



ORANGE COUNTY, NEW YORK

Department of General Services
PO Box 218, 255-275 Main Street
Goshen, New York 10924

RFB: BOILER AND WATER HEATER REPLACEMENT, 30 HARRIMAN DRIVE, GOSHEN, NY

RFB-OC103-21

BID FORM

BUSINESS NAME:

CONTACT PERSON NAME:

ADDRESS:

TITLE:

EMAIL:

PHONE:

FEDERAL TAX ID: _____

D&B D-U-N-S: _____

FAX:

Does this business have a minority, women's, disadvantaged, or small business status? Yes No

If yes, please list the designation(s) and the certifying entity(ties): _____

The undersigned Bidder being experienced and responsible for the performance of the work described in **RFB-OC103-21 Boiler and Water Heater Replacement at 30 Harriman Drive, Goshen, NY** proposes to perform the work set forth herein and in accordance with the Technical Specifications for the same dated August 4, 2021 for the sum of:

1. \$ _____ (Base Bid)

Alternate Pricing for Removal of Chiller and associated infrastructure (Please note: This should be the cost for just the additional work for the Chiller removal, NOT the cost of the additional Chiller work plus the Base Bid.)

2. \$ _____ (Chiller Alternate)

3. \$ 15,000.00 _____ (Contingency)

4. \$ _____ (Total Bid Price = Sum of Base Bid (Item 1) + \$15,000 Contingency (Item 3))

Total Bid Price in Words _____

The undersigned proposes to furnish and deliver the services described in this RFB and the responding Bid to the County, at the prices stated within the executed Contract. The individual submitting this Bid on behalf of his or her business certifies by his or her signature below that:

- he or she understands and has complied with the requirements of State Finance Law Sections 139-j and 139-k and will continue to do so throughout the restricted period;
- he or she has read and understood the full RFB cited above; and



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- he or she is duly authorized to submit this Bid on behalf of the business entity noted above.

Additionally, by submission of this RFB, the person signing on behalf of the business entity noted above certifies, and in the case of a joint quote each party thereto certifies as to its own organization, under penalty of perjury, that the business entity submitting this quote has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the New York State Labor Law.

BY: _____

DATE: _____

NAME

TITLE

ADDENDA CONFIRMATION (Use this section only when an addendum/addenda were received for this RFB.)

Addenda # ____ - Received _____, 20__ Initialed by person signing above _____

Addenda # ____ - Received _____, 20__ Initialed by person signing above _____

Addenda # ____ - Received _____, 20__ Initialed by person signing above _____



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SUBCONTRACTOR BID PRICING

In accordance with the Contract Documents, the Contractor will provide both the names and prices for any and all applicable subcontractors below, submitted in a **SEPARATE SEALED ENVELOPE** within the sealed bid.

Please detach this page from the rest of the RFB and place it in a SEPARATE SEALED ENVELOPE within the sealed envelope containing the rest of your bid documents.

Item	Description & Subcontractor Name	Amount
A.	Lump sum price for all of the HVAC subcontractor's work. Business Name of HVAC subcontractor: _____	\$ _____
B.	Lump sum price for all of the Electrical subcontractor's work. Business Name of Electrical subcontractor: _____	\$ _____
C.	Lump sum price for all of the Plumbing &/Gas Fitting subcontractor's work. Business Name of Plumbing &/Gas Fitting subcontractor: _____	\$ _____
D.	Lump sum price for all of the _____ subcontractor's work. Business Name of subcontractor: _____	\$ _____
E.	Lump sum price for all of the _____ subcontractor's work. Business Name of subcontractor: _____	\$ _____
F.	Lump sum price for all of the _____ subcontractor's work. Business Name of subcontractor: _____	\$ _____
G.	Lump sum price for all of the _____ subcontractor's work. Business Name of subcontractor: _____	\$ _____



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CERTIFICATE OF EXPERIENCE (References)

I, _____, hereby certify that _____

(Print Signer's Name)

(Bidder – Company Name)

has performed work for the following entities within the last number three (3) years.

NAME OF BUSINESS: _____ CONTACT NAME: _____

ADDRESS: _____

AMOUNT OF CONTRACT: _____ TELEPHONE NO.: _____

TYPE OF WORK: _____ FAX NUMBER: _____

NAME OF BUSINESS: _____ CONTACT NAME: _____

ADDRESS: _____

AMOUNT OF CONTRACT: _____ TELEPHONE NO.: _____

TYPE OF WORK: _____ FAX NUMBER: _____

NAME OF BUSINESS: _____ CONTACT NAME: _____

ADDRESS: _____

AMOUNT OF CONTRACT: _____ TELEPHONE NO.: _____

TYPE OF WORK: _____ FAX NUMBER: _____

ATTACH ADDITIONAL PAGES IF MORE THAN 3 REFERENCES ARE REQUIRED BY THE RFB

BY: _____

DATE: _____

TITLE: _____

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NON-COLLUSIVE BIDDING CERTIFICATION

- (a) 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 knowledge and belief:
- (1) The prices in this Bid have been arrived at independently without collusion, consultation communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor.
 - (2) Unless otherwise required by law, the prices which have been quoted in this Bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and
 - (3) No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a Bid for the purpose of restricting competition.
- (b) A Bid shall not be considered for award nor shall any award be made where (a)(1)(2) and (3) above have not been complied with; provided however, that if in any case the Bidder cannot make the foregoing certification, the Bidder shall so state and shall furnish with the Bid a signed statement which sets forth in detail the reasons therefor. Where (a)(1)(2) and (3) above have not been complied with, the Bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the Bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a Bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being Bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (a).

Any Bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate Bidder for work or services performed or to be performed or goods sold or to be sold, where competitive Bidding is required by statute, rule, regulation, or local law, and where such Bid contains the certification referred to in subdivision one of this section, shall be deemed to have been authorized by the board of directors of the Bidder, and such authorization shall be deemed to include the signing and submission of the Bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

DATE

SIGNATURE

BUSINESS NAME

NAME

TITLE

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Instructions for Completing the Disclosure of Prior Non-Responsibility Determinations

Background:

New York State Finance Law §139-k(2) obligates a Governmental Entity to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance with State Finance Law §139-k, an Offerer must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. The terms “Offerer” and “Governmental Entity” are defined in State Finance Law § 139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offerer fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offerer that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offerer is necessary to protect public property or public health safety, and that the Offerer is the only source capable of supplying the required Article of Procurement within the necessary timeframe. See State Finance Law §§139-j (10)(b) and 139-k(3).

Instructions:

The County of Orange includes this disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for Procurement Contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract, Supplement or Change Order. It shall be submitted with your bid or proposal to the County agency conducting the Governmental Procurement.

This document must accompany each Bid Form, Letter of Interest, or Bid submitted by all Offerers.



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DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS

(See instructions on next page before completing this form.)

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address:

Name and Title of Person Submitting this Form:

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle): No Yes

If Yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):
No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle): No Yes

4. **If you answered yes to any of the above questions,** please provide details regarding the finding of non-responsibility below and attach additional pages as necessary.

Governmental Entity: _____

Date of Finding of Non-Responsibility: _____

Basis of Finding of Non-Responsibility: _____

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle): No Yes

6. **If yes, please provide details below and attach additional pages as necessary.**

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____

Signature

Date: _____

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IRAN DIVESTMENT ACT CERTIFICATION

The Iran Divestment Act of 2012 (“Act”), Chapter 1 of the 2012 Laws of New York, added State Finance Law (SFL), §165-a and General Municipal Law §103-g, effective April 12, 2012. Under the Act, the Commissioner of the New York State Office of General Services (“OGS”) developed a list (“Prohibited Entities List”) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law). In accordance with SFL § 165-a(3), the Prohibited Entities List may be found on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>.

Pursuant to General Municipal Law §103-g, by signing below, Bidder certifies as true under the penalties of perjury that:

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.

A Bid shall not be considered for award nor shall any award be made where the certification has not been made, provided, however, that if in any case the Bidder cannot make the certification, the Bidder shall so state and shall furnish with the Bid a signed statement which sets forth in detail the reasons therefor. The County may award a contract to a Bidder who cannot make the required certification on a case-by-case basis if:

- (1) The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
- (2) The County makes a determination that the goods and services are necessary for the County to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

During the term of the Contract, should the County receive information that a person is in violation of the above-referenced certifications, the County will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act, within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the contractor in default.

The County reserves the right to reject any bid, proposal, contract or request for assignment for an entity that appears on the Prohibited Entities List prior to the award or execution of a contract or any renewal thereof, as applicable, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities List after contract award.

DATE

SIGNATURE

BUSINESS NAME

NAME

TITLE



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**DISCLOSURE OF CONTRACTOR-SUBCONTRACTOR AND
SUBSTANTIALLY OWNED-AFFILIATED ENTITY RELATIONSHIPS**

Effective March 18, 2018, New York State General Municipal Law §103(1-c) and New York State Labor Law §220-b declares contractors, subcontractors and any "substantially owned-affiliated entities" who have been debarred for violations under the federal Davis Bacon Act, pursuant to 40 U.S.C. 3144; the Copeland Act, pursuant to 18 U.S.C. 874 and 40 U.S.C. 3145; or the Contract Work Hours and Safety Standards Act, pursuant to 40 U.S.C. 332; ineligible to bid on or be awarded low bid contracts.

New York State Labor Law §220(5)(g) defines a Substantially Owned-Affiliated Entities to mean:

“...the parent company of the contractor or subcontractor, any subsidiary of the contractor or subcontractor, or any entity in which the parent of the contractor or subcontractor owns more than fifty percent of the voting stock, or an entity in which one or more of the top five shareholders of the contractor or subcontractor individually or collectively also owns a controlling share of the voting stock, or an entity which exhibits any other indicia of control over the contractor or subcontractor or over which the contractor or subcontractor exhibits control, regardless of whether or not the controlling party or parties have any identifiable or documented ownership interest. Such indicia shall include, power or responsibility over employment decisions, access to and/or use of the relevant entity's assets or equipment, power or responsibility over contracts of the entity, responsibility for maintenance or submission of certified payroll records, and influence over the business decisions of the relevant entity.”

For a bid to be considered, and to enable the County to perform the required due diligence on potential bidders to determine if they are eligible and therefore responsive, all bidders must disclose all Contractor-Subcontractor relationships that would be involved in the performance of any contract awarded under this RFB, as well as any Substantially Owned-Affiliated Entities of the bidder (i.e. Contractor) and all subcontractor(s), if any.

Please list the legal name of the Bidder/Contractor, any Subcontractor(s), and any Substantially Owned-Affiliated Entities, in addition, please also include any “doing business as” name for each of the foregoing, and describe the nature of the relationship (e.g. bidder/contractor, subcontractor, owns 60% of voting stock of contractor, shareholder of subcontractor, partner of contractor, etc.). Attach additional sheets, if necessary.

Entity Name: _____

Nature of Relationship: _____

Entity Name: _____

Nature of Relationship: _____

Entity Name: _____

Nature of Relationship: _____



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INFORMATION SHEET

The questions asked on this Information Sheet are voluntary. It is not necessary to complete this section of this RFB. Filling out this sheet does not change your chances of a Bid award in any respect. By completing this form, you will be helping the County track trends that we believe to be of importance. The information collected will NOT be used to compile mailing lists, and will not be used to contact you. It will also not be sold. The information collected may be used to generate reports showing historical data with regard to the County's purchasing process.

Business Name: _____

Address: _____

In what county are the primary operations of this business conducted?

Business type (Sole Proprietorship, Corporation, LLC, etc.) _____

Does this business have a minority, women's, disadvantaged, or small business status? Yes No

If yes, please list the designation(s) and the certifying entity(ties) _____

How many individuals does this business employ? _____

Have you conducted business with the County before? Yes No

How did you discover this Bid opportunity? _____

Do you use the Empire State Purchasing Group Website (BidNet)? Yes No

If Yes, do you find it useful (explain) or if No, why?

Please list any other comments or suggestions pertaining to doing business with Orange County.



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NON-BIDDER'S RESPONSE

BUSINESS NAME: _____

For the purpose of facilitating your firm's response to our Request for Bids, the County of Orange is interested in ascertaining reasons for prospective Bidders' failure to respond to Requests for Bids. If your firm is not responding to this RFB, please indicate the reason(s) by checking any appropriate item(s) below and faxing it to the Department of General Services at (845)291-2797 or mailing it to the above address.

We are **not** responding to this RFB for the following reason(s):

- We do not offer this product or service.
- We are unable to meet the specifications.
- Specifications are inapplicable (too vague, too rigid, etc.) or not understandable.
- We are unable to meet your bond requirements.
- Insufficient time allowed for preparation of Bid.
- Incorrect address used or our branch/division does not handle this type of Bid.

Correct name and mailing address is:

Other reason(s): _____
