

ADDENDUM No. 1

Date: 4/10/2025

DORMITORY AUTHORITY - STATE OF NEW YORK

**JOB ORDER CONTRACTS
REGION 1 & 2
DASNY Project # 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 – Modification to the Notice to Bidders

Two additional contracts have been added to the bid. The updated Notice to Bidders is attached for reference.

Item No. 2 – Modification to the Information for Bidders

Two additional contracts have been added to the bid. The updated Information for Bidders is attached for reference.

END OF ADDENDUM

NOTICE TO BIDDERS
Dormitory Authority – State of New York (“DASNY”)
JOB ORDER CONTRACTS
REGION 1 & 2
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. – TRACEY MEYER”** 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 **MAY 6th, 2025**, 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 pre-bid meetings or bid openings in person will be required to present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening.

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 550 592 4065, Password 730959. Individuals are strongly encouraged to utilize this public viewing option as an alternative to in person attendance at bid openings.

A Pre-Bid Meeting for Prospective Bidders will be held on **Monday, April 21, 2025, at 11:00 AM for Downstate (Region 1) via Zoom at www.zoom.us**. To enter the meeting, select “Join a Meeting” then enter Meeting Id **828 3916 9042**, Password **036373**.

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/jc
opportunities/new.aspx](http://www.dasny.org/rfp-bidopportunities-solicitations/constructionservices/jocopportunities/new.aspx)

Contract(s) to be bid:

REGION	TRADE	CR #	ESTIMATED ANNUAL CONTRACT VOLUME (PER CONTRACT YEAR)	# OPTIONS
1	General Construction	627	\$1,500,000	3
1	Asbestos & HAZMAT Abatement	628	\$500,000	3
1	Electrical	629	\$750,000	3
1	HVAC	630	\$1,500,000	3
2	Electrical	631	\$1,500,000	3
2	Asbestos & HAZMAT Abatement	632	\$500,000	3

Contract Term = Base Term: One (1) year from the issuance of a Notice of Contract Award. Option Period: Both the Owner and the Contractor must mutually agree to extend the Contract for an option period. The Contract includes three (3) Option Periods, and each term of the Option Period is one (1) year.

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

REGION	COUNTIES INCLUDED
1	New York (Manhattan), Bronx, Kings (Brooklyn), Richmond (Staten Island), and Queens
2	Nassau, and Suffolk
3	Westchester, Rockland, and Putnam
4	Orange, Sullivan, Delaware, Ulster, Dutchess, Greene, and Columbia
5	Rensselaer, Albany, Schenectady, Otsego, Schoharie, Fulton, Montgomery, Saratoga, Washington, Warren, Hamilton, and Herkimer
6	Essex, Clinton, and Franklin
7	Lewis, Jefferson, and St. Lawrence
8	Broome, Tioga, Tompkins, Cortland, Chenango, Cayuga, Onondaga, Madison, and Oswego
9	Monroe, Wayne, Livingston, Ontario, Seneca, Yates, Steuben, Schuyler, and Chemung
10	Niagara, Orleans, Genesee, Erie, Wyoming, Chautauqua, Allegany, and Cattaraugus

For Region 1 (New York (Manhattan), Bronx, Kings (Brooklyn), Richmond (Staten Island), and Queens), Region 2 (Nassau, and Suffolk counties) and Region 3 (Westchester, Rockland, and Putnam) 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 in the five (5) boroughs of New York City, and \$1,500,000 in Nassau, Suffolk, and Westchester counties. However, notwithstanding the Estimated Annual Contract Volume, PLA Factors must be provided for any trade contract in Regions 1, 2, and 3. DASNY's PLA may be required on a per-project basis even if the contract value is less than the applicable threshold.

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: **Josh Powers, DASNY, 518-257-3341, JPowers@dasny.org 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>.

Robert J. Rodriguez, President & CEO
April 9, 2024

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

A Pre-Bid Meeting for Prospective Bidders will be held on **Monday, April 21, 2025, at 11:00 AM for Downstate (Region 1) via Zoom at www.zoom.us**. To enter the meeting, select "Join a Meeting" then enter Meeting Id **828 3916 9042**, Password **036373**.

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

All individuals who plan to attend bid openings in person will be required to complete and present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening.

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 April 26, 2024. Please submit all written requests for interpretation or correction of bid documents to Josh Powers, DASNY, jpowers@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), to have read and to be familiar with the Contract Documents. The failure or omission of

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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 Estimated Annual Contract Volume (EACV) 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 40% of the labor for the trade on which they are bidding.
 - 2. The Bidder shall have had annual gross revenues at least double the Estimated Annual Contract Volume for the contract bid in each of the last two years. These revenues must come 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

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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 40% of the labor for the trade on which they are bidding.
2. The Bidder shall have had annual gross revenues at least double the Estimate Annual Contract Volume for the contract bid in each of the last two years. These revenues must come 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 40% of the labor for the trade on which they are bidding.
2. The Bidder shall have had annual gross revenues at least double the Estimated Annual Contract Volume for the contract bid in each of the last two years. These revenues must come from Projects where they were the prime or subcontractor for the type of Work they are bidding.

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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 40% of the labor for the trade on which they are bidding.
2. The Bidder shall have had annual gross revenues at least double the Estimated Annual Contract Volume for the contract bid in each of the last two years. These revenues must come 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 40% of the labor for the trade on which they are bidding.
 - b. The Bidder shall have had annual gross revenues at least double the Estimated Annual Contract Volume for the contract bid in each of the last two years. These revenues must come 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

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personnel. The determination of 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.
- B. 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

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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.

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	TRADE	CR#	MBE %	WBE %	SDVOB %	EEO%
1	General Construction	627	18%	12%	6%	45%
1	Asbestos & HAZMAT Abatement	628	18%	12%	6%	45%
1	Electrical	629	18%	12%	6%	45%
1	HVAC	630	18%	12%	6%	45%
2	Electrical	631	18%	12%	6%	45%
2	Asbestos & HAZMAT Abatement	632	18%	12%	6%	45%

C. Prior to Contract award the Contractor shall submit the following:

1. A completed Statewide Utilization Management Plan ("Utilization Plan"), listing all proposed Empire State Development (ESD) Certified M/WBE and SDVOB subcontractors, and suppliers and Non-M/WBE subcontractors, and suppliers you "may" use if selected for this contract. **No dollar amounts should be entered at this time.** With each Job Order, a new plan with dollar

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amounts will be required. The goals for each contract are set forth in the table located in Section 8.0 - Opportunity Programs Requirements. The goals refer to the percentage of utilization of your M/WBE subconsultants, subcontractors, and suppliers.

- D. 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:
1. 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
- E. 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. All contractors and subcontractors submitting bids or performing construction work on public work projects or private projects covered by Article 8 of the Labor Law are required to register with the New York State Department of Labor (NYSDOL) under Labor Law Section 220-i. The law defines a “contractor” as any entity entering into a contract to perform construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, or custom fabrication. The law defines “subcontractor” as any entity subcontracting with a contractor to perform construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, or custom fabrication, which is subject to Article 8 of the Labor Law. Contractors are responsible for verifying that any subcontractors they work with are registered. Contractors need to register before submitting any new bids or commencing new work on a covered. Subcontractors need to register before commencing new work on a covered. **Any bid received that fails to provide the New York State Department of Labor (DOL) registration number on the form of bid as required shall be rejected as non-responsive. For additional information regarding the Registry or to register, please visit:**
<https://dol.ny.gov/contractor-and-subcontractor-landing>.
- B. 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 June 20, 2024 that contain significant revisions from those**

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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.

- C. 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.
- D. The Owner may reject any bid not prepared and submitted in accordance with the provisions of the Contract Documents.
- E. 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.
- F. 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.
- G. 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.

Section 10.0 – Bid Security and Estimated Annual Contract Volumes

- 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 Bid Security and Estimated Annual Contract Volumes of each contract to be awarded are stated below.

REGION	TRADE	CR #	PLA	BID SECURITY	ESTIMATE ANNUAL CONTRACT VOLUME (PER CONTRACT YEAR)
1	General Construction	627	Yes	\$25,000	\$1,500,000
1	Asbestos & HAZMAT Abatement	628	Yes	\$25,000	\$500,000
1	Electrical	629	Yes	\$25,000	\$750,000
1	HVAC	630	Yes	\$25,000	\$1,500,000
2	Electrical	631	Yes	\$25,000	\$1,500,000
2	Asbestos & HAZMAT Abatement	632	Yes	\$25,000	\$500,000

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2. The Minimum Contract Value for all contracts is \$0.
 3. A separate Bid Bond is required for each Bid.
 4. During the contract period, the Contractor may receive Job Orders that surpass the Estimated Annual Contract Volume. 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	627
Asbestos & HAZMAT Abatement	1	628
Electrical	1	629
HVAC	1	630
Electrical	2	631
Asbestos & HAZMAT Abatement	2	632

Write in appropriate Contract - ONLY one per envelope.

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- 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.
- 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

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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 Estimated Annual Contract Volume, 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.
 - 2. Option Period: Both the Owner and the Contractor must mutually agree to extend the Contract for an option period. The Contract includes three (3) Option Periods, and each term of the Option Period is one (1) year.
- 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

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

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

1. Minimum Qualifications Form.
2. Required Insurance Form – within three (3) days after low bidder notification.
3. New York State Vendor Responsibility Questionnaire For-Profit Construction (CCA-2).
4. Agreement - within fourteen (14) calendar days after Notice of Low Bid Status.
5. Surety letter attesting to Bidder's overall and per project bonding limits.
6. A completed Utilization Plan, listing all proposed Empire State Development (ESD) Certified M/WBE and SDVOB subcontractors, and suppliers and Non-M/WBE subcontractors, and suppliers you "may" use if selected for this contract. **No dollar amounts should be entered at this time.** With each Job Order, a new plan with dollar amounts will be required. The goals for each contract are set forth in the table located in Section 8.0 - Opportunity Programs Requirements. The goals refer to the percentage of utilization of your M/WBE subconsultants, subcontractors, and suppliers.

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:

- Any DASNY Project in the five (5) boroughs of New York City, or Nassau, Suffolk, Westchester, Rockland and Putnam counties 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.

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- The threshold for DASNY's PLA is \$3,000,000 in the five (5) boroughs of New York City, and \$1,500,000 in Nassau, Suffolk, and Westchester counties. However, notwithstanding the Estimated Annual Contract Volume, PLA Factors must be provided for any trade contract in Regions 1, 2, and 3. DASNY's PLA may be required on a per-project basis even if the contract value is less than the applicable threshold.

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

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has not complied with the 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.