

NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

## NOTICE TO BIDDERS

Sealed bids for Sealed proposal for Construction of Elevator/Restroom Addition, Interior and Exterior Rehabilitation and Site Enhancements at Philipse Manor Hall State Historic Site, 29 Warburton Ave. Yonkers, Westchester County, New York will be received by the **New York State Office of Parks, Recreation and Historic Preservation (OPRHP), Taconic Region at 9 Old Post Road Staatsburg, NY 12580** Attn: Garrett Jobson until **3:00 P.M. local time, July 7, 2021**.

Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by Bid Security in the form of a certified check, bank check, or bid bond in the amount of:

<b>General Construction Contract</b>	<b>D005805</b>	<b>\$469,000</b>	<b>(Four Hundred Sixty-Nine Thousand Dollars)</b>
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Scope of work includes but is not limited to:

1. Construct a two-story addition (plus basement) for elevator (1) and restrooms (4).
2. Interior restoration of historic building fabric including:
  - a. Plaster restoration
  - b. Wood trim & wood floor restoration
  - c. Painting
3. Exterior restoration of historic building fabric including:
  - a. Wood repair and replacement,
  - b. Masonry repointing
  - c. Stucco restoration,
  - d. Painting
4. Custom pressure-fit, interior, wood storm windows with ultraviolet protection film on all windows.
5. Electrical upgrade & ethernet install.
6. New lighting (interior & exterior).
7. Brownstone steps -resetting & restoration.
8. HVAC repairs.
9. Porch roof replacement (wood shingle) & gutter install.
10. Structural improvements.
11. Install kitchen in Cottage.
12. Site & drainage improvements
13. Walkway alterations/ addition and re-setting
14. Parking lot- Precast concrete paver install.

### MINORITY AND WOMEN OWNED BUSINESS PARTICIPATION GOALS

The following goals for MWBE participation on this project have been established at:

Minority Owned Business Enterprise (MBE)	17%
Women Owned Business Enterprise (WBE)	13%

## SERVICE DISABLED VETERAN OWNED BUSINESS GOALS

The following goals for SDVOB participation on this project have been established at:

Service Disabled Veteran Owned Business	6%
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## PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESSES

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”), thereby further integrating such businesses into New York State’s economy. OPRHP recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of OPRHP contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/Contractors are required to utilize SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. For purposes of this procurement, Bidder/Contractor is required to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/>

## PROJECT COMPLETION/ MILESTONE DATES

Physically complete all work within the number of days listed in the Agreement as approved by the State Comptroller. All milestone dates must be met. If this schedule is not met, liquidated damages may apply. Use of overtime and premium time, if required to meet the schedule, should be included in your bid.

For the purposes of this bid, anticipate Contract Award date of August 18, 2021, contractor mobilization on site as of August 19th, 2021, and contract Physical Completion Date of May 15, 2022 (calculated 270 days after agreement has been approved by the NYSComptroller’s Office.)

**The final completion date and all final milestone dates will be determined by the dates indicated in the awarded Contractor’s proposal and will be incorporated into the Agreement, and adjusted based on the actual Contract Award date.**

## PROJECT SCHEDULE/MILESTONE DATES

1. December 3, 2021 All exterior Cottage and Manor Hall historic rehabilitation work complete (Structural work, masonry, wood, stucco, window, and door repairs, surface prep and painting)
2. December 15, 2021 – Weathertight service addition. (Watertight roofing and building envelope)
3. December 30, 2021 Sub surface work including utilities and hard surface pavements including pathways. (parking lot/pathway base course only)
4. April 15, 2022 Physical Completion of Interior of Manor Hall – Exhibit installer occupies Manor Hall.

**Project Specific Liquidated Damages** (Refer to Table 14).

The Contractor agrees, in the event the Contractor fails to complete all work in time as specified, to pay the State liquidated damages as stated in the General Conditions Article 14.10, for each day of delay (per milestone) in the physical completion of the work. If all interim milestone dates are met, NYS OPRHP reserves the right to assess liquidated damages if the entire contract is not completed within 270 calendar days. Substantial completion includes obtaining a Temporary Certificate of Occupancy (TCO) for all structures issued by NYS OPRHP and Westchester County Department of Health approval.

Starting on the advertisement date, the Bidding and Contract Documents may be examined and obtained (free of charge) in person or by mail from NYS OPRHP at Administrative Headquarters, 9 Old Post Road, PO Box 308, Staatsburg, NY 12580.

In accordance with State Finance Law, Section 139j, the following agency staff has been designated as contacts for this contract:

Les Ackerman – Associate Architect	518-265-2628
Joanne Beaulieu – Administrative	845-204-5304
Garrett Jobson – District Manager	845-889-3840

Please note that contacting any other agency staff regarding this contract may be a violation of State Finance Law, Section 139j, resulting in a determination of contractor non-responsibility.

**BONDS**

The successful bidder will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract.

All RFI's are due by: **3:00 PM** on June 30, 2021

**RFI's received after this date will not be processed.**

There will be a pre-bid meeting on June 16, 2021 11:00AM at Philipse Manor State Historic Site  
29 Warburton Ave,  
Yonkers,  
NY 10701

## SPECIAL NOTE BEST VALUE SUBMISSION

### SUBMISSION CONTENT AND FORMAT

An Evaluation Committee will evaluate all Best Value Submissions under the direction of a Selection Officer. Submittals are required to be completed as outlined below and will be scored according to Best Value Selection Scoring Criteria, also as outlined below. A combination of the Technical Submission (comprised of 4 Technical Sections), Price Submission, and Diversity Practices Submission will be utilized to determine the Best Value.

All Best Value Submissions should be submitted in a sealed container and addressed to Garrett Jobson – **New York State Office of Parks, Recreation and Historic Preservation (OPRHP), Taconic Region at 9 Old Post Road Staatsburg, NY 12580**. The Company Name, Street Address, Federal Identification Number, Project Number and Project Description should be clearly marked.

### Packaging of Best Value Submissions

The Price, Technical and Diversity Practices submissions should be separated and identified within the submission package. Submissions should be as follows:

Package # - Name	Electronic Submission	Original	Copies
#1 - Price Submission	One (1) Copy in a standard, searchable PDF format on a USB drive.	One (1) signed original hardcopy	None
#2 - Technical Submission	One (1) Copy in a standard, searchable PDF format on a USB drive.	One (1) signed original hardcopy	Four (4) duplicates
#3 - Diversity Practices Submission	One (1) Copy in a standard, searchable PDF format on a USB drive.	One (1) signed original hardcopy	One (1) duplicates

### 1.1. GENERAL REQUIREMENTS

Hardcopy **Price** Submission - The Price Submission shall be submitted in accordance with the Notice to Bidders, Instruction to Bidders and as modified herein. The Price Submission shall be prepared by the Contractor, include information in the format outlined below, and be provided in a separate labeled sealed envelope/ package. One hardcopy shall be included. Submit hard copies of the Price Submission and schedule of values. If there is any discrepancy between the hardcopy of the Price Submission and the USB, the hard copies shall take precedence.

Electronic Copy of **Price** Submission - In addition to the one (1) hardcopy, the Contractor shall submit one copy in electronic format on USB drive. All submitted files shall be in portable document format (pdf) with no file protection or password protection applied. The USB drive should be physically labeled **D005805** and include the Contractor's name. The USB drive shall include the Price Submission as a unique file. If there is any discrepancy between the hardcopy of the Price Submission and the USB, the hardcopy shall take precedence.



## **SPECIAL NOTE BEST VALUE SUBMISSION**

**Hardcopy Technical Submission** - The Technical Submission shall be prepared by the Contractor, include information in the format outlined below, and be provided in a separate labeled sealed envelope/ package. Technical submissions should be bound, with tabs for the Cover Letter and each of the four Technical Sections (Construction Schedule, Approach, Key Personnel, and Past Performance, in that order). With the exception of the hardcopy construction schedule, a page should be 8-1/2" x 11", single-sided with a font size equivalent to a size 10 font "Times New Roman". Five (5) bound hardcopies shall be included. We recommend that you include concise and complete information, as requested. If there is any discrepancy between the hardcopies of the Technical Submission and the USB, the hard copies shall take precedence.

**Electronic Copy of Technical Submission** - In addition to the five (5) bound hardcopies submittals, Contractors shall submit one copy in electronic format on USB drive. All submitted files shall be in portable document format (pdf) with no file protection or password protection applied. The USB drive should be physically labeled **D005805** and include the Contractor's name. The USB drive shall include the Technical Submission as a unique file. If there is any discrepancy between the hardcopies of the Technical Submission and the USB, the hard copies shall take precedence.

**Hardcopy Diversity Practices Submission** - The Diversity Practices Submission shall be prepared by the Contractor, include information in the format outlined below, and be provided in a separate labeled sealed envelope/package. The Diversity Practices Submission should be bound, including the "Attachment 1 - Diversity Practices Questionnaire" pages and should be 8-1/2" x 11", single-sided with a font size equivalent to a size 10 font "Times New Roman". Two (2) bound copies shall be included. We recommend that you include concise and complete information, as requested. If there is any discrepancy between the hardcopies of the Diversity Practices Submission and the USB, the hard copies shall take precedence.

**Electronic Copy of Diversity Practices Submission** - In addition to the two (2) paper submittals, Contractors shall submit one copy in electronic format on USB drive. All submitted files shall be in portable document format (pdf) with no file protection or password protection applied. The USB drive should be physically labeled **D005805** and include the Contractor's name. The USB drive shall include the Diversity Practices Submission as a unique file. If there is any discrepancy between the hardcopies of the Diversity Practices Submission and the USB, the hard copies shall take precedence.

### **1.2. COVER LETTER**

The Cover Letter shall be a maximum of two pages in length. Include the following elements of information in the letter as a minimum:

- Contract number and project name.
- Company Name, Street Address, Federal Identification Number
- Name, telephone number, e-mail address and fax number of the individual to contact regarding the submittal.
- Certification that "The undersigned hereby certifies that, to the best of his or her knowledge and belief, the information submitted is complete, true and accurate."

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- The Cover Letter shall be signed by a principal, partner, or officer of the firm who has authority to make such commitments on behalf of the firm.

### **1.3. SUBMISSION CHECKLIST**

The Best Value Submission shall include all information required in this Special Note, and the following is a checklist of information that shall be submitted:

**Price Submission (Provided in separate labeled sealed envelope)**

- ☐ Bid Form Proposal – Use bid forms provided
- ☐ Schedule of Values – Provide a Schedule of Values, detailing how the lump sum proposal was developed. The Schedule of Values shall follow along with the Specification Sections in the project manual.
- ☐ Electronic copy of Price Submission on USB drive.

**Technical Submission (Provided in separate labeled sealed envelope)**

- ☐ Cover Letter (2 page limit)
- ☐ Construction Schedule (including all required Contractor Milestones)
- ☐ Approach (15 page limit)
- ☐ Key Personnel (2 page limit each resume, plus Form R, and 1 page limit narrative)
- ☐ Past Performance (2 page limit for each project using Forms E-1 and E-2)
- ☐ Electronic copy of Technical Submission on USB drive.

**Diversity Practices Submission (Provided in separate sealed envelope)**

- ☐ Diversity Practices Questionnaire.
- ☐ Electronic copy of Diversity Practice Submission on USB drive.

**Project Labor Agreement (PLA) Submission (Provided in separate labeled sealed envelope)**

- ☐ Project Labor Agreement Letter of Assent
- ☐ Project Labor Agreement List of Subcontractors

The Price, Technical, Diversity Practices, and PLA Submissions may be submitted in the same sealed container, as long as they are clearly separate from each other with each submission in its own sealed envelope.

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### 2. DESIGNATED CONTACTS

Under New York State Law Section 139-j, communication on procurements can be made only to designated persons. The OPRHP designated persons for this procurement are:

Les Ackerman	518-265-2628	lester.ackerman@parks.ny.gov
Joanne Beaulieu	845-204-5304	joanne.beaulieu@parks.ny.gov
Garrett Jobson	845-889-3840	garrett.jobson@parks.ny.gov

### 3. BEST VALUE SELECTION SCORING CRITERIA

An Evaluation Committee will evaluate all technical submissions under the direction of the OPRHP Capital Bureau. The Agency Diversity Compliance Officer will evaluate the Diversity Practices submission. Submissions will be evaluated according to the criteria and elements as shown in the following “Best Value Selection Scoring Criteria” table and as outlined in this Section:

Best Value Selection Scoring Criteria			
Category	%	Description	Points
Price	50%	Price	50
		Sub-Total	50
		Description	Points
Technical	49%	Constr. Schedule	16
		Approach	16
		Key Personnel	6
		Past Performance	11
		Sub-Total	49
		Description	Points
Diversity Practices	1%	Diversity Practices	1
		Sub-Total	1

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After Technical and Diversity Practices Submissions are scored individually, the Evaluation Committee and Agency Diversity Officer will meet to discuss and agree upon the final Technical and Diversity Practices scores. Technical and Diversity Practices Submissions will then be ranked by total score. **The minimum acceptable combined Score for the Technical and Diversity Practices Submissions is 35 Points.** Any firm scoring lower than this will be removed from further consideration.

**Tiebreaker:** In the event two Bids are found to be substantially equivalent, price shall be the basis for determining the award recipient. If two or more Bidders submit substantially equivalent Bids as to pricing or other factors, the decision of the Agency to award a Contract to one or more of such Bidders shall be final.

### **3.1 Best Value Contract**

Pursuant to State Finance Law, the basis for contract award under this RFP will be “best value,” optimizing quality, cost, and efficiency among responsive and responsible Bidders.

OPRHP reserves the right to require a Bidder to provide clarification and validation of its proposal through any means OPRHP deems necessary. Failure of a Bidder to cooperate with OPRHP’s efforts to clarify or validate proposal information may result in the proposal being labeled as non-responsive and given no further consideration.

### **Evaluation Process Overview**

There will be two phases to the evaluation process. Proposals which pass Phase One of the evaluation will be further evaluated in Phase Two.

- **Phase One Evaluation – Proposal Screening**

All timely submitted submissions will be evaluated in Phase One. Each submission will be screened for completeness and conformance with OPRHP’s requirements for submission as specified in this RFP. Submissions which do not meet the requirements may be labeled as non-responsive and may not be given further consideration. All Submissions that pass this stage of the evaluation process will be further evaluated in Phase Two.

- **Phase Two Evaluation – Price, Technical and Diversity Practices Evaluation (100 points)**

- **Price Evaluation (50 points)**

Bidder’s Price Submission will be scored concurrently and separately from the Technical and Diversity Practices evaluation. Scoring will be based on Bidder’s response as submitted in their Price Submission. Bidders who submit Price Submissions with blank bid line items grant OPRHP the right to interpret such line items to have zero associated charge.

- **Technical Evaluation (49 Points)**

Bidders who pass Phase One of the evaluation will receive a Technical Evaluation. Scoring will

## **SPECIAL NOTE BEST VALUE SUBMISSION**

be based on Bidder's responses as submitted in their Technical Submission.

- **Diversity Practices Evaluation (1 Point)**

Bidders who pass Phase One of the evaluation will receive a Diversity Practices Evaluation. Scoring will be based on Bidder's responses as submitted in their Technical Submission.

### **3.2 PRICE SUBMISSION – 50%**

The Price Submission shall be submitted in accordance with the Notice to Bidders, Instruction to Bidders and as modified within this "Special Note" section. There will be no public bid opening. OPRHP will review the Price Submissions and assign points as described below:

A total of **50 Price Ranking Points** will be assigned to the Contractor with the lowest total Bid. Remaining bids will receive Price Ranking Points based on the percent that their bid exceeds the low bid (i.e. (lowest Price Bid / applicable Contractor's total Price Bid) \* 50 Points). These Price Ranking Points encourage proposals with the lowest Price.

### **3.3 TECHNICAL SUBMISSION – 49%**

#### **3.3 (a) CONSTRUCTION SCHEDULE – 16%**

**MAINTAINING THE PROJECT SCHEDULE IS CRITICAL. USE OF OVERTIME AND PREMIUM TIME, IF REQUIRED TO MEET THE SCHEDULE, SHALL BE REFLECTED IN YOUR PRICE SUBMISSION.**

The Contractor shall provide a detailed schedule for the project with dates beginning with Award (**for the purposes of this bid, anticipate Contract Award date of August 18, 2021, contractor mobilization on site as of August 19th, 2021, and contract Physical Completion Date of May 15, 2022**). The schedule shall be provided as a Gantt chart using the format provided within this special note, indicating each portion of work as defined in the following paragraphs/milestone dates. At the end of each work effort bar line, two columns shall be provided; the first shall identify the number of work crews necessary for that work effort, and the second shall identify the equipment necessary for that work effort (see partial sample on page 7). A summary of the personnel that make up each work crew shall also be provided at the bottom of the schedule.

The schedule submitted by the Contractor should indicate a complete understanding of the project through a detailed breakdown of each phase of the proposed work schedule. It should also indicate a clear methodology and approach to constructing the project by the milestone dates provided below. The construction schedule should be submitted as a PDF using the format of the attached example Gantt chart. Indicate the number of calendar days proposed beginning on the Award date and ending with the Contract Completion date including the following milestone dates, based upon a contract approval date of August 18, 2021. The actual award date is the day the contract is approved by the NYS Comptroller's Office.

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Physically complete all necessary work to comply with the milestones listed. All “contractor milestone” dates listed below, and as defined in the Project Specifications, must be met. If a “contractor milestone” date is not met, NYS OPRHP reserves the right to assess liquidated damages. Maintaining the project schedule is critical. Use of overtime and premium time, if required to meet the schedule, should be included in your bid. Schedule and Milestone dates are as follows:

### PROJECT SCHEDULE/MILESTONE DATES

1. December 3, 2021 All exterior Cottage and Manor Hall historic rehabilitation work complete (Structural work, masonry, wood, stucco, window, and door repairs, surface prep and painting)
2. December 15, 2021 – Weathertight service addition. (Watertight roofing and building envelope)
3. December 30, 2021 Sub surface work including utilities and hard surface pavements including pathways. (parking lot/pathway base course only)
4. April 15, 2022 Physical Completion of Interior of Manor Hall – Exhibit installer occupies Manor Hall.

**SUBMISSIONS WITH DATES LATER THAN ANY OF THE ABOVE LISTED MILESTONES DATES OR CONTRACT COMPLETION DATE (MAY 15, 2022) WILL RECEIVE ZERO (0) SCHEDULE RANKING POINTS.**

**A printed copy of the schedule shall be submitted as a folded, large scale plot inserted in a pocket or sheet protector.**

The Contractor will be scored based on a clear and concise schedule with the fewest consecutive calendar days from Award to completion of each of the contractor milestone dates listed above. The submitted schedule shall clearly indicate the exact calendar date that each of the contractor milestone dates will be completed.

Based on the submitted contractor milestone completion dates, a total of **16 Schedule Ranking Points** will be assigned. These will be assigned as a possible 4 points for each of the four contractor milestone dates according to the following:

- The contractor with the fewest consecutive calendar days from the Award date through completion of contractor milestone #1 will receive 4 points. Remaining schedules will receive Schedule Ranking Points based on the percent that their schedule exceeds the lowest number of consecutive calendar days submitted to complete this milestone [i.e. (fewest consecutive calendar days / applicable Contractor’s consecutive calendar days) \* 4 Points]
- The contractor with the fewest consecutive calendar days from the Award date through completion of contractor milestone #2 will receive 4 points. Remaining schedules will receive Schedule Ranking Points based on the percent that their schedule exceeds the lowest number of consecutive calendar days submitted

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to complete this milestone [i.e. (fewest consecutive calendar days / applicable Contractor's consecutive calendar days) \* 4 Points]

- The contractor with the fewest consecutive calendar days from the Award date through completion of contractor milestone #3 will receive 4 points. Remaining schedules will receive Schedule Ranking Points based on the percent that their schedule exceeds the lowest number of consecutive calendar days submitted to complete this milestone [i.e. (fewest consecutive calendar days / applicable Contractor's consecutive calendar days) \* 4 Points]
- The contractor with the fewest consecutive calendar days from the Award date through completion of contractor milestone #4 will receive 4 points. Remaining schedules will receive Schedule Ranking Points based on the percent that their schedule exceeds the lowest number of consecutive calendar days submitted to complete this milestone [i.e. (fewest consecutive calendar days / applicable Contractor's consecutive calendar days) \* 4 Points]

These Schedule Ranking Points **encourage submissions with the shortest construction duration** to complete each of the contractor milestone dates. Late completion of the Contract Work after the number of days submitted by the Contractor or milestone dates listed in this Best Value Submission may result in Liquidated Damages as per article 14.

Subsequent to project Award and as per General Conditions Article 5 in the Project Manual, the Contractor shall update and furnish this written updated schedule on a bi-weekly basis to the Project Manager throughout the duration of construction. Furthermore, the Contractor shall submit written 2 and 4-week look head schedules as well to the Project Manager.

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## Example Gantt Chart

Contractor to prepare for entire project duration. Only an all sample of tasks shown for illustration purposes.

Construction Location	Work Zone Closure	Year												No. of Crews Assigned to Perform Work*	Equipment To Be Utilized
		J	F	M	A	M	J	J	A	S	O	N	D		
Award															
Mobilization															
Shop Drawings															
Survey															
etc.															
↓															
Pre-Stage I															
Embankment Work															
↓															
Stage I															
Substructure Work															
Superstructure Work															
Highway Work															
Stage I-A															
Highway Work															
↓															
Stage II															
Substructure Work															
Superstructure Work															
Highway Work															
↓															
Contract Completion															

Construction Location	Make-up of Work Crews
Embankment Work	Pre-Stage I
Substructure Work	Stage I
Superstructure Work	Stage I
Highway Work	Stage I
Highway Work	Stage I-A
Substructure Work	Stage II
Superstructure Work	Stage II
Highway Work	Stage II
etc.	etc.
↓	↓

Contractor's Submitted Start Date (Award Date + 10 Days) =	XX/YY/ZZZZ	Total # of Consecutive Calendar Days to Complete Stages I, I-A and II =	###
Contractor's Submitted Stage II Completion Date =	XX/YY/ZZZZ	(As Described in Section 3.2)	
Contractor's Submitted Contract Completion Date =	XX/YY/ZZZZ	Total # of Consecutive Calendar Days (Award Date + 10 Days To Completion of Stage II) =	###
		(As Described in Section 3.2)	



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### **3.3 (b) APPROACH – 16%**

The Contractor shall provide a detailed description of the construction approach in a 15 page (maximum) written submittal. A possible total of **16 Approach Ranking Points** will be assigned to the Contractor. This description should include written narrative, graphic inserts, charts, and tables as necessary to communicate effectively the approach to the work. The description **shall** address the following items in the same order as shown:

- a. Explain sequencing and phasing of the work, tasks, number of work crews, type of equipment, and logic presented in the schedule.
- b. Address any potential issues and risks that your firm foresees with this project and how your firm would make adjustments if encountered. For example, time and risk management plans including strategies for avoiding schedule delays such as redundant equipment or other resources to mitigate project uncertainties.
- c. Address any innovative measures your firm intends to incorporate into the project that could potentially reduce closures and/or speed construction, thereby minimizing the impact to the visiting public.
- d. Describe factors limiting schedule flexibility or acceleration and potential remedies.

The Contractor will be scored based on meeting the criteria described above. These Approach Ranking Points encourage submissions that have the best understanding of the required work, best solutions to address the work, and provide a clear definite correlation between the written narrative provided and the proposed Construction Schedule.

**The Approach shall be limited to no more than 15 pages.**

### **3.3 (c) KEY PERSONNEL – 6%**

The Contractor shall submit resumes for the Project Manager, Project Superintendent, and Assistant Project Superintendent (required to be the person in charge of the project site when shift work is employed and the Project Superintendent will not be on site) that will be assigned to the duration of the project. Key Personnel are preferred to have experience on projects of similar size, scope, and complexity as this project that have been completed on-time and on-budget and should meet the qualifications described below. Key Personnel are also preferred to have demonstrated experience with historic preservation projects. A possible total of **6 Key Personnel Ranking Points** will be assigned to the Contractor.

The Project Manager **shall** have a minimum of 15 years demonstrated experience as a Project Manager in construction and construction management of building construction and site development with similar complexity as this project, including projects with compressed schedules requiring multiple operations and management. Such experience in construction and management of construction **shall** include at least one building construction project having a construction value in excess of \$10,000,000. It is preferred, but not required, that this individual be licensed and currently registered as a Professional Engineer or Registered Architect in the State of New York. The Project Manager **shall** be dedicated to this project full time for its duration.

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The Project Superintendent **shall** have a minimum of 10 years demonstrated experience as a Project Superintendent in *building construction* with similar complexity as this project, including projects with compressed schedules requiring multiple operations underway simultaneously. Such experience should include at least one building construction project having a construction value in excess of \$7,500,000. The Project Superintendent **shall** be dedicated to this project full time.

The Assistant Project Superintendent **shall** have a minimum of 6 years demonstrated experience as an Assistant Project Superintendent in construction of building projects on with similar complexity as this project, including projects with compressed schedules requiring multiple operations underway simultaneously. Such experience should include at least one building construction project having a construction value in excess of \$5,000,000. The Assistant Project Superintendent **shall** be dedicated to this project full time.

Each resume **shall** be limited to no more than 2 pages. In addition to the resumes, Form R (included at the end of this Special Note) shall be submitted for each person providing evidence of the years of experience indicated for each position described above. In the “Contract Information” section of Form R, indicate which project meets the dollar value criteria described for the position. Finally, a narrative of one page (maximum) describing the qualifications of each Key Personnel position and why the proposed personnel are qualified to provide these services, **shall** be provided in addition to the resumes and Form R.

Substitutions for Key Personnel cannot be made without OPRHP approval. Should it become necessary to replace Key Personnel, the Contractor must provide replacement staff with equal or superior skills and qualifications. Substitute Key Personnel cannot start work on the project until approved by OPRHP.

### **3.3 (d) PAST PERFORMANCE – 11%**

Using Forms E-1 and E-2 (included at the end of this Special Note), Contractors shall provide information on the **last five (5) projects** the Contractor has undertaken, including building and site projects, which are similar in scope, size and complexity to this Project.

Using Form E-1, provide the following information:

- a. Project Description: Provide a brief description of the project, the nature of the work for which the Contractor was specifically responsible for and a brief description of the site conditions. Highlight any work that involved historic preservation.
- b. On Time/On Budget: Provide the Planned Completion Date as Bid and the Actual (or Expected if on-going) Completion Date. Also provide the Construction Value as Bid and the Construction Final (or Expected if on-going) Value. Provide the Amount of Claims, if any. If there are any Claims, provide an explanation on Form E-2 and attach to Form E-1 for that project. List the number of claims filed and provide explanation for delay in schedule and reasons for claims. If the Project is over budget, also provide an explanation using Form E-2.
- c. Liquidated Damages: Provide the Amount of Liquidated Damages, if any. If Liquidated Damages were incurred in excess of \$25,000 for a specific project, attach an additional page (Form E-2) to

## **SPECIAL NOTE BEST VALUE SUBMISSION**

Form E-1 and describe the causes of the delays and the amounts assessed. Describe any outstanding damage claims by or damages due and owing to any owner/agency.

If a Contractor has no record of relevant past performance, or if the information relative to a category is not available, submit a declarative statement to that effect. With respect to the information solicited in this Section 3.3(d), failure to provide this information, conditional or qualified submissions to requests or questions posed (such as “to our knowledge”, “to the extent of available information”, “such information is not readily available”, “such information is not maintained in the manner requested”, etc.), incomplete or inaccurate submissions, or non-responsive submissions may, in the sole discretion of OPRHP, lead to a low evaluation rating for this evaluation factor or result in a deficiency that would cause OPRHP to declare the Best Value Submission non-responsive.

A possible total of **11 Past Performance Ranking Points** will be assigned to the Contractor based on meeting the criteria described above. The objective of the Past Performance Ranking Points is to identify proposers with companies that have successfully completed projects on time and on budget, including building and site projects that were similar in scope, size and complexity as this Project.

### **3.4 DIVERSITY PRACTICES – 1%**

One point will be awarded based on past diversity practices. Bidder must provide their Diversity Practices on the form provided herein as “Attachment 1 - Diversity Practices Questionnaire.” Additional sheets should be attached as necessary to fully describe your company’s Diversity Practices. The point will be awarded based upon the answers provided on the “Attachment 1 - Diversity Practices Questionnaire.” The point will not be awarded based on a company’s status as a certified MWBE firm. Pursuant to §310(22) of Article 15A of New York State Executive Law, “Diversity Practices” shall mean the Contractor’s practices and policies with respect to:

- A. Utilizing certified minority and women-owned business enterprises in contracts awarded by a state agency or other public corporation, as subcontractors and suppliers; and
- B. Entering into partnerships, joint ventures or other similar arrangements with certified minority and women-owned business enterprises as defined in this article or other applicable statute or regulation governing an entity’s utilization of minority and women-owned business enterprises.

## **4. BEST VALUE SELECTION**

OPRHP reserves the right to award this Contract to the Contractor, which through the evaluation process described herein, is determined to be the “Best Value”. This means the “Best Value” firm (evaluated using the criteria above) has demonstrated their ability to meet all the contract requirements in a manner that is most beneficial to OPRHP and the public.

Upon completion of the evaluation process OPRHP will select the Contractor whose proposal is the Best Value for New York State.

Philipse Manor Hall State Historic Site  
Construction of Elevator/Restroom Addition, Interior and Exterior Rehabilitation and Site Enhancements

## SPECIAL NOTE BEST VALUE SUBMISSION

### 5. STATE'S RESERVED RIGHTS

By submitting a proposal, the Bidder agrees not to make any claim for, or have any right to damages because of any misinterpretation or misunderstanding of the specifications, or because of any misinformation or lack of information. OPRHP reserves the right to exercise the following:

- Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Proposer's Best Value Submission and/or to determine a Proposer's compliance with the requirements of the Best Value criteria.
- Change any of the scheduled dates herein;
- Amend RFP Requirement(s) after their release to correct errors or oversights, or to supply additional information as it becomes available, and if so notify all potential Bidders on the Agency-maintained Bidders List;
- Withdraw the RFP, at its sole discretion without any obligation or liability to any vendor;
- Eliminate any mandatory, non-material requirement that cannot be complied with by all of the prospective Bidders;
- Evaluate, accept and/or reject any and all proposals, in whole or in part, and waive technicalities, irregularities, and omissions if, in OPRHP's judgement, the best interests of OPRHP will be served. In the event compliant bids are not received, OPRHP reserves the right to consider late or non-conforming bids as offers;
- Require the Bidder to demonstrate, to the satisfaction of OPRHP, any information presented as part of their proposal;
- Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a bidder's proposal and/or to determine an Offeror's compliance with the requirements of this solicitation;
- Disqualify any Bidder whose conduct and/or bid fails to conform to the requirements of the solicitation;
- Use proposal information obtained through OPRHP's investigation of a Bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the Bidder in response to OPRHP's request for clarifying information in the course of evaluation and selection under this RFP;
- Negotiate with the successful Bidder within the scope of the RFP to serve the best interests of OPRHP and the State of New York;
- Conduct Contract negotiations with the next ranked responsible Bidder should OPRHP be unsuccessful in negotiating an Agreement with the selected Bidder;
- Utilize any or all ideas submitted in the proposals received;
- Make an award under the RFP in whole or in part; and
- Seek revisions of proposals.

Bids containing false or misleading statements, or which provide project contacts that do not support an attribute or condition claimed by a Bidder, may be disqualified from consideration. If, in the opinion of OPRHP, a statement is intended to mislead OPRHP in its evaluation of the bid, and the attribute, condition, or capability is a requirement of the RFP, the bid shall be disqualified from consideration.

Philipse Manor Hall State Historic Site

Construction of Elevator/Restroom Addition, Interior and Exterior Rehabilitation and Site Enhancements

## SPECIAL NOTE BEST VALUE SUBMISSION

### FORM E - 1 PROJECT DESCRIPTION

Complete a copy of Form E-1 for each of the most recent five projects undertaken, which are similar in scope, size and complexity as this Project. Use only one page per Project. Use Form E-2 (only one additional page per Project) to explain any or all of the following situations (see Section 3.6 of the Best Value Submission Special Note for more information):

- a. Construction Final (Expected) Value exceeds the Construction Value as Bid.
- b. Amount of Claims is greater than \$0.
- c. Amount of Liquidated Damages is greater than \$25,000.
- d. Justification of why the project is behind schedule.

OPRHP reserves the right to contact any Project Owner listed below as part of its evaluation process.

<b>CONTRACTOR</b>			
<b>Experience (years)</b>	Site Development:		Public Buildings:
			Glazed Curtain Walls:
<b>DESCRIPTION OF PRIOR PROJECT</b>			
<b>Name of project</b>			
<b>Location</b>			
<b>Brief description</b>			
<b>Nature of work for which firm was responsible</b>			
<b>Brief description of site conditions</b>			
<b>Amount of Claims (US\$):</b>		<b>Amount of Liquidated Damages (US\$)</b>	
<b>Client details</b> (owner / agency/ contractor etc)	<b>Client Name</b>		
	<b>Address</b>		
	<b>Contact name</b>		
	<b>Telephone and email</b>		
	<b>Contract Reference #</b>		
<b>Construction Value as bid: (US\$)</b>		<b>Construction Final (Expected) Value: (US\$)</b>	
<b>% of total work done by Firm:</b>		<b>Commencement date:</b>	
<b>Planned Completion Date as Bid:</b>		<b>Actual (Expected) Completion Date:</b>	

Philipse Manor Hall State Historic Site  
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**SPECIAL NOTE  
BEST VALUE SUBMISSION**

**FORM E-2  
PROJECT EXPLANATIONS**

Use the space below to explain any or all of the following situations if they occurred in the specific project as described in Form E-1:

- a. Construction Final (Expected) Value exceeds the Construction Value as Bid.
- b. Amount of Claims is greater than \$0. Detail number and amount of each claim.
- c. Amount of Liquidated Damages is greater than \$25,000. Detail number of issues and amount of Liquidated Damages for each.
- d. Justification of why the project is behind schedule.

Use only one page. See section 3.6 of the Best Value Submission Special Note for more information.

<b>Contractor:</b>	
<b>Name of Project:</b>	

Required explanation(s):

## SPECIAL NOTE BEST VALUE SUBMISSION

### FORM R SUMMARY OF INDIVIDUAL'S EXPERIENCE

Form R shall be completed by the Contractor for the Key Personnel indicated in Section 3.5 of the Best Value Special Note. Add additional lines or pages as necessary. Under the section "Contact Information", provide a contact name, title, phone number, and e-mail address. OPRHP reserves the right to contact any of the project owners listed below as part of its evaluation process.

Note: \* Start Date, End Date, Total Time refers to the time spent working on the Project by the specific individual.

<b>Name of Contractor:</b>					
<b>Name of Firm:</b>					
<b>Individual's Name:</b>					
<b>Is Applicant Licensed as a Professional Engineer or Architect in the State of New York?</b>		<b>Yes:</b>		<b>No:</b>	
<b>NYS Professional Engineering or Architecture License Number</b>					
<b>Title for this Project:</b>					
<b>Total number of years of experience for meeting requirements stated in 3.5 of the Special Note for the position:</b>					
Please complete the information below to confirm the total number of years experience stated above. At a minimum, <b>the three most recent Projects must be detailed.</b>					
<b>Project Name:</b>					
<b>Project Owner:</b>					
<b>Contact Information:</b>					
<b>Title on Project:</b>					
<b>Total Project Duration as Bid:</b>		<b>Total Project Duration Actual:</b>			
<b>Total Project Cost as Bid:</b>		<b>Total Project Cost Actual:</b>			
<b>Start Date*:</b>		<b>End Date*:</b>		<b>Total Time*:</b>	
<b>Project Name:</b>					
<b>Project Owner:</b>					
<b>Contact Information:</b>					
<b>Title on Project:</b>					
<b>Total Project Duration as Bid:</b>		<b>Total Project Duration Actual:</b>			
<b>Total Project Cost as Bid:</b>		<b>Total Project Cost Actual:</b>			
<b>Start Date*:</b>		<b>End Date*:</b>		<b>Total Time*:</b>	
<b>Project Name:</b>					
<b>Project Owner:</b>					
<b>Contact Information:</b>					
<b>Total Project Duration as Bid:</b>		<b>Total Project Duration Actual:</b>			
<b>Total Project Cost as Bid:</b>		<b>Total Project Cost Actual:</b>			
<b>Start Date*:</b>		<b>End Date*:</b>		<b>Total Time*:</b>	

**SPECIAL NOTE**  
**BEST VALUE SUBMISSION**

## Attachment 1 – Diversity Practice Questionnaire

All information provided in connection with the questionnaire is subject to audit and any fraudulent statements are subject to criminal prosecution and debarment.

1. Does your company have a Chief Diversity Officer or other individual who is tasked with supplier diversity initiatives?	No <input type="checkbox"/> Yes <input type="checkbox"/>
<i>If Yes, provide the name, title, description of duties, and evidence of initiatives performed by this individual or individuals:</i>	
<i>Attach Additional Sheets, If Necessary</i>	

2. What percentage of your company's gross revenues (from your prior fiscal year) was paid to New York State certified minority and/or women-owned business enterprises as subcontractors, suppliers, joint-venturers, partners or other similar arrangement for the provision of goods or services to your company's clients or customers?	<div style="border-bottom: 1px solid black; display: inline-block; width: 80%;"></div> %
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3. What percentage of your company's overhead (i.e. those expenditures that are not directly related to the provision of goods or services to your company's clients or customers) or noncontract-related expenses (from your prior fiscal year) was paid to New York State certified minority- and women-owned business enterprises as suppliers/contractors? <sup>1</sup>	<div style="border-bottom: 1px solid black; display: inline-block; width: 80%;"></div> %
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4. Does your company provide technical training <sup>2</sup> to minority- and women-owned business enterprises?	No <input type="checkbox"/> Yes <input type="checkbox"/>
<i>If Yes, provide a description of such training which should include, but not be limited to, the date the program was initiated, the names and the number of minority- and women-owned business enterprises participating in such training, the number of years such training has been offered and the number of hours per year for which such training occurs:</i>	

<sup>1</sup> Do not include onsite project overhead.

<sup>2</sup> The process of teaching employees how to more accurately and thoroughly perform the technical components of their jobs. Training can include technology applications, products, sales and service tactics, and more. Technical skills are job-specific as opposed to soft skills, which are transferable.



## SPECIAL NOTE BEST VALUE SUBMISSION

<i>Attach Additional Sheets, If Necessary</i>	
5. Is your company participating in a government approved minority- and women-owned business enterprise mentor-protégé program?	No <input type="checkbox"/> Yes <input type="checkbox"/>
<i>If Yes, Identify the governmental mentoring program in which your company participates and provide evidence demonstrating the extent of your company's commitment to the governmental mentoring program:</i>	
<i>Attach Additional Sheets, If Necessary</i>	

6. Does your company include specific quantitative goals for the utilization of minority- and women-owned business enterprises in its non-government procurements?	No <input type="checkbox"/> Yes <input type="checkbox"/>
<i>If Yes, provide a description of such non-government procurements (including time period, goal, scope and dollar amount) and indicate the percentage of the goals that were attained:</i>	
<i>Attach Additional Sheets, If Necessary</i>	

7. Does your company have a formal minority- and women-owned business enterprise supplier diversity program?	No <input type="checkbox"/> Yes <input type="checkbox"/>
<i>If Yes, provide documentation of program activities and a copy of policy or program materials.</i>	

**SPECIAL NOTE**  
**BEST VALUE SUBMISSION**

<i>Attach Additional Sheets, If Necessary</i>

**SPECIAL NOTE**  
**BEST VALUE SUBMISSION**

8. Does your company plan to enter into partnering or subcontracting agreements with New York State certified minority- and women-owned business enterprises if selected as the successful respondent?	No <input type="checkbox"/> Yes <input type="checkbox"/>
<i>If Yes, provide a description of your efforts.</i>	
<i>Attach Additional Sheets, If Necessary</i>	

<b>Certification</b>	
<i>I swear and/or affirm under penalty of perjury that the answers submitted to the following questions are complete and accurate to the best of my knowledge.</i>	
Company Name:	
Doing Business As:	
Name of Official:	Title
E-Mail	Telephone:
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%; text-align: center;">           _____ Signature         </div> <div style="width: 35%; text-align: center;">           _____ Date         </div> </div>	

**REPLACEMENT CONDITION – ARTICLE 9 – PERMITS AND COMPLIANCE WITH APPLICABLE LAWS**

This replacement modifies the General Conditions. Where any part of the General Conditions is modified by this replacement, the unaltered provisions of that part shall remain in effect.

**ARTICLE 9 – PERMITS AND COMPLIANCE WITH APPLICABLE LAWS**

Remove paragraph 9.5 and replace with the following:

9.5 The Contractor certifies and warrants that all heavy-duty vehicles, as defined in New York State Environmental Conservation Law (ECL) section 19-0323, to be used under this Contract will comply with the specifications and provisions of ECL section 19-0323, as well as any regulations promulgated pursuant thereto, including NYCRR Part 248; which, requires the use of Best Available Retrofit Technology (BART) and Ultra-Low Sulfur Diesel (ULSD) fuel.

**END OF DOCUMENT**

Created:

Edited and/or Printed:

XXXXXX-X

Project No.

## SUMMARY OF AND IMPLEMENTATION GUIDELINES FOR § 139-J OF THE STATE FINANCE LAW

\* This summary is not intended to replace the need for persons to become familiar with the full requirements of the law. Please refer to the full text of the law to resolve any questions you may have with regard to your conduct under it.

Section 139-j of the State Finance Law imposes restrictions on the type of communications that a person may make to a governmental entity, such as the Office of Parks, Recreation and Historic Preservation (hereafter, referred as “OPRHP”), concerning a governmental procurement during a period of time which the law terms the “restricted period.” These new requirements cover a wide range of government contracting transactions, including, the purchase of a commodity, service, technology, public work, construction and revenue contract, or the purchase, sale or lease of real property or the acquisition or the granting of other interests in real property (hereafter referred as “governmental procurement or procurement contract.” Any person in the private sector (hereinafter referred to as “person”) interested in contacting OPRHP concerning anyone of these types of transactions is covered under the provisions of the new law, which limits the way that such person can communicate with OPRHP during the “restricted period”, which is defined broadly as the period of time commencing from the earliest written notice announcing a government procurement all the way until the award is approved by the comptroller.

For each governmental procurement OPRHP will designate an employee or employees that may be contacted by persons concerning all aspects of the governmental procurement. The law requires that each person that contacts (in writing, orally, or via email) OPRHP concerning a governmental procurement may only make what the law terms “permissible contacts”, which means that the person: 1) shall contact only the designated person or persons identified by OPRHP in the governmental procurement documents and 2) shall not attempt to influence the procurement in a manner that would result in violation of §73(5) of the Public Officers Law (Ethical Prohibitions on Gifts to Public Officers and Employees) or in a manner that would result in violation of §74 of the Public Officers Law (The Code of Ethics).

The law specifically permits certain types of contacts by persons to OPRHP concerning the governmental procurement. These are:

- the submission of written proposals in response to a request for proposal, invitation for bids or any other method for soliciting a response from interested parties;
- the submission of written questions to a designated contact, when all written questions and responses are to be disseminated to all persons interested in such procurement;
- participation in a conference where all interested parties are invited to attend;

- written complaints made to the General Counsel's Office of OPRHP concerning the timely response to issues posed to the designated person, provided that such written complaints are made part of the procurement record;
- communications where the contract award has been tentatively made and where such communications are necessary to negotiate the terms of the procurement contract;
- requests made to the designated person or persons to review the procurement award;
- written protests, appeals, or other review proceedings to either OPRHP or an outside agency.

All communications which are reasonably inferred by OPRHP to be intended to influence the governmental procurement process or the award of such procurement in violation of the law will be recorded and made a part of the procurement record, whether such communications are made to the designated employee/s or another employee of OPRHP. Contacts made to persons other than the designated OPRHP employee shall also be deemed an impermissible contact.

Any contact which is alleged to be an impermissible contact under the law will be immediately referred to and investigated by OPRHP's Ethics Officer. The Ethics Officer shall promptly investigate the allegation by interviewing all employees reasonably involved or who are believed to have information about the impermissible contact. If sufficient cause exists to believe that such allegation is true, the person being investigated shall be given notice that an investigation is ongoing and such person shall be afforded an opportunity to be heard in response to the allegation either by responding in writing or by providing a statement before the Ethics Officer, who shall record by appropriate means such statement for the record. The Ethics Officer shall keep a record of the investigation and shall make a written finding of the results of such investigation and report these findings to the Commissioner.

In addition, a finding by the Ethics Officer that a person has knowingly and willingly violated the law by making an impermissible contact shall result in a determination of non-responsibility and such person and all associated subsidiaries of such person shall not be awarded the procurement contract. The determination of non-responsibility shall also be forwarded to the Commissioner of the Office of General Services (or his or her designee), which by law is required to keep a list of such determinations for public inspection. Determinations of non-responsibility must be disclosed in all future responses to New York State procurements. With few exceptions, no procurement contract shall be awarded to any person who fails to disclose findings of non-responsibility within the previous four years.

**PROJECT LABOR AGREEMENT  
COVERING  
PHILIPSE MANOR HALL – OUR WHOLE HISTORY PROJECT  
NYSOPRHP PROJECT #TA-PM-2022-001  
CONTRACT # D005805**