

NOTICE TO BIDDERS
Empire State Development
Episcopal Church Home – Interior Asbestos Abatement

Bids: Sealed bids will be received and publicly read aloud at the Empire State Development office on 95 Perry Street, Suite 500, Buffalo, New York for the Episcopal Church Home Interior Asbestos Abatement project contract on Wednesday, July 9, 2014, 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. Sealed bids must be received by Wednesday, July 9, 2014 at 2:00 p.m. in order to be considered.

Pre-Bid Meeting: A mandatory pre-bid meeting and site walkover will be held on Thursday, June 12, 2014 at 10:00 a.m. at the Episcopal Church Home. The parking lot at the corner of Columbus Parkway and Massachusetts Avenue will be utilized as a starting point for the walkover. On-site parking will be available. Interior building areas of the site will not be accessible during this initial pre-bid meeting and site walkover.

Optional walkovers will be held on Tuesday June 17, 2014 and Wednesday June 18, 2014 during normal business hours (9 a.m. to 5 p.m.) by appointment, during which access to the interior building areas not accessible during the mandatory pre-bid meeting will be allowed. All representatives entering the buildings are required to possess a current NYS DOL Asbestos License, respiratory fit test and protective equipment, a hard hat, safety glasses, waterproof construction boots, and operating flashlight. Safety equipment is required during the walk through by all bidders and will not be provided by the Owner. Representatives attending either of the optional walkovers must be asbestos credentialed personnel and must arrive on-site with the safety equipment listed above and respiratory protection.

Questions: Questions on this solicitation must be transmitted and received by mail or e-mail no later than Tuesday July 1, 2014 at 4:00 p.m. to the address below:

Stephen Gawlik, Senior Counsel
Empire State Development
95 Perry Street, 5th Floor
Buffalo, New York 14203
sgawlik@esd.ny.gov

Contracts: The project will be constructed using the single contract format. A copy of the contract is included in this bid package. The following contract will be bid at this time:

Contract: Episcopal Church Home Interior Asbestos Abatement

Project Description: The work shall consist primarily of Asbestos Abatement and Hazardous Materials Remediation as detailed in the project documents, and includes Additional Abatement, Demolition and Site Preparation as Bid Alternates.

The Base Bid work includes the complete abatement of all asbestos and universal/hazardous materials from the interior of the following buildings:

- a. Robinson Addition (Buildings 2 and 2A)
- b. Thornton Building (Building 3A)
- c. Russell Building (Building 3B)
- d. Robinson Building (Building 4)
- e. Hutchinson Chapel (Building 5).

Alternate No.1 adds the complete abatement of all asbestos and universal/hazardous materials and demolition of the following buildings and structures:

- a. Canterbury Building (Building 1)
- b. Maintenance Building (Building 6).

Alternate No. 1 work also includes furnishing and installing temporary fencing, terminating utilities, protecting designated utilities, and backfilling to defined grades.

Alternate No.2 adds exterior abatement, abatement of concealed or encapsulated asbestos not abated as part of the Base Bid, and demolition for the following buildings and structures:

- a. Robinson Addition (Buildings 2 and 2A)
- b. Thornton Building (Building 3A)
- c. Russell Building (Building 3B)
- d. Robinson Building (Building 4)
- e. Tunnel between Thornton Building (Building 3A) and Hutchinson Chapel (Building 5).

Alternate No. 2 work also includes removal of a closed underground storage tank, site preparation consisting of resetting of catch basins, protecting remaining utilities, backfilling to defined grades, providing final grading using gravel and soil, replacing sidewalk sections, construction of a landscaped berm, and furnishing and installing temporary and new fencing. Alternate No. 2 work also includes stabilization, providing weather-tight enclosure, and installing a new basement entranceway for the Hutchinson Chapel (Building 5).

Contract Documents: A complete set of all Contract documents may be obtained at the office of LiRo Engineers, Inc., 690 Delaware Avenue, Buffalo, New York 14209, upon payment of \$200.00 per set, by certified check or money order, made payable to Empire State Development. The bid deposit is non-refundable. **All Contractors submitting Bids shall purchase a complete bid package from the Construction Manager, prior to bid.** *The bid-deposit is waived for Contractors that purchased a complete bid package for the Episcopal Church Home Abatement, Demolition and Site Preparation Project in April-May of 2014, which was subsequently cancelled.* Contract documents may be examined at the following locations:

- **Empire State Development, 95 Perry Street, 5th Floor, Buffalo, New York 14203, (716) 846-8257**
- **LiRo Engineers, Inc., 690 Delaware Avenue, Buffalo, New York 14209, (716) 882-5476**

Definitions: The Owner shall be defined as the New York State Urban Development Corporation, d/b/a Empire State Development, 95 Perry Street, 5th Floor, Buffalo, New York 14203. The Engineer and Construction Manager shall be defined as LiRo Engineers Inc., 690 Delaware Avenue, Buffalo, New York 14209.

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 Empire State Development, 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 Empire State Development as a guarantee that if the bid is accepted, the bidder will execute the Contract, which is provided as part of this Notice to Bidders, within ten (10) days after receipt of the Contract for execution by the selected bidder.

Owner's Rights: Empire State Development reserves the right to waive any informality or reject any or all bids, or to make any contract which it deems to be in the best interest of Empire State Development.

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

Non-Discrimination and Contractor & Supplier Diversity: Empire State Development'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 25 % (MBE/WBE) of the total dollar value, 15% MBE and 10% WBE, and not less than 10% Minority and Female Workforce. M/WBE contractors are encouraged to respond. Additional requirements and required forms can be found in the Bid Forms section of bid package.

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 (see Bidder's Qualifications in the Bid Forms). 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 asbestos abatement and alternate demolition phases. Low bidder is encouraged to employ local labor.

The Prime Contractor shall have a valid New York State Department of Labor (NYSDOL) Company asbestos abatement license. The Prime Contractor must identify a Project Manager and a Site Superintendent, currently employed by the Prime Contractor or a teamed qualified Subcontractor, who can demonstrate a minimum 3-year history supervising asbestos abatement work similar to the Episcopal Church Home Interior Asbestos Abatement project under NYSDOL codes, rules, and regulations.

The low bid Prime Contractor or its teamed qualified Subcontractor must demonstrate a minimum of 3 years of experience and the completion of 2 demolition projects of similar scope in an urban setting. Additional qualification requirements and certifications as required by the individual technical specifications must be met by either the Prime Contractor or its teamed 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 Abatement and/or Demolition Contractor's personnel shall also have OSHA 10-hour Construction Safety & Health certifications and 40-hour HAZWOPER certifications as required by the various elements.

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 Stephen Gawlik, ESD Senior Counsel, 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: 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 possesses the necessary license or filed a licensing application with the City of Buffalo. Asbestos abatement is to be performed by a licensed abatement contractor. Contractor is responsible to ascertain and obtain any additional licensing needed to perform work, whether such licensing is required by the City of Buffalo or other regulating entity. Insurance and other requirements applicable to the contract(s) are described in detail in the bid documents.

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.