

**REQUEST FOR PROPOSALS****Demolition Work on ESD owned land in the Radisson Corporate Park**

New York State Urban Development Corporation d/b/a Empire State Development (“ESD”) is seeking proposals for demolition (and any requisite abatement/remediation) services on ESD owned land in the Radisson Corporate Park.

Responses must be received by the Empire State Development Office by 12:00 pm, June 20, 2013 at the following address:

Empire State Development  
620 Erie Blvd West, Suite 112  
Syracuse, New York 13204  
Attn: Ms. Quinn Hubbard

It is the sole responsibility of each Respondent to ensure that its proposal is received before the submission deadline. Respondent’s bear all risk associated with delays in mail, courier or hand delivery. No responses will be accepted by email or fax.

ESD reserves the right to reject any or all responses, to negotiate an agreement with anyone submitting a response, or to waive any information or irregularities. Any modification to this Request for Services will be posted on ESD’s webpage at <http://esd.ny.gov/CorporateInformation/RFPs.html>

Any questions should be referred IN WRITING ONLY to Quinn Hubbard, Project Manager, Radisson Development at [qhubbard@esd.ny.gov](mailto:qhubbard@esd.ny.gov) or 620 Erie Blvd West, Suite 112, Syracuse, New York 13204.

Copies of reports previously conducted on the relevant site’s environmental conditions are available to review in ESD’s offices by appointment only. Please contact Ms. Hubbard as directed above to make an appointment.

**A. Scope of Work**

ESD requires site demolition services, and all work incidental thereto (the “Work”), including but not limited to:

1. Demolition, in its entirety, of structures located on an approximately 20 acre parcel of vacant land fronting on Sixty Road in the Radisson Corporate Park, being a portion of Town of Lysander Tax Parcel 079.-01-10.1 (the “Work Site”). A map showing the approximate location of the Work Site is attached. Demolition shall include but not be limited to removal and off-site disposal of all structural and other building elements, including but not limited to roofs, walls, floor slabs, facades, mechanical systems,

fixtures, furnishings, building content, debris, appurtenances, and other features. The selected contractor will be responsible for the legal disposal of all material removed from the Work Site. Explosives and implosion are strictly prohibited.

2. Any testing, abatement, and/or remediation work necessary either pre-demolition, during demolition, or post-demolition.
3. Post-demolition, the Work Site must be restored to a finished flat at-grade condition, inclusive of any requisite drainage and backfill.
4. All Work must be in strict accordance with all applicable Federal, State, and local law and regulation, including but not limited to, environmental law and regulation, and the selected contractor will be responsible for obtaining all necessary licenses and permits.
5. The selected contractor will be required to post a Payment and Performance Bond.
6. The Work must commence and conclude promptly.

**PLEASE NOTE: Respondents must visit the Work Site prior to submitting a proposal. A formal Site Visit will be held on Thursday, May 30, 2013 at 3:00 pm. RSVP to Ms. Hubbard by e-mail by Wednesday, May 29, 2013 by 12:00 pm.**

#### **B. Submission**

Respondent proposals shall include the following and be in the same order as listed below:

1. Name, address, and Federal ID number of Respondent, with names of Respondent's key principals or employees who shall be responsible for overseeing the Work.
2. Description of Respondent's general experience in abatement, remediation, and demolition relevant to the Work, and evidence that Respondent is duly licensed or otherwise legally qualified to perform the Work.
3. Proposed Cost Budget for the Work.
4. Proposed Schedule for the Work.
5. Date that Respondent visited the Work Site prior to the proposal.
6. Required Procurement Forms.
7. Four (3) paper copies of submission are required and an electronic copy on either a thumb drive or cd/dvd.

#### **C. Selection Criteria**

The winner bidder will be selected on the basis on:

1. Demonstrated experience and ability to perform the Work; and
2. Price.

#### **D. Insurance and Miscellaneous Requirements**

The selected contractor will be required to provide the following insurance coverage for the benefit of ESD:

- A. Commercial General Liability insurance - \$1 million per occurrence / \$2 million per project aggregate.
- B. Auto Liability insurance - \$1 million per occurrence / \$1 million aggregate

- C. Excess Umbrella Liability insurance - \$5 million per occurrence / \$ 5 million aggregate.
- D. \$5 million Pollution Liability coverage (if applicable)
- E. Must show evidence of Worker’s Compensation & Employer’s Liability insurance at State statutory limits.
- F. Must show evidence of Disability insurance coverage at State statutory limits.
- G. NYS Urban Development Corporation d/b/a Empire State Development (ESD) must be named as an additional insured on a primary and non-contributory basis on all of the following policies: Commercial General Liability, Auto Liability, Excess Umbrella Liability and Pollution Liability
- H. **All policies above should include a waiver of subrogation in favor of NYS UDC d/b/a ESD.**

New York State Urban Development d/b/a Empire State Development must be named as additional insured Certificate Holder. All required insurance shall be maintained with responsible insurance carriers qualified to do business in the State of New York. The selected contractor will assume all risk of the Work and will indemnify ESD against any claims or liabilities in connection with the Work.

**E. Non-Discrimination and Contractor & Supplier Diversity**

It is the policy of the State of New York and ESD to comply with all federal, State and local laws, policies, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action in working with contracting parties to ensure that Minority- and Women-owned Business Enterprises (“MWBEs”), Minority Group Members and Women share in the economic opportunities generated by ESD’s participation in projects or initiatives, and/or the use of ESD funds.

MWBE firms currently certified by New York State’s Department of Economic Development are encouraged to respond to this RFP.

ESD’s Non-Discrimination and Contractor & Supplier Diversity policy will apply to this initiative. The Respondent shall be required to solicit and utilize MWBEs for any contractual opportunities generated in connection with the Project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8, see attached exhibit OCSD-4) to achieve an **overall MWBE Participation Goal of 30%** related to the total value of ESD’s funding. The aforementioned goal shall include *Minority Business Enterprise (“MBE”) Participation and Women-Owned Business Enterprise (“WBE”) participation totaling 20% and 10%, respectively.*

**A copy of each Respondent's Equal Employment Opportunity Policy Statement (Form OCSD-1), Staffing Plan (Form OCSD-2) of the anticipated workforce to be utilized and MWBE Utilization Goal Plan (Form OCSD-3) proposing specific certified firms to be utilized or industries where MWBE firms shall be in sought are to be included as part of the response to any RFP.**

Copies of these forms are available at the links below. In the event that the links are unavailable or inactive, the forms may also be requested from the Office of Contractor & Supplier Diversity at [OCSD@ESD.NY.GOV](mailto:OCSD@ESD.NY.GOV).

**Form OCSD-1**

[http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD\\_1MWBEEOPolicyStatement.pdf](http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_1MWBEEOPolicyStatement.pdf)

**Form OCSD-2**

[http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD\\_2StaffingPlan.pdf](http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_2StaffingPlan.pdf)

**Form OCSD-3**

[http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD\\_3MWBEUtilizationPlan.pdf](http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_3MWBEUtilizationPlan.pdf)

**Form OCSD-4**

[http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD\\_4GoodFaithEfforts.pdf](http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_4GoodFaithEfforts.pdf)

For purposes of providing meaningful participation by MWBEs on the project and achieving the project goals established herein, Respondent should reference the directory of New York State Certified MWBEs found at the following internet address: <https://ny.newnycontracts.com/>

Only the Respondent to the RFP shall complete these forms. In the Utilization Goal Plan (Form OCSD-3) the Respondent must list all of the sub-contractors and sub-consultants it proposes to use in achieving the MWBE goal requirement or propose the types of sub-contractors that the Respondent intends to solicit to achieve the aforementioned MWBE goal requirement. The Respondent may use the aforementioned directory of Certified MWBEs to identify firms that it proposes to utilize. OCSD is also available to assist you in identifying New York State certified MWBEs that can provide goods and services in connection with this contract. If you require listings of certified MWBE firms or have other questions relating to the requirements herein, please contact OCSD with your inquiries and comments. Be sure to include all relevant contact information for your company and details pertaining to this RFP.

**F. Project Timeline**

RFP Release:	May 24, 2013
Formal Site Visit:	May 30, 2013 3:00 pm
Final Question Date:	June 6, 2013
ESD Response to Questions:	June 13, 2013
RFP Proposal Due:	June 20, 2013 12:00 pm

## **G. Procurement Requirements**

Required forms for this RFP are described below. Relevant forms must be executed and included in the submission in the same order as listed below:

1. State Finance Law §§139-j and 139-k forms;
2. New York State Vendor Responsibility Questionnaire For-Profit Business Entity;
3. Iran Divestment Act Statement; and
4. State Tax Law Section 5-a. Form ST-220-CA
5. Non-Discrimination and Contractor & Supplier Diversity Forms

### **G1. State Finance Law Sections 139-j and 139-k Forms**

State Finance Law Sections 139-j and 139-k (collectively, the “Procurement Requirements”) apply to this RFP. The 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 requires that 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 person listed below; 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; and periodic updating of such forms during the term of any contract resulting from this RFP. **Each respondent 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 its submittal.** Copies of these forms are available at:

[http://www.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/SF\\_Law139\\_JK.pdf](http://www.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.pdf)

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.

**The designated contact person for this solicitation is Quinn Hubbard, Project Manager, Radisson Development, at [ghubbard@esd.ny.gov](mailto:ghubbard@esd.ny.gov) or 620 Erie Blvd West, Suite 112, Syracuse, New York 13204. All comments and questions must be sent to Ms. Hubbard by email.**

This is not a complete presentation of the provisions of the Procurement Requirements. A copy of the State Finance Law Sections 139-j and 139-k can be found at: <http://esd.ny.gov/CorporateInformation/RFPs.html> (under “ESDC Policy Regarding Permissible Contacts under SFL 139” at the bottom of the page).

All potential Respondents are solely responsible for full compliance with the Procurement Requirements. Both the prime consultant and the sub-consultants must complete the forms required above.

## **G2. Vendor Responsibility**

All Respondents to this RFP must be “responsible,” which means Respondent must have the requisite financial ability, organizational capacity, and legal authority to carry out its obligations under this RFP, and in addition must demonstrate that both the Respondent and its principals have and will maintain the level of integrity needed to contract with New York State entities such as ESD. Further, each Respondent must show satisfactory performance of all prior government contracts. Accordingly, the contract to be entered into between ESD and the designated chosen Respondent to this RFP, if any, shall include clauses providing that the Respondent remain “responsible” throughout the term of the contract, that ESD may suspend the contract if information is discovered that calls into questions the responsibility of the contracting party, and that ESD may terminate the contract based on a determination that the contracting party is non-responsible. On request, model language to this effect will be provided to any Respondent to this RFP.

To assist in the determination of responsibility, ESD encourages all Respondents to register in the State’s Vendor Responsibility System (VendRep System). The Vend Rep System allows business entities to enter and maintain their Vendor Responsibility Questionnaire information in a secure, centralized database. New York State Procurement Law requires that state agencies award contracts only to responsible vendors. Vendors are invited to file the required Vendor Responsibility Questionnaire online via the New York State VendRep System or may choose to complete and submit a paper questionnaire. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or go directly to the VendRep system online at <https://portal.osc.state.ny.us>. For direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at [helpdesk@osc.state.ny.us](mailto:helpdesk@osc.state.ny.us).

Vendors opting to file a paper questionnaire can obtain the appropriate questionnaire from the VendRep website at [http://www.osc.state.ny.us/vendrep/forms\\_vendor.htm](http://www.osc.state.ny.us/vendrep/forms_vendor.htm) and execute accordingly pertaining to the company’s trade industry.

## **G3. Iran Divestment Act Statement**

Every bid or proposal made to ESD pursuant to a competitive solicitation must contain the following statement, signed by Respondent on company letterhead and affirmed as true under penalty of perjury:

*"By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law."*

The list in question is maintained by The Office of General Services. No bid that fails to certify compliance with this requirement may be accepted as responsive.

#### **G4. State Tax Law Section 5-a**

Any contract resulting from this solicitation also is subject to the requirements of State Tax Law Section 5-a ("STL 5-a"). STL 5-a prohibits ESD from approving any such contract with any entity if that entity or any of its affiliates or subcontractors make sales within New York State of tangible personal property or taxable services having a value over \$300,000 during the immediately preceding consecutive four sales tax quarters and is not registered for sales and compensating use tax purposes. To comply with STL 5-a, each Respondent to this solicitation must include in its response a properly completed Form ST-220-CA, a copy of which is attached to this solicitation (unless Respondent is not required to be registered with the State Department of Taxation and Finance for this purpose, in which case an affidavit to this effect must be submitted; the form of such an affidavit is posted on ESD's website at [http://www.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/STL\\_5A\\_Affidavit.pdf](http://www.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/STL_5A_Affidavit.pdf) Solicitation responses that do not include a properly completed ST-220-CA will be considered incomplete and non-responsive and will not be considered for contract award.

#### **H. Ongoing Contractor Responsibility**

The selected contractor is required to comply with the Governor's mandate that all contractors must remain "responsible" throughout the life of the contract. "Responsible" here means that the contract has requisite financial ability, organizational capacity, legal authority and integrity needed to carry out the contract.

#### **I. Project Sunlight**

Under the Public Integrity Reform Act of 2011, "appearances" (broadly defined and including any substantive interaction that is meant to have an impact on the decision-making process of a state entity) before a public benefit corporation such as ESD by a person (also broadly defined) for the purposes of procuring a state contract for real property must be reported by ESD to a database maintained by the State Office of General Services that is available to members of the public. If in doubt as to the applicability of Project Sunlight, Respondents and their advisors should consult the Laws of 2011, Ch. 399 for guidance.

#### **J. Conclusion**

ALL QUESTIONS, COMMENTS, REQUESTS FOR CLARIFICATION, AND OTHER COMMUNICATIONS REGARDING THIS SOLICITATION MUST BE IN WRITING AND SUBMITTED TO MS. QUINN HUBBARD, PROJECT MANAGER, RADISSON DEVELOPMENT, AT [g Hubbard@esd.ny.gov](mailto:g Hubbard@esd.ny.gov) or 620 Erie Blvd West, Syracuse, NY 13204.

CONTACT WITH ANY OTHER PERSON REGARDING THIS SOLICITATION IS PROHIBITED BY LAW.  
All questions and requests for clarification will be responded to in writing and disseminated to all persons and organizations having expressed an interest in this solicitation, and will be posted on ESDs website <http://esd.ny.gov/CorporateInformation/RFPs.html>

**Attachments**

Map of Work Site

Form ST-220-CA

Example Photo of 1 of the Structures