

ADDENDUM No. 1

Date: 8/9/2023

DORMITORY AUTHORITY - STATE OF NEW YORK

Job Order Contracting

Regions 1, 2, 3, 4, 5, 6, 6 & 7, 7, 8, 9, and 10

DASNY Project No. 1000509999

This **ADDENDUM** is hereby included in and made part of the Contract whether or not attached thereto. All requirements of the original Specifications and Drawings shall remain in force except as noted by this **ADDENDUM No. 1**

THE PURPOSE OF THIS ADDENDUM IS TO CHANGE THE FOLLOWING ITEMS:

Item No. 1 – Link to the solicitation. Please see link to the solicitation below. All bid documents, addenda, and informational documents can be found on the DASNY website. The Construction Task Catalogs are now posted and available as well.

[Job Order Contracting Regions 1, 2, 3, 4, 5, 6, 6 & 7, 7, 8, 9, and 10 | DASNY](#)

Item No. 2 – The Notice to Bidders and Information for Bidders have been updated and are included as attachments in the addendum. Summary of changes: Regions 5 and 6 Plumbing and HVAC have been broken out into separate contracts.

Region	Trade	Maximum Value (per contract year)	# of Options	Total Max Value
Region 5	CR 572 Plumbing	\$1,000,000	2	\$3,000,000
Region 5	CR 573 HVAC	\$1,000,000	2	\$3,000,000
Region 6	CR 583 Plumbing	\$1,000,000	2	\$3,000,000
Region 6	CR 584 HVAC	\$1,000,000	2	\$3,000,000

Updated Section 3.0 – Qualifications of Bidder of the Information for Bidders.

Section 19.0 – Interim Guidance For Construction Activities During The COVID-19 Public Health Emergency is removed from the Information for Bidders.

Section 20.0 – COVID-19 Vaccination Requirement Declaration is removed from the Information for Bidders.

END OF ADDENDUM

NOTICE TO BIDDERS
Dormitory Authority – State of New York (“DASNY”)
JOB ORDER CONTRACTS
REGIONS 1, 2, 3, 4, 5, 6, 6 & 7, 7, 8, 9, and 10
DASNY Project # 1000509999

Sealed bids for the above work located in the regions listed below will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated as a bid for the region and trade noted below. 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: CONSTRUCTION CONTRACTS UNIT. – JAMIE CHRISTENSEN**” DASNY will not be responsible for receipt of bids which do not comply with these instructions.

Only those bids in the hands of DASNY, available to be read at **2:00 PM** local time on **August 16, 2023**, will be considered. Bids shall be publicly opened and read aloud. Bid results can be obtained on the DASNY website; <http://www.dasny.org>, forty-eight (48) hours after the Bid Opening.

All individuals who plan to attend bid openings in person will be required to complete and present a DASNY Visitor Covid-19 Screening Questionnaire, present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening. The questionnaire and all instructions are located after Section 19.0 of the Information for Bidders.

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.

All bid openings will be made available for viewing live via Zoom at 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.

The Pre-Bid Conferences for Prospective Bidders shall be held via Microsoft Teams. To register for the meeting, select one of the following links:

Upstate (Regions 3 – 10): Tuesday, July 25th, 2023, at 10:00 AM

https://teams.microsoft.com/registration/9QlriGiNqEuPr8zCFLASOQ,KTBGneCXeU6UjuXUfndnDA,ttoxv7buNUeMFjSiEkE7FA,OYrw2Jw1f0K9cNWZWAJrVg,fzrbEleeNUCVVqIzjkmrBA,IQEt_mfsiUO7w4chMSWPIw?mode=read&tenantId=886b09f5-8d68-4ba8-8faf-ccc214b01239

Downstate (Regions 1 & 2): Wednesday, July 26th, 2023, at 10:00 AM

<https://teams.microsoft.com/registration/9QlriGiNqEuPr8zCFLASOQ,KTBGneCXeU6UjuXUfndnDA,ttoxv7buNUeMFjSiEkE7FA,8AX7LxLPfE-Lol6o0hS6Bg,xIJ8FTS6A00BFNa14vCBVw,hT1VSlxfI0y217WmVavF1w?mode=read&tenantId=886b09f5-8d68-4ba8-8faf-ccc214b01239>

Due to the specialized nature of the JOC Program attending the Pre-Bid Meeting is strongly recommended.

A Complete Set of all Contract Documents can be found on DASNY's website:

http://www.dasny.org/rfp-bidopportunities-solicitations/constructionservices/joc_opportunities/new.aspx

Contract(s) to be bid:

Region	Trade	Maximum Value (per contract year)	# Options	Total Maximum Contract Value
Region 1	CR 564 GC	\$2,500,000	2	\$7,500,000
Region 1	CR 565 Electrical	\$1,000,000	2	\$3,000,000
Region 1	CR 566 Abatement	\$1,000,000	2	\$3,000,000
Region 2	CR 567 GC	\$1,000,000	2	\$3,000,000
Region 2	CR 568 Electrical	\$1,000,000	2	\$3,000,000
Region 2	CR 569 Abatement	\$1,000,000	2	\$3,000,000
Region 3	CR 570 GC	\$1,000,000	2	\$3,000,000
Region 4	CR 571 HVAC	\$1,000,000	2	\$3,000,000
Region 5	CR 572 Plumbing	\$1,000,000	2	\$3,000,000
Region 5	CR 573 HVAC	\$1,000,000	2	\$3,000,000
Region 6 & 7	CR 574 Abatement	\$1,000,000	2	\$3,000,000
Region 7	CR 575 Plumbing	\$1,000,000	2	\$3,000,000
Region 8	CR 576 Abatement	\$1,000,000	2	\$3,000,000
Region 8	CR 577 Plumbing	\$1,000,000	2	\$3,000,000
Region 8	CR 578 HVAC	\$1,000,000	2	\$3,000,000
Region 9	CR 579 Electrical	\$1,000,000	2	\$3,000,000
Region 10	CR 580 Electrical	\$1,000,000	2	\$3,000,000
Region 10	CR 581 HVAC	\$1,000,000	2	\$3,000,000
Region 10	CR 582 Plumbing	\$1,000,000	2	\$3,000,000
Region 6	CR 583 Plumbing	\$1,000,000	2	\$3,000,000
Region 6	CR 584 HVAC	\$1,000,000	2	\$3,000,000

Contract Term = One (1) Year with Two (2) One (1) Year options

Notwithstanding this designation, DASNY reserves the right, at its sole discretion, to assign work to any contractor in any geographic area.

DASNY'S JOC REGIONS		
Region	Comment	Counties Included
1	Formerly included Sub- Region 1A - Long Island (Nassau and Suffolk counties)	New York (Manhattan), Bronx, Kings (Brooklyn), Richmond (Staten Island), and Queens

2	Formerly Sub-Region 1A (Long Island)	Nassau and Suffolk
3	Formerly Sub-Region 2A	Westchester, Rockland, and Putnam
4	Formerly Sub-Region 2B	Orange, Sullivan, Delaware, Ulster, Dutchess, Greene, and Columbia
5	Formerly Sub-Region 3A	Rensselaer, Albany, Schenectady, Otsego, Schoharie, Fulton, Montgomery, Saratoga, Washington, Warren, Hamilton, and Herkimer
6	Formerly Sub-Region 3B	Essex, Clinton, and Franklin
7	Formerly Sub-Region 4B	Lewis, Jefferson, St. Lawrence
8	Formerly Sub-Region 4A	Broome, Tioga, Tompkins, Cortland, Chenango, Cayuga, Onondaga, Madison, Oswego, Oneida
9	Formerly Region 5	Monroe, Wayne, Livingston, Ontario, Seneca, Yates, Steuben, Schuyler, and Chemung
10	Formerly Region 6	Niagara, Orleans, Genesee, Erie, Wyoming, Chautauqua, Allegany, and Cattaraugus

For Region 1(Bronx, Kings, New York, Queens, and Richmond Counties) only: DASNY has determined that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages and any local history of labor unrest are best met by use of a Project Labor Agreement (“PLA”). The successful low bidder, as a condition of being awarded a Contract, will be required to execute the PLA described in the Information for Bidders and included in the Contract Documents. See Section 18.0 of the Information for Bidders of the Contract Documents for additional information. All subcontractors of every tier will be required to agree to be bound by the PLA. *The threshold for DASNY’s PLA is \$3,000,000. However, notwithstanding the maximum contract value, PLA Factors must be provided for any Region 1 trade contract. DASNY’s PLA may be required on a per-project basis even if the contract value is less than \$3,000,000.*

Contractors who currently hold an active JOC term contract with 12 months or more remaining on any contract term must carefully consider their ability to comply with all program requirements and to perform to DASNY’s standards and expectations for its JOC contractors, before bidding on an additional JOC term contract, especially for a contract of the same trade and in the region as their current contract.

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. Designated staff for this solicitation is: **Dominick Donadio, DASNY, 518-257-3596 or DASNY at ccontracts@dasny.org**. Contacts made 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 the DASNY website; <http://www.dasny.org> or the OGS website; <http://www.ogs.ny.gov>.

Reuben R. McDaniel, III, President & CEO
July 7, 2023

BIDDING REQUIREMENTS for CONSTRUCTION
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Section 1.0 - Pre-Bid Meeting & Bid Opening

The Pre-Bid Conferences for Prospective Bidders shall be held via Microsoft Teams. To register for the meeting, select one of the following links:

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https://teams.microsoft.com/registration/9QlriGiNqEuPr8zCFLASOQ,KTBGneCXeU6UjuXUfndnDA,ttov7buNUeMFjSiEkE7FA,OYrw2Jw1f0K9cNWZWAJrVg,fzrbEleeNUCVVqIzjkmrBA,IQEt_mfsiUO7w4chMSWPlw?mode=read&tenantId=886b09f5-8d68-4ba8-8faf-ccc214b01239

Downstate (Regions 1 & 2): Wednesday, July 26th, 2023, at 10:00 AM

<https://teams.microsoft.com/registration/9QlriGiNqEuPr8zCFLASOQ,KTBGneCXeU6UjuXUfndnDA,ttov7buNUeMFjSiEkE7FA,8AX7LxLPfE-LoL6o0hS6Bg,xIJ8FTS6A0OBFNa14vCBVw,hT1VSlxfI0y217WmVavF1w?mode=read&tenantId=886b09f5-8d68-4ba8-8faf-ccc214b01239>

Due to the specialized nature of the JOC Program attending the Pre-Bid Meeting is strongly recommended.

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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.

All bid openings will be made available for viewing live via Zoom at 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.

Section 2.0 - Examination of the Contract Documents and Site

A. Prospective bidders shall examine the Contract Documents carefully and, before bidding, shall make a written request to the Owner, 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 at least ten (10) days prior to the date fixed for the opening of the bid. Such interpretation or correction, as well as additional Contract provisions the Owner shall decide to include, shall be issued in writing by the Owner as an Addendum, which shall be provided to each prospective bidder recorded as having received a copy of the Contract Documents from the Owner and shall be available at the places where the Contract Documents are available for inspection by prospective bidders. Such Addendum shall become a part of the Contract Documents and shall be binding on prospective bidders whether or not the bidder receives or acknowledges the actual notice of such Addendum. Requirements of the Contract Documents shall apply to Addenda.

1. **Deadline for written requests for interpretation or correction of bid documents shall be Wednesday, August 2, 2023, at 3:00 PM. Please submit all written requests for interpretation or**

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correction of bid documents to Dominick Donadio, DASNY, ddonadio@dasny.org and Construction Contracts at ccontracts@dasny.org.

- B. Only interpretations, corrections or additional Contract provisions issued in writing by the Owner as Addenda shall be binding. No officer, agent or employee of the Owner is authorized to explain or interpret the Contract Documents by any other method and any such explanation or interpretation, if given, must not be relied upon by the bidder.
- C. At the time of the opening of bids, each bidder shall be presumed to have inspected the Site (if applicable) [is this relevant for a JOC Term contract?] 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.

Section 3.0 - Qualifications of Bidder

- A. The Owner may make such investigation as the Owner deems necessary to determine the responsibility of any bidder or to determine the ability of any bidder to perform the Work. Bidders shall furnish to the Owner all information and data required by the Owner, including complete financial data, within the time and in the form and manner required by the Owner. The Owner reserves the right to reject any bid if the evidence required by the Owner is not submitted as required or if the evidence submitted by or the investigation of any bidder fails to satisfy the Owner that the bidder is responsible or is able or qualified to carry out the obligations of the Contract or to complete the Work as contemplated.
- B. In the event the bidder fails to establish to the satisfaction of the Owner, as set forth in (A) above, that the bidder is both responsible and meets the qualification requirements of the solicitation, the Owner reserves the right, in its sole discretion, to reject any bid.
- C. The submission of a bid or proposal in connection with this Notice to Bidders or Information to Bidders constitutes a material representation by the bidder that, to the best of its knowledge, after reasonable investigation and due diligence, the bidder's aggregate bonding capacity limit is equal to or in excess of the Maximum Contract Value of the JOCS term contract as set forth herein. Bidder acknowledges that DASNY will reasonably rely on this representation in the making of awards for the Contract.
- D. Contract Experience Requirements for Plumbing Contractor:
 - 1. The Bidder or its Principals for the Plumbing contract shall meet the following minimum requirements.
 - a. The Bidder shall have completed or substantially completed in each of the last two (2) years at least five (5) projects each with a contract value of at least \$200,000.
 - 1. The projects used for qualification listed above must be where the Bidder was the prime contractor for the specific trade on which they are bidding.
 - 2. The Bidder must have employed his own workforce for at least 30% of the labor for the trade on which they are bidding.

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2. The Bidder shall have had in each of the last two (2) years annual gross revenues at least equal to the Maximum Contract Value for the contract bid Revenues must be from Projects where they were the prime or subcontractor for the type of Work they are bidding.
3. The Bidder shall be a Licensed Plumbing Contractor in New York City. (Region 1 only)
4. Experience will be viewed from both the perspective of completed projects of comparable scope and magnitude as well as the experience and depth of the bidder's personnel. The determination of relevant contract experience in terms of size, scope and complexity will be at the sole discretion of the Owner.

E. Contract Experience Requirements for Electrical Contractor:

1. The Bidder or its Principals for the Electrical contract shall meet the following minimum requirements.
 - a. The Bidder shall have completed or substantially completed in each of the last two (2) years at least five (5) projects each with a contract value of at least \$200,000.
 1. The projects used for qualification listed above must be where the Bidder was the prime contractor for the specific trade on which they are bidding.
 2. The Bidder must have employed his own workforce for at least 30% of the labor for the trade on which they are bidding.
2. The Bidder shall have had in each of the last two (2) years annual gross revenues at least equal to the Maximum Contract Value for the contract bid Revenues must be from Projects where they were the prime or subcontractor for the type of Work they are bidding.
3. The Bidder shall be a Licensed Electrical Contractor in New York City. (Region 1 only)
4. Experience will be viewed from both the perspective of completed projects of comparable scope and magnitude as well as the experience and depth of the bidder's personnel. The determination of relevant contract experience in terms of size, scope and complexity will be at the sole discretion of the Owner.

F. Contract Experience Requirements for Mechanical Contractor:

1. The Bidder or its Principals for the Mechanical contract shall meet the following minimum requirements.
 - a. The Bidder shall have completed or substantially completed in each of the last two (2) years at least five (5) projects each with a contract value of at least \$200,000.
 1. The projects used for qualification listed above must be where the Bidder was the prime contractor for the specific trade on which they are bidding.
 2. The Bidder must have employed his own workforce for at least 30% of the labor for the trade on which they are bidding.

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2. The Bidder shall have had in each of the last two (2) years annual gross revenues at least equal to the Maximum Contract Value for the contract bid Revenues must be from Projects where they were the prime or subcontractor for the type of Work they are bidding.
3. Experience will be viewed from both the perspective of completed projects of comparable scope and magnitude as well as the experience and depth of the bidder's personnel. The determination of relevant contract experience in terms of size, scope and complexity will be at the sole discretion of the Owner.

G. Contract Experience Requirements for Abatement Contractor:

1. The Bidder or its Principals for the Abatement contract shall meet the following minimum requirements.
 - a. The Bidder shall have completed or substantially completed in each of the last two (2) years at least five (5) projects each with a contract value of at least \$200,000.
 1. The projects used for qualification listed above must be where the Bidder was the prime contractor for the specific trade on which they are bidding.
 2. The Bidder must have employed his own workforce for at least 30% of the labor for the trade on which they are bidding.
 2. The Bidder shall have had in each of the last two (2) years annual gross revenues at least equal to the Maximum Contract Value for the contract bid Revenues must be from Projects where they were the prime or subcontractor for the type of Work they are bidding.
 3. Experience will be viewed from both the perspective of completed projects of comparable scope and magnitude as well as the experience and depth of the bidder's personnel. The determination of relevant contract experience in terms of size, scope and complexity will be at the sole discretion of the Owner.

H. Contract Experience Requirements for General Contractor (GC):

1. The Bidder or its Principals for the GC contract shall meet the following minimum requirements.
 - a. The Bidder shall have completed or substantially completed in each of the last two (2) years at least five (5) projects each with a contract value of at least \$200,000.
 1. The projects used for qualification listed above must be where the Bidder was the prime contractor for the specific trade on which they are bidding.
 2. The Bidder must have employed his own workforce for at least 30% of the labor for the trade on which they are bidding.
 - b. The Bidder shall have had in each of the last two (2) years annual gross revenues at least equal to the Maximum Contract Value for the contract bid. Revenues must be from Projects where they were the prime or subcontractor for the type of Work they are bidding.
 - c. Experience will be viewed from both the perspective of completed projects of comparable scope and magnitude as well as the experience and depth of the bidder's personnel. The determination of

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relevant contract experience in terms of size, scope and complexity will be at the sole discretion of the Owner.

Section 4.0 - Executive Order No 170.1 – Uniform Guidelines for Responsibility Determinations

The criteria contained in Executive Order No. 170.1 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 5.0 - Executive Order No 125 – NYS Vendor Responsibility Questionnaire

- A. For any contract \$10,000 or more, the New York State Vendor Responsibility Questionnaire For-Profit Construction (CCA-2) Certification Page shall be submitted by the apparent low bidder to the Owner within five (5) business days of receipt of the Pre-Award Notification Letter. Executive Order No. 125 dated May 22, 1989 is found at 9 NYCRR §4.125.
- B. The apparent low bidder shall submit a New York State Vendor Responsibility Questionnaire For-Profit Construction (CCA-2) Certification Page to the Owner for each proposed subcontractor where the subcontract for the Work of the Project exceeds two million dollars and for any other subcontractor upon request of the Owner. **The Owner recommends that any subcontractors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System (the “System”) prior to submission of the bid**
- C. **The Owner recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System (the “System”) prior to submission of the bid.** To enroll in and use the System, see the System Instructions at http://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at <https://portal.osc.state.ny.us>. Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for 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. Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the System website www.osc.state.ny.us/vendrep or may contact the Owner (DASNY) or OSC’s Help Desk for a copy of the paper form.

Section 6.0 – 2005 Procurement Lobbying Law

- A. Pursuant to provisions of the General Conditions, Article 18 – 2005 Procurement Lobbying Law, for any contract \$15,000 or more, the 2005 PROCUREMENT LOBBYING LAW – CERTIFICATION as part of the Omnibus Procurement Certification form is to be submitted with the bid.
- A. All bidders, domestic and foreign, must be in compliance with New York State business registration requirements. Contact the NYS Department of State regarding compliance.

Section 7.0 - Approval of Subcontractors/Subcontract Limits

- A. Pursuant to provisions of the General Conditions, Article 6 - Subcontracts, bidders shall within the time specified by the Owner, submit to the Owner the names of the Subcontractors which the bidder proposes to use on the project. The Owner reserves the right to reject any bid if the names of proposed Subcontractors, or additional subcontractor information, are not submitted as required.

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B. Self-Performance Requirements/Subcontracting Limits

1. The contractors shall perform at least the dollar value as stated in the table below of the work performed under the entire contract with its own forces and not with subcontractors. The purchase of materials, not installed with the contractor’s own forces, will not be counted for purposes of determining whether the contractor met the goal as stated in the table below. The cost of supervising subcontractors will also not count towards the goal as stated in the table below.

All Trades – All Applicable Regions	40%
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The Director, Procurement may, in writing, modify these requirements where the Director determines it is in the best interest of the owner.

Section 8.0 - Opportunity Programs Requirements

- A. Pursuant to provisions of the General Conditions, Article 20 – Opportunity Programs and Article 21 – Service-Disabled Veteran Owned Businesses, the Contractor agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to the Owner, to fully comply and cooperate with the Owner 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 Contractor’s demonstration of good faith efforts shall also be a part of these requirements.
- B. The Owner has adopted a goal-oriented approach to ensure employment of EEO & M/WBE at a level commensurate with their capability and availability. The Owner has determined that the goals for EEO & M/WBE participation in the Work of the Contract are follows:

Region(s)	MBE %	WBE %	SDVOB %	EEO%
1	18%	12%	6%	45%
2	18%	12%	6%	15%
3	18%	12%	6%	15%
4	18%	12%	6%	10%
5	18%	12%	6%	10%
6	18%	12%	6%	10%
7	18%	12%	6%	10%
8	18%	12%	6%	10%
9	18%	12%	6%	10%
10	18%	12%	6%	15%

- C. For each project assigned under an awarded JOC Contract the low bidder shall submit the following as referenced in the Contract Documents, within the specified time frames:

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1. Statewide Utilization Management Plan (“Utilization Plan”), Refer to Article 20 – Opportunity Programs, specifically Section 20.03 for Submittal Requirements;
 2. Utilization Plan Cover Sheet
 3. Standard Equal Employment Opportunity Policy Statement
 4. Permanent Employee Distribution
 5. Scope Verification Form
 6. Monthly Workforce Utilization Report
 7. Compliance Report
- D. Failure to provide the above plans and the aforementioned information may be cause for rejection of the bid, and / or job order and payment request being denied.

Section 9.0 - Preparation of Bids

- A. Bids must be submitted on the Form of Bid supplied by the Owner in the bidder’s full legal name or the bidder’s full legal name plus a registered assumed name. Bids shall be enclosed in a sealed envelope, addressed to the Owner, and marked with the name and address of the bidder, and the name of the Project. All blank spaces for bid prices must be filled in, using both words and figures, words to take precedence over figures. 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 Form of Bid. **Note: In addition, prospective bidders are advised that the Contract Documents for this Project contain new “GENERAL CONDITIONS for JOC - CONSTRUCTION” dated September 21, 2022 that contain significant revisions from those documents previously contained in DASNY’s Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.**
- B. 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.
- C. The Owner may reject any bid not prepared and submitted in accordance with the provisions of the Contract Documents.
- D. 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.
- E. No bidder may withdraw a bid within sixty (60) days after the actual date of the opening thereof. After sixty (60) days, the Owner, at its sole discretion, may request that the bidder extend the expiration of the bid, as often as deemed necessary, to a date set by the Owner. After sixty (60) days, if the Contract has not been awarded and the Owner elects to not request an extension, the Owner may consider the bid as expired and return the bid security.
- F. No action or proceeding concerning in any way any bid for the Contract or the Contract shall be brought against the Owner in any location other than Albany County unless the Owner specifically consents, in writing, to a change of venue.

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Section 10.0 – Minimum and Maximum Contract Values and Bid Security

A. Each bid must be accompanied by a certified check of the bidder made payable to the Dormitory Authority or by a bid bond prepared on the form of bid bond included in the Contract Documents, duly executed by the bidder as principal, and the surety thereon. Bidder failure to provide bid security as prescribed, may result in rejection of the bid. Bid bonds submitted as bid security shall contain an original signature of both the bidder and the surety providing the bid bond in the space provided on the Form of Bid Bond. The surety shall be authorized to do business in the State of New York by the New York State Department of Financial Services, rated at least A- by A. M. Best and Company, or meet such other requirements as are acceptable to the Owner in its sole and exclusive discretion.

1. The Minimum and Maximum Contract Value and Bid Security of each contract to be awarded are stated below.

Region	CR #	Description	PLA	Bid Security	Maximum Contract Value per Contract Term
1	564	General Construction	Yes	\$25,000	\$2,500,000
1	565	Electrical	Yes	\$25,000	\$1,000,000
1	566	Abatement	Yes	\$25,000	\$1,000,000
2	567	General Construction	No	\$25,000	\$1,000,000
2	568	Electrical	No	\$25,000	\$1,000,000
2	569	Abatement	No	\$25,000	\$1,000,000
3	570	General Construction	No	\$25,000	\$1,000,000
4	571	HVAC	No	\$25,000	\$1,000,000
5	572	Plumbing	No	\$25,000	\$1,000,000
5	573	HVAC	No	\$25,000	\$1,000,000
6 & 7	574	Abatement	No	\$25,000	\$1,000,000
7	575	Plumbing	No	\$25,000	\$1,000,000
8	576	Abatement	No	\$25,000	\$1,000,000
8	577	Plumbing	No	\$25,000	\$1,000,000
8	578	HVAC	No	\$25,000	\$1,000,000
9	579	Electrical	No	\$25,000	\$1,000,000
10	580	Electrical	No	\$25,000	\$1,000,000
10	581	HVAC	No	\$25,000	\$1,000,000
10	582	Plumbing	No	\$25,000	\$1,000,000
6	583	Plumbing	No	\$25,000	\$1,000,000
6	584	HVAC	No	\$25,000	\$1,000,000

2. The Minimum Contract Value for all contracts is \$0.

3. A separate Bid Bond is required for each Bid.

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4. The Contractor will not be issued Job Orders exceeding the Maximum Contract Value during the contract period. However, the Contractor is not guaranteed to receive this volume of Work.
- B. Any certified checks submitted as bid security shall be returned to all except the three (3) lowest bidders after the opening of bids, and the remaining checks shall be returned to the three (3) lowest bidders after the Owner and the accepted bidder have executed the Agreement, or if no Agreement has been executed within sixty (60) days after the date of the opening of bids, upon demand of the bidder at any time thereafter so long as such bidder has not been notified of the acceptance of such bid.
- C. Bid Bonds of all but the bidder executing the Agreement shall be destroyed by the Owner either 1) after the Owner and the accepted bidder have executed the Agreement, or 2) if no Agreement has been executed, sixty (60) days after the date of the opening of bids.
- D. Apparent Low Bidders will be required to submit a letter from their Surety attesting to their overall and per project bonding limits.

Section 11.0 – Compliance with Laws

The bidder shall sign and submit with the bid the COMPLIANCE WITH LAWS – CERTIFICATION as part of the Omnibus Procurement Certification form included in the Contract Documents.

Section 12.0 - Bid Designation

- A. Each bid shall bear on the outside of the envelope the name of the bidder, its address, its telephone number and designated as bid for the following:

NAME OF PROJECT: Job Order Contracting Program

And

Trade	Region	CR
General Construction	1	564
Electrical	1	565
Abatement	1	566
General Construction	2	567
Electrical	2	568
Abatement	2	569
General Construction	3	570
HVAC	4	571
Plumbing	5	572
HVAC	5	573
Abatement	6 & 7	574

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Plumbing	7	575
Abatement	8	576
Plumbing	8	577
HVAC	8	578
Electrical	9	579
Electrical	10	580
HVAC	10	581
Plumbing	10	582
Plumbing	6	583
HVAC	6	584

Write in appropriate Contract - ONLY one per envelope.

- B. Bids submitted via Mail, Express Service, or Messenger Service shall indicate on the exterior of the envelope the words "BID ENCLOSED; FOR TRADE: _____; REGION: _____; CR NUMBER: _____" (Fill in Appropriate Trade, Region and CR Number using information in table above).
- C. *No more than ONE Bid per envelope.*
- D. Notwithstanding the contract designation, the Owner reserves the right, at its sole discretion, to assign Work to any contractor in any county covered by any of the contracts herein bid.

Section 13.0 - Award of Contract

- A. Award of the Contract shall be made to the bidder submitting the lowest bid, if:
 - 1. In the opinion of the Owner, the bid is responsive to the bid solicitation, and such bidder is qualified to perform the Work involved, is responsible and reliable.
 - 2. The bidder submits required documents as described under Section 17.0 – Forms and Documents.
 - 3. On all contracts, the bidder furnishes within Seventy-two (72) hours after low bidder notification, documentation of efforts to encourage the participation of New York State enterprises as suppliers and subcontractors. Also, in a post-award compliance report, furnish documentation of efforts to provide notification to New York State residents of employment opportunities, through the New York State Job Service Division, or provide such notification in a manner consistent with existing collective bargaining contracts or agreements.
- B. The Owner 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.

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- C. As part of the Job Order Contracting Program, the Owner reserves to itself, in its sole judgment, the right to limit the number of Job Order Contracts awarded to any single bidder or contractor. Subject to the limitations appearing above and elsewhere in this bid package, the contracts will be awarded, if at all, to the combination of bids resulting in the least overall cost to the Owner.
- D. The execution of the Agreement shall not be construed as a guarantee by the Owner 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.

Section 14.0 - Required Bonds

- A. If the Contractor's Proposal is one hundred thousand dollars (\$100,000.00) or more or if the Contractor's Proposal plus Job Order Amount(s) under this Contract are cumulatively one hundred thousand dollars (\$100,000.00) or more, the Contractor shall provide (1) a Performance Bond in the form attached hereto in an amount at least equal to 100% of the Contractor's Proposal as security for the faithful performance of the Work of the Job Order, and (2) the Contractor shall also provide a Payment Bond in the form attached hereto in an amount at least equal to 100% of Contractor's Proposal for the payment of all persons performing labor or providing materials in connection with the Work of the Job Order. The Contractor shall execute the Performance bond form and the Payment Bond form included in the Contract Documents. The Contractor shall provide such bonds to Owner within five (5) work days of the date that the Owner informs the Contractor that its Proposal has been accepted. Owner's receipt from Contractor of such Performance and Payment Bonds acceptable to Owner is a strict condition precedent to the issuance of the Job Order and the Notice to Proceed.
- B. If at any time the Owner, in its sole and exclusive discretion, shall become dissatisfied with any surety or sureties upon the Performance Bond or the Payment Bond, or if for any other reason said bonds shall cease to be adequate security to the Owner, the Contractor shall, within five (5) calendar days after written notice from the Owner to do so, substitute an acceptable bond or bonds in such form and sum and signed by such other surety or sureties as may be satisfactory to the Owner. The Contractor shall pay the premiums on said bond or bonds. No further payments shall be deemed due nor shall be made until the new surety or sureties shall have furnished an acceptable bond or bonds to the Owner.
- C. The surety company, on all bonds, shall be authorized to do business in the State of New York by the NYS Department of Financial Services and rated at least A- by A.M. Best and Company, or meet such other requirements as are acceptable to the Owner in its sole and exclusive discretion.

Section 15.0 - Damages for Failure to Enter into Agreement

The successful bidder, upon failure or refusal to sign and deliver the Agreement as required within fourteen (14) calendar days after such bidder has received the Notice of Low Bid Status, shall forfeit to the Owner as damages for such failure or refusal, the bid security or the difference between the bidder's Award Criteria Figure and the next lowest bidder's Award Criteria figure times the Maximum Contract Value, whichever sum shall be higher.

Section 16.0 - Contract Duration and Liquidated Damages

- A. The duration of the Contract is:
 - 1. Base Term: One (1) year from the issuance of a Notice of Contract Award, or when the Maximum Contract Value has been ordered, whichever occurs first.

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2. Option Period: Both the Owner and the Contractor must mutually agree to extend the Contract for an option period. The term of the option period is one (1) year or when the Maximum Contract Value, or revised Maximum Contract Value, is ordered, whichever occurs first. The Contract includes three Option Periods.

B. Work set forth in individual Job Orders under the Contract shall be commenced and completed as stated in the Job Orders.

C. Liquidated Damages may be assessed on a Job Order by Job Order basis at a rate established in the Job Order.

Section 17.0 – Forms and Documents

Each bidder shall complete and submit to the Owner, pursuant to provisions stated in the Information for Bidders, the following forms and documents, which are hereby made a part of the Contract Documents:

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

1. Form of Bid
2. Minimum Qualifications Form
3. Omnibus Procurement Certification
 - a. 2005 Procurement Lobbying Law - Certification
 - b. Code of Business Ethics - Certification
 - c. Compliance with Laws - Certification
4. W-9 Form
5. Bid Security

Contract Forms for Construction: the successful bidder shall submit the following for execution of the Contract:

1. Required Insurance Form – within three (3) days after low bidder notification
2. New York State Vendor Responsibility Questionnaire For-Profit Construction (CCA-2)
3. Agreement - within fourteen (14) calendar days after Notice of Low Bid Status
4. Surety letter attesting to Bidder's overall and per project bonding limits.

As job orders are issued the successful bidder must submit the following:

1. Utilization Plan with written justification if a Request for Waiver is applicable Utilization Plan Cover Sheet
2. Scope Verification Form
3. Monthly Workforce Utilization Report

Section 18.0 – Project Labor Agreement:

The purpose of this is to notify prospective bidders that under certain conditions the successful Contractor awarded this Contract may be subject to the provisions set forth in the PLA. These conditions include:

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- Any DASNY Project in the five (5) boroughs of New York City where an economic evaluation or study of the Project was performed by a DASNY Consultant and that study confirmed that a PLA would provide a cost savings.
- The threshold for DASNY's PLA is \$3,000,000. However, notwithstanding the maximum contract value, PLA Factors must be provided for any Region 1 trade contract. DASNY's PLA may be required on a per-project basis even if the contract value is less than \$3,000,000.

Therefore, in situations where the above applies, the Contractor must execute the PLA included, as a condition of approval of the Job Order and commencement of the Work. The Work undertaken in connection with the subject work order will be governed by, and subject to the conditions set forth in the PLA. In addition, in situations where the above applies, all subcontractors of every tier will be required to execute a Letter of Assent, included in the enclosed PLA, agreeing to be bound by the PLA.

For additional information on the DASNY NYC Project Labor Agreements (PLAs), go to the following DASNY Website: <http://www.dasny.org/PLAs/2013/NYC/index.php>

A. Included Projects:

The Dormitory Authority of the State of New York ("DASNY") has determined that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages and any local history of labor unrest are best met by use of a Project Labor Agreement ("PLA") on this Project. The successful low bidder as a condition of being awarded this contract must execute the PLA included in the Contract Documents following the Form of Bid. The Work undertaken in connection with this Project will be governed by, and subject to the conditions set forth in the PLA. All subcontractors of every tier will be required to execute a Letter of Assent, included in the enclosed PLA, agreeing to be bound by the PLA. The PLA has been approved by the Building and Construction Trades Department, AFL-CIO and executed by the Building and Construction Trades Council of Greater New York and Vicinity and its participating affiliated Local Unions.

B. Excluded Projects

The Dormitory Authority of the State of New York (the "Authority") and the Building and Construction Trades Council of Greater New York and Vicinity (the "Council") have entered into a Memorandum of Understanding ("MOU") that requires the use of a Project Labor Agreement ("PLA") on applicable covered projects within the City of New York. While this Project is considered an "Excluded Project", under the MOU and therefore the use of a PLA is optional on this Project, the successful prime contractor performing work on this Project shall have the option to voluntarily execute the PLA. The purpose of section is to provide potential bidders of the Project with notice of this option, consistent with the provisions of the MOU. Execution of the applicable PLA following the Information for Bidders is not a requirement to perform work on this Project.

Section 19.0 – Electronic Data Transfer

Notwithstanding Section 2.02 (B) – Electronic Data Transfer, payment to the Contractor shall only be rendered electronically, unless payment by paper check is authorized in writing by the Owner. The Contractor further acknowledges and agrees that the Owner may withhold payments, if the Contractor has not complied with the

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Owner's requirements relating to the electronic payment program in effect at such time, unless payment by paper check is authorized in writing by the Owner.