

# NOTICE AND INFORMATION

## FOR BIDDERS

### The DORMITORY AUTHORITY OF THE STATE OF NEW YORK (“DASNY”)

**Bid Title: Diversity, Equity and Inclusion Consultant**

**Attachment A:** Bid Breakdown & Schedule

**Attachment B:** Scope of Work

**Attachment C:** Qualification Requirements

This Notice and Information to Bidders, Attachment A: Bid Breakdown and Schedule, Attachment B: Scope of Work and Attachment C: Qualification Requirements shall collectively be referred to herein as the “**Contract Documents.**”

#### Section 1.0 – Notice to Bidders & Bid Opening

Sealed bids for the above referenced Bid/Project will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Bids are due by April 13, 2022 at 2:30 p.m. on (the “Bid Opening Date”). Only those bids in the hands of DASNY on or prior to the Bid Opening Date will be considered.

Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside “**BID ENCLOSED**” and “**ATTENTION: PURCHASING.**” DASNY will not be responsible for receipt of bids which do not comply with these instructions.

**Individuals and entities submitting bids in person or by private delivery services should allow sufficient time for processing through building security to assure that bids are received prior to the deadline for submitting bids.** A late bid will be returned to the sender unopened and will not be considered in issuing a contract.

Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY’s website; <http://www.dasny.org>.

All bid openings will be made available for viewing live via Zoom at [www.zoom.us](http://www.zoom.us). To enter the meeting, select “Join a Meeting” then enter Meeting Id 353 471 6521, Password 351895. Individuals are strongly encouraged to utilize this public viewing option as an alternative to in person attendance at bid openings.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. The designated point of contact for this Procurement is Theresa Graffeo, email: [tgraffeo@dasny.org](mailto:tgraffeo@dasny.org). Communications to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY’s website; <http://www.dasny.org> or the OGS website: <http://www.ogs.state.ny.us>.

## Section 2.0 - Preparation of Bids

- A. Bids must be submitted on the Bid Breakdown and Schedule attached hereto as **Attachment A** in the Bidder's full legal name or the Bidder's full legal name plus any registered assumed name (the "Bidder"). Bids shall be enclosed in a sealed envelope, addressed to DASNY, and marked with the name and address of the Bidder and the Bid Number. All blank spaces for bid prices must be filled in. Conditional bids shall not be accepted. Bids shall not contain any recapitulation of the Work to be done. No oral, facsimile transmittal, electronic or telephonic bids or modifications of bids shall be considered. Bids shall contain an original signature of the Bidder in the space provided on the Bid Breakdown and Schedule.
- B. Unless otherwise noted, Bidder shall provide in the Bid Breakdown and Schedule the following information:
  - a. Total Lump Sum Cost for Consulting Services Described in Attachment B.
  - b. Cost Breakdown shall include number of hours, hourly rate proposed for each deliverable
  - c. Line Item for Reimbursable expenses (i.e., travel)
- C. Basis for Award: The basis for award is "GRAND TOTAL" lump sum price. Bidder shall be responsible for the complete scope of work at the "GRAND TOTAL" lump sum price.
- D. Bids that are illegible or that contain omissions, alterations, additions, or items not called for in the bidding documents may be rejected as not responsive. Any bid which modifies, limits, or restricts all or any part of such bid, other than as expressly provided for in the Contract Documents, may be rejected as not responsive.
- E. DASNY may reject any bid not prepared and submitted in accordance with the provisions of the Contract Documents.
- F. Any bid may be withdrawn prior to the scheduled time for the opening of bids or authorized postponement thereof and any bid received after such time and date shall not be considered.
- G. No bidder may withdraw a bid within sixty (60) days after the actual date of the opening thereof.
- H. No action or proceeding concerning in any way any bid for the Contract or the Contract shall be brought against DASNY in any location other than Albany County unless DASNY specifically consents, in writing, to a change of venue.

### Section 3.0 - Examination of the Scope of Work and Requirements

- A. Prospective bidders shall examine the Scope of Work and Qualification Requirements set forth in **Attachment B** and **Attachment C** attached hereto, carefully and, before bidding, shall make a written request to DASNY's Designated Representative for an interpretation or correction of any ambiguity, inconsistency, or error therein which should be discovered by a reasonably prudent bidder. Every request for such interpretation must be received prior to the Bid Opening Date during the RFI period. Such interpretation or correction, as well as additional provisions DASNY shall decide to include, shall be issued in writing by DASNY as an Addendum, which shall be posted to DASNY's website. Such Addenda shall become a part of the Contract Documents.
- B. Only interpretations, corrections or additional provisions to this Notice and Information to Bidders issued in writing by DASNY as Addenda shall be binding. No officer, agent, or employee of DASNY is authorized to explain or to interpret the Contract Documents by any other method and any such explanation or interpretation, if given, shall not be relied upon by the bidder.
- C. Each bid shall be construed to be completely in accordance with the Contract Documents unless the bidder explains all deviations in detail on a separate letterhead attached to the bid.
- D. DASNY reserves the right to award a procurement and issue a Contract, on the basis of the lowest bid for each item set forth in this Notice and Information for Bidders, on the basis of the proposal judged to be the "best value".
- E. When bids are requested on a by-item or by-lot basis, a Bidder must designate the item or lot cost or affirmatively indicate there is no charge. Items or lots left undesignated will be determined as not being bid and such bid shall be otherwise non-responsive.
- F. The Bidder must insert the price per unit specified, and the price extension for each item in this bid if required. In the event of a discrepancy between the unit price and the extension, the unit price will govern. Prices must be extended in decimals, not fractions.
- G. Prices must be net, including transportation, delivery charges and applicable taxes fully prepaid by Bidder to the designation(s) indicated.
- H. Prices and information required by the Bid Breakdown and Schedule except the signature of the Bidder, should be typewritten or printed legibly. Submissions written in pencil may be rejected.
- I. At the time of the opening of bids, each bidder shall be presumed to have inspected the Site and to have read and to be familiar with the Contract Documents. The failure or omission of any Bidder to receive or to examine any Contract Document shall in no way relieve any Bidder from any obligation in respect to the bid of such Bidder.

- J. DASNY reserves the right to make awards within one hundred twenty (120) days after the date of the bid opening or proposal due date, during which period bids or proposals shall not be withdrawn.
- K. If two or more bidders submit identical bids as to price, the decision of DASNY to issue a Contract to one or more of such identical Bidders shall be made in DASNY's sole and absolute discretion and any such determination shall be final
- L. A Contract awarded by DASNY shall be deemed executory only to the extent of monies available, and no liability shall be incurred by DASNY beyond the moneys available, therefore.
- M. Unless otherwise specified, the services listed in the Bid Breakdown and Schedule are subject to change to conform with DASNY requirements.
- N. Unless terminated or cancelled by DASNY, a Contract will remain in force for the period specified or until all services are satisfactorily completed.
- O. Without the prior consent, in writing, of DASNY, the successful Bidder shall not assign, transfer, convey, sublet, or otherwise dispose of the Contract or the right, title, duties or interest therein or the power to execute any contract to any other person, company or corporation.
- P. It is hereby understood between the parties hereto that the relationship created by the Contract Documents between DASNY, and the successful Bidder is one of independent contractor and it is in no way to be construed as creating an agency relationship between said parties nor is it to be construed as in any way or under any circumstances to be creating or appointing the awarded Bidder as an agent of the DASNY for any purpose whatsoever.

#### Section 4.0 - Qualifications of Bidder

- A. DASNY may make such investigation as DASNY deems necessary to determine the responsibility of any Bidder or to determine the ability of any bidder to provide the services or otherwise provide the work set forth in the Contract Documents. Bidders shall furnish to DASNY all information and data required by DASNY, within the time and in the form and manner required by DASNY. DASNY reserves the right to reject any bid if the evidence required by DASNY is not submitted as required or if the evidence submitted by or the investigation of any bidder fails to satisfy DASNY that the bidder is responsible or is able or is capable or qualified to carry out the obligations contained in the Contract Documents.
- B. DASNY reserves the right before making an award to make investigations as to whether the services/deliverables, qualifications or facilities offered by the Bidder meet the requirements set forth in the Detailed Specifications and Scope of Work and Site Logistics are sufficient to ensure the proper performance of the Purchase Order

## Documents.

### Section 5.0 - Executive Order No. 170.1 – Uniform Guidelines for Responsibility Determinations

The criteria contained in Executive Order No. 170.1 dated June 23, 1993 (9 NYCRR § 4.170, Context and Analysis, Historical Note 32) will also be applied in the bid review process. In the event of any conflict between the criteria in Executive Order No. 170.1 and the criteria in the Contract Documents, the stricter criteria shall apply.

### Section 6.0 - Executive Order No. 125 – NYS Vendor Responsibility Questionnaire

As a public entity, DASNY may only contract with entities that are determined to be responsive and responsible and said entities are required to maintain responsibility throughout the term of the services being provided. Proposers shall submit a Vendor Responsibility Questionnaire (“VRQ”) which is designed to provide information to assess a proposed vendor’s responsibility to conduct business in New York State. All VRQs shall be reviewed in accordance with applicable law, policy, rules, regulations, and guidelines, including without limitation Executive Order Nos. 125, 170.1 and 192.

DASNY requires vendors to file the VRQ online via the New York State VendRep System (the “System”). To enroll in and use the System, see the System Instructions at [https://www.osc.state.ny.us/vendrep/vendor\\_index.htm](https://www.osc.state.ny.us/vendrep/vendor_index.htm) or go directly to the VendRep System online at <https://portal.osc.state.ny.us>. Proposers must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for System assistance, contact the Office of the State Comptroller’s (“OSC”) Help Desk at 866-370-4672 or 518-408-4672 or by email at [ciohelpdesk@osc.state.ny.us](mailto:ciohelpdesk@osc.state.ny.us).

### Section 7.0 - Executive Order No. 170.1 – Uniform Guidelines for Responsibility Determinations

The criteria contained in Executive Order No. 170.1 dated June 23, 1993 (9 NYCRR § 4.170, Context and Analysis, Historical Note 32) will also be applied in the bid review process. In the event of any conflict between the criteria in Executive Order No. 170.1 and the criteria in the Contract Documents, the stricter criteria shall apply.

### Section 8.0 - Opportunity Programs Requirements

- A. Bidder agrees, in addition to any other nondiscrimination provision of the Contract Documents and at no additional cost to DASNY, to fully comply and cooperate with DASNY in the implementation of NYS Executive Law ARTICLE 15-A, PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO STATE CONTRACTS and Article 17- B, SERVICE-DISABLED VETERAN OWNED BUSINESSES. These requirements will include equal employment opportunities for minority group members and women (EEO), plus opportunities for minority and women-owned business enterprises (M/WBE). The Vendor’s

demonstration of good faith efforts shall also be a part of these requirements.

- B. Goals are not applicable. This is a Discretionary Purchase.
- C. See 8.0 (C.) for goals.
- D. If goals have been assigned, the successful Bidder shall be required to complete a Utilization Plan or Request for Waiver, to be approved by DASNY's Opportunity Programs Group. Where assigned, DASNY uses a goal-oriented approach to ensure employment of EEO & M/WBE at a level commensurate with their capability and availability. DASNY has determined that the goals for EEO & M/WBE participation in the Work of the Contract are follows:

Percent of Total Contract (M/WBE):

Minority Business Enterprise Goal	0%
Women's Business Enterprise Goal	0%
Service-Disabled Veteran Owned Businesses	0%

**Section 9.0 – Award of Contract**

- A. Issuance of Contract shall be made to the successful Bidder, if:
  - 1. In the opinion of DASNY, the “GRAND TOTAL” lump sum price is a reasonable price.
  - 2. In the opinion of DASNY, the bid is responsive to the bid solicitation and the Requirements of the Contract Documents, and such Bidder, is responsible; and
  - 3. The Bidder submits required documents as described in Section 10.
- B. DASNY reserves the sole and exclusive right to reject any bid or all bids, to waive any informalities or irregularities or omissions in any bid received or to afford any Bidder an opportunity to remedy any informality or irregularity.
- C. The issuance of a Contract shall not be construed as a guarantee by DASNY that the plant, equipment, and the general scheme of proposed operations of a Bidder is either adequate or suitable for the satisfactory performance of the Work or that other data supplied by a Bidder is accurate.
- D. Contracts more than \$1,000,000 are subject to the approval of the NYS Office of the State Comptroller (“OSC”).

## Section 10.0 – Forms and Documents

Each bidder shall complete and submit to DASNY, pursuant to provisions stated in this Notice and Information for Bidders, the following forms, and documents:

Bidding Requirements: each bidder shall submit the following at time of bid:

- Bid Breakdown and Schedule
  - Including detailed cost breakdown
- Omnibus Procurement Certification
  - Non-Collusive Bidding.
  - Non-Segregated Facilities.
  - Non-discrimination in Employment in Northern Ireland.
  - Federal Equal Employment Opportunity Act.
  - Transfer of Offset Credits.
  - 2005 Procurement Lobbying Law.
  - Code of Business Ethics; and
  - Iran Divestment.
- Contractor ST-220 if over \$100,000.00
- W-9 Form

Contract Forms: the successful bidder shall submit the following for issuance of the Purchase Order or execution of the contract:

- Utilization Plan, Request for Waiver documentation - within seventy-two (72) hours after bidder notification as applicable
- Required Insurance Form – within three (3) days after bidder notification as applicable
- New York State Vendor Responsibility Questionnaire For-Profit Construction (CCA-2) as