

# ALBANY WATER BOARD

**REQUEST FOR PROPOSAL  
No. 2018-35  
MINORITY BUSINESS OFFICER SERVICES  
November 1, 2018**

IMPORTANT NOTICE: A restricted period is currently in effect for this Procurement and will remain in effect until approval of the Contract. Proposers are prohibited from contact related to this procurement with any City of Albany employee other than the designated contacts listed below:

Designated Contacts for this Procurement:

For Project Specific Clarifications:	Joseph E. Coffey, P.E., Commissioner
For Public Procurement Process Clarifications:	Angelica Kang, Esq.

## I. PURPOSE

The Albany Water Board (AWB) hereby requests proposals from qualified firms or individuals to provide **Minority Business Officer** (MBO) services to the Albany Water Board.

MBO services are needed for:

1. Ensuring AWB Compliance with all legal, conditions of grant awards and associated items related to City of Albany, NYS Environmental Facility Corporation and NYS Department of Environmental Conservation MWBE requirements associated with procurement and contracting actions of the AWB.
2. Reviewing Requests for Proposals, Requests for Qualifications and Construction Contract Documents for ensuring vendor is responsive to the required MWBE documentation.
3. Coordination with NYSEFC, NYSDEC and City of Albany for compliance and approval of utilization plans, contract approvals, disbursement requests and closeouts.
4. Working with Contractors to meet the compliance goals, and/or advising Contractors in preparing waiver forms and documentation.
5. Submitting the quarterly MBO reports to state agencies, including tracking which agencies require specific forms; communication with Contractors to include forms to be submitted and returned, following up on corrections needed, approving forms and submitting to Agencies; file maintenance.
6. Record keeping
7. Annual Report to Albany Water Board and City of Albany Common Council.

## II. RECEIPT OF PROPOSALS

Three (3) copies of the proposal must be received no later than: Friday, November 16, 2018 at 1:00PM local time:

Joseph E. Coffey, P.E., Commissioner  
Albany Water Board  
10 North Enterprise Drive  
Albany, New York 12204  
Phone: 518-434-5300

The proposals submitted will be the documents upon which the Albany Water Board will make its initial judgment regarding each proposer's qualifications, methodology, and ability to provide the services contemplated by the contract.

Those submitting proposals do so entirely at their own expense. There is no expressed or implied obligation by the Board to reimburse any firm or individual for any costs incurred in preparing or submitting proposals, preparing or submitting additional information requested by the Board, or participating in any selection interviews.

Submission of any proposal indicates an acceptance of the conditions contained in this Request for Proposals (RFP) unless the submitted proposal clearly and specifically states otherwise.

The Albany Water Board reserves the right to accept or reject any and all proposals in whole or in part, to waive any and all informalities and to disregard all non-conforming, non-responsive or conditional proposals.

## III. QUALIFICATIONS OF PROPOSER

Each proposer shall provide a statement of qualifications including:

- a. A brief history and description of the firm submitting the proposal.
- b. Identification of the firm's professional staff members who will be assigned to this engagement if the firm's proposal is selected. Include a resume for each such professional staff member that details qualifications, years and types of experience, education, accomplishments, etc.
- c. At least three (3) references, including addresses and telephone numbers.

- d. A signed cover letter from a person within the firm who is authorized to make representations on behalf of the firm and to bind the firm.
- e. A summary of similar projects or work undertaken by the firm and the experience on similar projects or work of each of the firm's professional staff members who will be assigned to engagement if the firm's proposal is accepted.

The Albany Water Board may make such inquiries it deems necessary to determine the ability of each proposer to perform the services contemplated by this RFP. Proposers shall promptly furnish all information and the Board may subsequently request data for this purpose.

#### IV. SCOPE OF SERVICES

The selected proposer will be required upon request to provide to the Albany Water Board with services including, but not limited to:

1. Review AWB Projects' sources of funds to determine applicable MWBE goals.
2. Review AWB solicitations to ensure required MWBE documents are included.
3. Review all responses to RFP's, RFQ's and Construction Bids to ensure respondents meet the MWBE requirements of the solicitation.
4. Attend pre-construction conferences to outline and answer any questions related to MWBE compliance.
5. Submit all required MWBE compliance reports to NYSEFC, NYSDEC and City of Albany and any other agencies designated by the AWB.

List of Projects – The AWB Current Capital Program (\$104, 602,883 in project costs; \$26,260,293 in grant awards) includes the following projects:

1. EFC CWSRF C4-5402-14-00 Long Term Control Plan 2015-2017
2. EFC CWSRF C4-5402-14-01 Long Term Control Plan 2018-2022
3. EFC CWSRF C4-5402-15-00 Beaver Creek Overflow Abatement & Flood Mitigation
4. EFC CWSRF C4-5402-15-01 ISC Grant Amendment
5. ESD #AA727 Upper Washington Corridor Infrastructure Improvements
6. EFC DWSRF #18377 Upper Washington Water Pump Station and Storage Tank
7. EFC CWSRF C4-16-00 Upper Washington Sewage Pump Station and Force Main
8. EFC DWSRF #18378 Feura Bush Filtration Plant
9. EFC DWSRF #18523 Water Comprehensive Plan
10. EFC GIGP Grant 1387 Tivoli Preserve Stream Daylighting
11. NYSDEC WQIP C00326 GG Tivoli Preserve Stream Daylighting
12. NYSDEC SPRTK Grant DEC 01-CSOR – 2016 CSO Monitoring
13. EFC CWSRF C4-5402-14-02 Beaver Creek Clean River Project
14. NYSDEC WQIP C005655 GG Floatables Control Project
15. EFC DWSRF #18433 Albany/Colonie Emergency Interconnections

## V. PURCHASE ORDER

Any award of the work contemplated by this RFP shall be conditioned on the later execution of a Purchase Order. The Albany Water Board reserves the right to revoke or rescind any award at any time prior to the full execution of a Purchase Order.

## VI. TERM

The Successful Proposal will be awarded a Contract for an initial term of one year with an option for up to three (3) one-year term extensions. The selected proposer will be required to execute a contract with the City of Albany. The City of Albany will have the right to terminate the contract at any time, with or without cause, upon thirty (30) days' notice.

## VII. RELATIONSHIP

The MBO is, and will function as, an independent contractor under the terms of this Agreement and shall not be considered an agent or employee of the AWB for any purposes.

## VIII. LICENSURE & CERTIFICATION

MBO shall at all times obtain and maintain any and all licenses and certifications required by the State of New York to perform the services contemplated by this Agreement.

## IX. INDEMNIFICATION

MBO agrees to defend, indemnify, and hold harmless the AWB and its members and officers, and the City of Albany and its officers, employees and agents, from and against all claims, actions, causes of action, injuries, damages, losses, liabilities, and expenses (including, without limitation, reasonable attorney's fees and court costs) arising out of, or in consequence of, any negligent or intentional act or omission of MBO or any of its officers, employees and agents, to the extent of its or their responsibility for such claims, actions, causes of action, injuries, damages, losses, liabilities, and expenses. The provisions of this Article shall survive any termination or expiration of this Agreement.

## X. COST PROPOSAL

Provide a Rate Schedule for all labor and other direct costs to provide the requested services.

## XI. PROPOSAL EVALUATION

Proposals shall remain valid until the execution of a Purchase Order by the Albany Water Board. Proposals shall be examined and evaluated by a committee. A recommendation will be made

to the Albany Water Board for an award based on the following criteria: (a) the proposer's demonstrated capabilities, professional qualifications, experience, and track record in related engagements; (b) the wherewithal of the proposer to render the requested services to the Board in a timely fashion; (c) the completeness of the proposal; and (d) the total proposed cost.

## XII. SPECIFICATION CLARIFICATION

All project-specific inquiries with respect to this Request for Proposals shall be directed to:

Joseph E. Coffey, P.E., Commissioner  
Albany Water Board  
10 North Enterprise Drive  
Albany, New York 12204  
Phone: 518-434-5300

For public procurement process clarifications:

Angelica Kang, Esq.  
Assistant Corporation Counsel  
Department of Law  
City Hall, Room 106  
24 Eagle Street  
Albany, New York 12207  
Phone: 518-434-5050

Other than the contacts identified above, prospective respondents shall not approach the AWB or the City's employees during the restricted period of this RFP process about any matters related to this RFP or any qualifications submitted pursuant thereto.

## XIII. MODIFICATION AND WITHDRAWAL OF PROPOSALS

Proposals may be modified or withdrawn by an appropriate document duly executed and delivered to the place where proposals are to be submitted at any time prior to the opening of proposals.

If within twenty-four (24) hours after the proposals are opened, any proposer files a duly signed written notice with the AWB and promptly thereafter demonstrates to the reasonable satisfaction of the AWB that there was a material and substantial mistake in the preparation of its proposal, that proposer may withdraw its proposal. Thereafter, that proposer will be disqualified from further proposal on the work.

## XIII. PROCUREMENT REQUIREMENTS

Additional requirements for this RFP are described below.

Iran Divestment Act: By submission of a bid in response to this Bid request, “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 New York State Office of General Services. For further information and to view this list please go to: <http://www.ogs.ny.gov/about/regs/ida.asp>. 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. A political subdivision may award a bid to a bidder who cannot make the certification pursuant to paragraph a of N.Y. General Municipal Law § 103-g on a case-by-case basis.

Non-Discrimination and Diversity Requirements: Pursuant to Federal laws and regulations, the New York State Executive Law Article 15-A and the City of Albany General Code Chapter 48, Article III Omnibus Human Rights Law, the City recognizes its obligation under the law to prevent discrimination on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency and to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of City contracts.

In furtherance of these rules and principles, the City of Albany highly encourages the participation of certified minority- and women-owned business enterprises (“MWBE”) at the City’s goal levels and the employment of minority groups’ members and women in the performance of its contracts. The City of Albany hereby notifies all Consultants submitting a proposal that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency in consideration for award.

Further, by submission of a bid in response to this Bid request, 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:

***“The respondent/contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The respondent/contractor will not participate directly or indirectly in the discrimination prohibited by the federal, state and local laws and regulations,***

***including employment practices. In all solicitations, either by competitive bidding, or negotiation made by the respondent/contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the respondent/contractor of the respondent/contractor's obligations under this Statement and the federal, state and local laws and regulations relative to Non-discrimination on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency."***

XIV. NON-COLLUSIVE PROPOSAL CERTIFICATE & ACKNOWLEDGMENT:

Each proposer shall complete and submit with its, his, or her proposal the "Non-Collusive Proposal Certificate" and the "Acknowledgment" found on the pages which follow this page.

**NON-COLLUSIVE PROPOSAL CERTIFICATE  
PURSUANT TO  
NEW YORK STATE  
GENERAL MUNICIPAL LAW SECTION 103-D**

By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal 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 the proposal 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 proposer or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the proposer and will not knowingly be disclosed by the proposer prior to the opening, directly or indirectly, to any other proposer or to any competitor; and
- (3) No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Name of Firm)



**ACKNOWLEDGMENT BY PROPOSER**

If Individual or Individuals:

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS.:

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me personally appeared \_\_\_\_\_, to me known and known to me to be the same person(s) described in and who executed the within instrument, and he (or they severally) acknowledged to me that he (or they) executed the same.

\_\_\_\_\_  
Notary Public, State  
of \_\_\_\_\_  
Qualified in \_\_\_\_\_  
Commission Expires \_\_\_\_\_

If Partnership:

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS.:

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me personally appeared \_\_\_\_\_, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he/she is a partner of the firm of \_\_\_\_\_ and that he/she has the Board to sign the same, and acknowledged that he/she executed the same as the act and deed of said partnership.

\_\_\_\_\_  
Notary Public, State  
of \_\_\_\_\_  
Qualified in \_\_\_\_\_  
Commission Expires \_\_\_\_\_

If Corporation:

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS.:

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me personally appeared \_\_\_\_\_, to me known, who, being by me sworn, did say that he resides at (give address) \_\_\_\_\_; that he is the (give title) \_\_\_\_\_ of the (name of corporation) \_\_\_\_\_, the corporation described in and which executed the above instrument; that he knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he signed his name thereto by like order.

\_\_\_\_\_  
Notary Public, State  
of \_\_\_\_\_  
Qualified in \_\_\_\_\_  
Commission Expires \_\_\_\_\_