

**NOTICE TO BIDDERS**  
**Erie Canal Harbor Development Corporation**

**WATER-BIKE FERRY IMPROVEMENTS**

**Bids:** Sealed bids will be received and publicly read aloud at the Office of the Erie Canal Harbor Development Corporation, 95 Perry Street, 5th Floor, Buffalo NY 14203-3030 for the following contract for the Water-Bike Ferry Improvements, on **Thursday, November 12, 2015, at 2:00 p.m.** Each bid must be identified, on the outside of the envelope, with name and address of the bidder and designated as bid for the project titled above.

**Pre-Bid Meeting:** A non-mandatory pre-bid meeting will be held on **Thursday, October 29, 2015, at 12:00 p.m.** at the Erie Canal Harbor Development Corporation offices, 95 Perry Street, 5<sup>th</sup> Floor, Buffalo NY 14203.

**Questions:** Questions on this solicitation (including Requests For additional Information) must be submitted in writing and provided to the Owner no later than **Friday, October 30, 2015 at 5:00 p.m.** Requests received thereafter will not be addressed. Any questions or comments regarding this solicitation may be directed to Steve Ranalli via email at [Steven.Ranalli@esd.ny.gov](mailto:Steven.Ranalli@esd.ny.gov) . Contact with any other person at ECHDC or ESD or the State regarding this solicitation is prohibited by law.

**Contracts:** The following contract will be bid at this time:

**WATER-BIKE FERRY IMPROVEMENTS**

**Project Description:**

This project consist of the rehabilitation and limited reconstruction of a group of existing boat docks at the First Buffalo Marina and installation of related amenities to permit an expanded ferry service. Work includes the modification of existing transient (seasonal) docks and access gangway, installation of paved pedestrian walkway, installation of a new gate, the installation of additional site amenities including, but not limited to, signage, benches, planters, bike racks, and accessory structures. An additional fence along the southern boundary and landscaping will also be installed.

**Contract Documents:** The Contract Documents can be viewed and ordered through the following website: [www.avalonplanroom.com](http://www.avalonplanroom.com) in the Public Bid section. If you do not have internet access or have questions on ordering from the site, please contact Avalon Document Services at (716) 995-7777. Contract Documents can be picked up at Avalon Document Printing at 741 Main Street, Buffalo, New York 14203, on **Thursday, October 15, 2015**, upon payment of **\$150.00** per set, by certified **check or money order made payable to the Erie Canal Harbor Development Corporation**. Bid deposit is non-refundable. Contract documents may be also examined at the following locations:

- **Erie Canal Harbor Development Corporation, 95 Perry Street – 5<sup>th</sup> Floor, Buffalo, NY**
- **DiDonato Associates, Engineering & Architectural Professionals, 689 Main Street, Buffalo, New York 14203**
- **NY Construction Exchange of Buffalo & Western NY, 2660 William St., Cheektowaga, NY 14227**

**Definitions:** The Owner shall be defined as the Erie Canal Harbor Development Corporation (ECHDC), a subsidiary of the New York State Urban Development Corporation, d/b/a Empire State Development Corporation (ESD), 633 Third Ave, New York, NY 10017. The Construction Manager shall be defined as Erie Canal Harbor Development Corporation. The design consultant and Owner's Representative is defined as DiDonato Associates, Engineering & Architectural Professionals, 689 Main Street, Buffalo, New York 14203.

**Opening of Bids:** At the date and time noted for receipt of proposals, the proposals will be publicly opened and read aloud. Only those bids in the hands of the Erie Canal Harbor Development Corporation, available to be read at the time and date designated above will be considered.

**Bid Guarantee:** Each bid shall be accompanied by an acceptable form of bid guarantee in an amount equal to ten percent (10%) of the amount of the base bid payable to the Erie Canal Harbor Development Corporation as a guarantee that if the bid is accepted, the bidder will execute the Contract within ten (10) days after the notice to proceed.

**Owner's Rights:** The Erie Canal Harbor Development Corporation reserves the right to waive any informalities, or reject any or all bids, or to make any contract which it deems to be in the best interest of the Erie Canal Harbor Development Corporation or the project sponsors.

**Bid Withdrawal:** No bidder may withdraw his bid within ninety (90) days after actual opening thereof.

**Non-Discrimination and Contractor & Supplier Diversity:** ESD's Non-Discrimination and Contractor & Supplier Diversity policy will apply. The contractor shall be required to use Good Faith Efforts to achieve Minority/Women-owned Business Enterprise ("M/WBE") participation of not less than 15% MBE and 15% WBE of the total dollar value. M/WBE contractors are encouraged to respond. Additional requirements and required forms can be found in the Bid Forms section of bid package.

**Prevailing Wages:**

Prevailing wage provisions will apply.

**Project Duration:**

Contract duration is 152 calendar days from **tentative award date, December 14, 2015** to **Final Completion Date, May 14, 2016**.

ECHDC expects **substantial completion** to be **April 23, 2016**. The Contractor shall undertake project efforts and required correspondence in earnest and with diligence to meet the schedule and maintain progress despite adverse seasonal weather conditions.

**Qualifications:** All bidders must complete all sections of the Contractor Qualifications Statement for a bid to be declared responsive (See **Bid Forms, Attachment #1 – Contractor Qualifications Statement**). The contract will be awarded to the lowest responsible bidder that meets the minimum qualifications.

The low bidder shall demonstrate its responsibility to perform and complete all required work by submitting a statement of its experience and of any subcontractors which the low bidder intends to use to perform the work. The low bidder shall include his plan or program for providing sufficient labor and equipment to perform the project as detailed by the project documents, within the allotted time frame and sequencing for the project. Low bidder is encouraged to employ local labor.

The low bidder must demonstrate a minimum of 5 years of experience and the completion of 5 projects of similar scope and value. The work history shall also demonstrate project experience under accelerated work schedules, completion of work under critical deadlines and projects where site work was performed in adverse winter weather conditions. Additional qualification requirements and certifications as required by the individual technical specifications must be met by either the Prime Contractor or a qualified Subcontractor.

The prime Contractor shall obtain bid and performance bonds directly from a Surety Company with a minimum rating by A.M. Best of (A-) in the "Best's Key Rating Guide". The surety firm must be licensed to bond

construction projects in the state of New York. The Prime Contractor and subcontractor(s) must demonstrate the experience level for the various work elements as listed below:

<b>Work Element</b>	<b>Experience Level</b>
Railing Fabrication	5 Years
Utilities	5 Years
Site work	5 Years
Landscaping	5 Years

Empire State Development may require the low bidder to further demonstrate its responsibility to perform and complete the work by submitting additional information regarding the low bidder’s experience, obtaining labor/work force and financial resources. The prime Contractor shall demonstrate that they have the financial resources to perform the work. If requested by Empire State Development, additional information must be submitted by the low bidder within seven (7) calendar days of the request. All information pertaining to the bidder’s financial resources shall be submitted by a Certified Public Accountant.

**Permissible Contacts:** State Finance Law Sections 139-j and 139-k (collectively, the “Procurement Requirements”) apply to this procurement. These Procurement Requirements: (1) govern permissible communications between potential respondents and ESD or other involved governmental entities with respect to this RFP; (2) provide for increased disclosure in the public procurement process through identification of persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions; and (3) establish sanctions for knowing and willful violations of the provisions of the Procurement Requirements, including disqualification from eligibility for an award of any contract pursuant to this RFP. Compliance with the Procurement Requirements: (1) all communications regarding this RFP, from the time of its issuance through final award and execution of any resulting contract (the “Restricted Period”), be conducted only with the designated contact persons listed below; (2) the completion by respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law (each form is accessible at the Required Forms for Vendors link at the ESD web site under “RFPs/RFQs” and included in the Bid Forms); and (3) periodic updating of such forms during the term of any contract resulting from this RFP. **Respondents must submit the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law, as part of their submittal.**

The Procurement Requirements also require ESD staff to obtain and report certain information when contacted by prospective bidders during the restricted period, make a determination of the responsibility of bidders and make all such information publicly available in accordance with applicable law. If a prospective bidder is found to have knowingly and willfully violated the State Finance Law provisions, that prospective bidder and its subsidiaries, related or successor entities will be determined to be a non-responsible bidder and will not be awarded any contract issued pursuant to this solicitation. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract.

**For the purpose of compliance with State Finance Law Sections 139-j, contact with Steven Ranalli, ECHDC, is considered permissible. Contact information is provided above.**

This is not a complete presentation of the provisions of the Procurement Requirements. A copy of State Finance Law Sections 139-j and 139-k can be found at: <http://esd.ny.gov/CorporateInformation/RFPs.html> (under “ESD Policy Regarding Permissible Contacts under SFL 139”). All potential Respondents are solely responsible for full compliance with the Procurement Requirements. Both the prime consultant and the sub-consultants complete the forms required above.

**Other:** All respondents to this procurement will be required to comply with ESD’s form of agreement and insurance requirements.

Contractors performing project work must be duly licensed in the City of Buffalo and by other entities governing work. Contractor's bid is to include an acknowledgment that the Contractor (and their subcontractors and suppliers) possesses the necessary license(s) (or have filed a licensing application with the City of Buffalo) and possess the requisite capabilities required by the Contract Documents including specific qualifications identified therein. Contractor is responsible to ascertain, obtain and pay for any/all additional licensing and permits needed to perform the work, whether they are required by the City of Buffalo or other regulating entity. Permits needed to complete the work, and to be obtained by the contractor, are expected to include (but are not necessarily limited to) City of Buffalo Construction Permits.

ESD reserves the right to:

1. amend, modify or withdraw this solicitation;
2. revise any requirement of this solicitation;
3. require supplemental statements or information from any responsible party;
4. accept or reject any or all responses hereto;
5. extend the deadline for submission of responses hereto;
6. negotiate or hold discussions with any firm and to correct deficient responses which do not conform to the instructions contained herein;
7. cancel, or reissue in whole or in part, this solicitation, if ESD determines in its sole discretion that it is its best interest to do so; and
8. extend the term of any agreement on terms consistent with this procurement.

Other requirements applicable to the contract(s) are described in detail in the bid documents.