cap (Cut and Removal)	\$	
		-		-	
2	CY	\$	Concrete Cap Installation	\$	
		-		-	
3	EA	\$	Dowel (Drill and Grout)	\$	
		-		-	
4	CY	\$	Return Wall Concrete Installation	\$	
		-		-	
Construction of Salvaged Granite/Concrete Seawall					
1	CY	\$	Tremie Mat	\$	
		-		-	
2	CY	\$	Concrete Seawall Installation	\$	
		-		-	
3	EA	\$	Granite Block Installation	\$	
		-		-	
Construction of Rip Rap Revetment					
1	SF	\$	Grading of the Rip Rap Slope	\$	
		-		-	
2	SY	\$	Installation of Geotextile Fabric for RipRap Slope & Clean Fill Cap	\$	
		-		-	
3	SY	\$	Import & Installation of 3/4" Stone Bedding for Rip Rap	\$	
		-		-	
4	CY	\$	Import of Rip Rap Fill	\$	
		-		-	
5	CY	\$	Installation of Rip Rap Fill	\$	
		-		-	
6	LS	\$	Installation of Flat Stone Pathway	\$	
		-		-	
7	CY	\$	Import and Installation of Topsoil for Clean Fill Cap	\$	
		-		-	
8	SF	\$	Fine Grading of the Upland Area	\$	
		-		-	
9	LS	\$	Construction of Tie-In to Four Freedoms Park	\$	
		-		-	
Landscape Finishes and Completion					
1	EA	\$	Precast Concrete Railing Posts	\$	
		-		-	

2	LF	\$ -	Railing - Steel Bars - Mounted Panel Type, dual coated epoxy paint	\$ -	
3	LF	\$ -	Landscape Steel Edging	\$ -	
4	LS	\$ -	Revetment Plantings	\$ -	
5	LS	\$ -	Revetment Tires and Rebar	\$ -	
6	LS	\$ -	Upland Plantings	\$ -	
7	CY	\$ -	Mulch	\$ -	
8	EA	\$ -	Bench	\$ -	
9	EA	\$ -	Bollards	\$ -	
10	SF	\$ -	Hexagonal Asphalt Pavers (With Concrete Sub-base)	\$ -	
11	LS	\$ -	Salvaged Stone from Existing Walls for Upland Landscape Walls	\$ -	
12	SF	\$ -	Irrigation for Upland Plantings	\$ -	
13	SF	\$ -	Reinforced Turf	\$ -	
14	SF	\$ -	Sod	\$ -	
15	LS	\$ -	Clean Up and Demobilization	\$ -	

Having carefully examined the Drawings, the Scope of Work and associated Bid Documents as prepared by Langan Engineering, as well as the premise and conditions affecting the work, propose to furnish all material, equipment, labor, plant, machinery, tools, supplies, services and specified insurance necessary to perform the entire work, as set forth in, and in accordance with said documents.

UNIT PRICES

If approved in writing by the Owner the following additional items of work shall be performed on a unit price basis. All unit price work shall be performed in accordance with contract requirements. No Unit Price work shall be performed before Contractor is in possession of an approved Change Order, which specifically requests the performance of that work. Unit prices shall include all labor, materials, equipment, overhead, insurance, profit and taxes. The Owner reserves the right to increase or reduce the Scope of Work using the unit prices provided by the Contractor in the Bid Form.

Vendor Responsibility Questionnaire

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

1. Bidder Identification

a. Legal Name and Address of Bidder: _____

b. Type of Entity (check only one) State and Date of Incorporation

<input type="checkbox"/> Corporation	_____
<input type="checkbox"/> Sole Proprietor	_____
<input type="checkbox"/> General Partnership	_____
<input type="checkbox"/> Limited Partnership	_____
<input type="checkbox"/> Limited Liability Company (LLC)	_____
<input type="checkbox"/> Other – (please specify)	_____
<input type="checkbox"/> Not-for-Profit Corporation	Charities Registration Number: _____

2. Major Ownership Interest

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

3. Relationships to Other Organizations

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

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

4. Financial and Legal History

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

- no
- yes, please explain:

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

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

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

Certification of Vendor Responsibility Questionnaire

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

Name: _____ Title: _____

Signature: _____ Date: _____

MWBE and EEO Policy Statement (Form MWBE 100)

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

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

Name: _____ Title: _____

Signature: _____ Date: _____

- Form MWBE 101 (2 pages)
- Form MWBE 103 (1 page)
- Form MWBE 104 Waiver (2 pages)
- Form SDVOB 103 (1 page)
- Form SDVOB 104 Waiver (2 pages)
- Form SDVOB 109 Good Faith Efforts (1 page)

EO 177 Certification

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

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

Generally, the Human Rights Law applies to:

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

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

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

Name: _____ Title: _____

Signature: _____ Date: _____

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

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

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

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

Name: _____ Title: _____

Signature: _____ Date: _____

Legal Name of Firm: _____

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

Name: _____ Title: _____

Signature: _____ Date: _____

Legal Name of Firm: _____

Name: _____ Title: _____

Signature: _____ Date: _____

Legal Name of Firm: _____

Bidder's Lobbying Certification

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

Background:

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

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

Bidder affirms that it understands and agrees to comply with the procedures of the Government Entity relative to permissible contacts as required by State Finance Law §139-j(3) and §139-j(6)(b).

Name: _____ Title: _____

Signature: _____ Date: _____

Bidder's Certification of Accuracy

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

Background:

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

Bidder Certification:

I certify that all information provided to the Roosevelt Island Operating Corporation with respect to State Finance Law §139-k is complete, true and accurate.

Name: _____ Title: _____

Signature: _____ Date: _____

Bidder's Disclosure of Prior Non-Responsibility

Offerer Disclosure of Prior Non-Responsibility Determinations

Name of Bidder Seeking to Enter into Contract: _____

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

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

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

- no
- yes

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

- no
- yes

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

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

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

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

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

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

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

Name: _____ Title: _____

Signature: _____ Date: _____

Iran Divestment Act Certification

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

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

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

Name: _____ Title: _____

Signature: _____ Date: _____

MacBride Fair Employment Principles Stipulation

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

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

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

Name: _____ Title: _____

Signature: _____ Date: _____

Encouraging Use of New York State Businesses in Contract Performance

New York State businesses have a substantial presence in State Contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Bidders for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the Contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Bidders need to be aware that all authorized users of this Contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, Bidders are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

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

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

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

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

- no
- yes