



CITY OF ALBANY  
DEPARTMENT OF  
PLANNING AND DEVELOPMENT

REQUEST FOR PROPOSALS  
FOR THE PROVISION OF  
PROFFESIONAL SERVICES FOR  
CITYWIDE HISTORIC PRESERVATION PLAN

PROPOSALS DUE: FEBRUARY 22, 2019  
AT 2:00 PM

RFP 2019-10

FEBRUARY 5, 2019

**CITY OF ALBANY, NEW YORK**  
**REQUEST FOR PROPOSALS**  
**FOR THE PROVISION OF PROFESSIONAL SERVICES FOR**  
**CITYWIDE HISTORIC PRESERVATION PLAN**

RFP No. 2019-10  
February 5, 2019

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: .....Christopher P. Spencer, Commissioner  
Department of Planning & Development

For public procurement process clarifications .....Angelica Kang, Esq.  
Office of Albany City Corporation Counsel

SECTION 1: PURPOSE

- 1.1 The City of Albany hereby requests proposals from qualified Historic Preservation Consultants to produce a comprehensive Historic Preservation Plan for the City of Albany. The purpose of the Preservation Plan is to develop a management protocol that outlines Albany's current historic preservation program, its benefits, issues, and challenges as well as provide an assessment of its policies, procedures and operations. Minority Business Enterprises and Women's Business Enterprises are encouraged to submit proposals. This project is made possible by the Historic Preservation Fund, administered by the National Park Service, Department of the Interior under contract number PRK01-T61801GG-1290000.

SECTION 2: PROJECT DESCRIPTION:

- 2.1 The City of Albany (City) solicits responses to this Request for Proposals (RFP) in order to select a Consultant to produce a Historic Preservation Plan (HPP) for the City. The purpose of developing the HPP is to evaluate the current historic preservation program, make recommendations for improvement and to develop a management protocol in order to optimize implementation of the plan. The HPP shall be consistent with existing plans such as the New York State Historic

Preservation Plan, the Albany 2030 Master Plan and the Unified Sustainable Development Ordinance.

The successful consultant may include a single firm or team of firms with the necessary experience and knowledge to provide the expertise to achieve the scope of services described in this RFP. The single firm, or team of firms, shall demonstrate their expertise and experience in all areas of historic preservation including but not limited to design guidelines, preservation commission process and procedures, land use and preservation law; compliance with federal and state preservation law and regulations; urban design; preservation financial incentives; economic and real estate market analysis, strategic planning, city planning, preservation architecture, design guidelines, zoning and land-use planning, and stakeholder engagement.

The HPP must be completed and submitted to the New York State Historic Preservation Office by September 30, 2019. Qualified firms shall demonstrate proven history of experience in the development of preservation plans within major cities addressing historic preservation, revitalization and redevelopment, strategies and implementation of their historic preservation programs. The consultant will engage key-stakeholders, decision makers, community leaders and staff to develop a substantive and informative document. The consultant will work with the parties to develop task oriented and prioritized short and long-term goals and objectives to consider current and future growth of the program. Issues that will need to be addressed include but are not limited to: suggested ordinance revisions; suggestions for community outreach and education; anticipated increases in the number of historic districts; the creation of conservation districts; and the role and duties of city staff and Historic Resources Commission (HRC). The HPP will detail how key players can work together to increase the effectiveness and efficiency of city preservation and resolve conflicts with other city policies and programs.

## 2.2 Goals & Objectives

The HPP will create a clear path to strengthening the City's historic preservation program through a long-term vision and a set of practical and achievable strategies for improving the City's historic preservation program and ethic within the community. The HPP will also build on past successes by acknowledging the role historic preservation plays in shaping the city's urban form and character, in contributing to the city's overall economic development, and in sustaining a high quality of life for all Albany residents, businesses, and visitors.

The HPP will bring together in one document, the many and diverse initiatives, programs, needs, opportunities, goals, and principles related to the preservation of Albany's built environment. The HPP will be used as a work program to change and streamline current historic preservation efforts, as well as a guideline for future planning and development efforts and will reflect input from a broad range

of partners, including preservation advocates, business interests and development advocates.

The HPP will encompass a five to ten year period and include, but not be limited to, the following components:

- Assessment and summary of existing preservation planning program including economic factors, stakeholders, current issues and existing tools;
- An analysis of the current city of Albany preservation program including:
  - A review of all ordinances pertaining to preservation planning;
  - Review of all processes and procedures used in preservation planning;
  - Legal requirements associated with the program including CLG status, Section 106 Review and any other such requirements
- Strategies and recommendations for development and implementation of an education/public relations program and tools that include heritage tourism, internal and external communication plan and interfacing preservation advocacy;
- Review and suggest strategies and programs specific to individual historic districts; and
- Review and recommend data management and documentation for the preservation resources and program.

### SECTION 3: RECEIPT OF PROPOSALS:

- 3.1 Five (5) bound paper copies and one electronic copy in a Portable Document Format (PDF) of the Proposal marked “Proposal Enclosed- Citywide Historic Preservation Plan”, must be received no later than Friday, February 22, 2019 at 2:00 p.m. at the following address (late proposals cannot be accepted):

Angelica Kang, Esq.  
Assistant Corporation Counsel  
City Hall – Room 106  
24 Eagle Street  
Albany, New York 12207

- 3.2 The proposals submitted will be the documents upon which the City of Albany will make its initial judgment regarding each proposer’s qualifications, methodology, and ability to provide the services contemplated by the contract.
- 3.3 The Consultant’s response to this Request for Proposals RFP should provide enough detail for each task and/or phase of the work proposed so as to enable the evaluation / selection committee to assess methodologies and overall approach to be used by the Consultant in the development of the HPP. The Consultant’s response to this RFP will detail those tasks and/or phases of work to be conducted

and completed by August 31, 2019, and will reflect the Consultant's understanding of the project, experience with preparing similar plans, and best practices for long-range downtown planning requirements

- 3.4 Those submitting proposals do so entirely at their own expense. There is no expressed or implied obligation by the City to reimburse any firm or individual for any costs incurred in preparing or submitting proposals, preparing or submitting additional information requested by the City, or participating in any selection interviews.
- 3.5 Submission of any proposal indicates an acceptance of the conditions contained in this RFP unless the submitted proposal clearly and specifically states otherwise.
- 3.6 The City of Albany 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.
- 3.7 The City of Albany reserves the right to award the collection services work, in whole or in part, to one or more collection agencies or firms.
- 3.8 Any award of the work contemplated by this RFP shall be conditioned on the later execution of a formal written contract. The City of Albany reserves the right to revoke or rescind any award at any time prior to the full execution of a formal written contract. A sample professional services agreement is available upon request.
- 3.9 Respondents shall avoid submission of marketing materials.
- 3.10 All information submitted in response to this RFP is subject to the Freedom of Information Law (FOIL), which generally mandates the disclosure of documents in the possession of the City upon the request of any person unless the content of the document falls under a specific exemption to disclosure.

#### SECTION 4: QUALIFICATIONS OF PROPOSER:

- 4.1 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. Provide details of each professional staff member's qualifications, including years and types of experience, education, accomplishments, etc. Specify the extent of the availability and commitment of each such professional staff member who will be assigned to this engagement if the firm's proposal is selected.

- (c) The Proposer must meet the Secretary of the Interior's Professional Qualifications Standards, 36 CRF 61, in Architecture/Historic Architecture, [https://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](https://www.nps.gov/history/local-law/arch_stnds_9.htm).
  - (d) The Proposer must exhibit appropriate skills and qualifications in the field of historic preservation, including demonstrated project management skills and previous experience with local, state and federal applications and review processes.
  - (e) The Proposer should provide background and professional qualifications as well as, examples of similar successfully completed projects with project references.
  - (f) At least three (3) references from clients (preferably other municipalities) that your firm has provided services for, including names of contact person(s), addresses and telephone numbers.
  - (g) 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.
  - (h) Any additional information which would serve to distinguish the firm from other firms submitting proposals such as examples of services provided similar to the services contemplated by this RFP, any special expertise or experience of the firm, technical preferences or requirements, etc.
- 4.2 Minority Business Enterprise and Women's Business Enterprise are highly encouraged to submit proposals.
- 4.3 The City of Albany may make such inquiries it deems necessary to determine the ability of each proposer to perform the services contemplated by this RFP. Proposer shall promptly furnish all information and the City may subsequently request data for this purpose.

#### SECTION 5: SCOPE OF SERVICES:

The HPP process will be led by a project team including staff of the City of Albany Department of Planning & Development and other pertinent City of Albany departments. In addition to the specific services detailed below, the Consultant Team shall coordinate with the City of Albany the documented scope of services contained herein, participate in team conference calls and meetings, and provide timely invoicing and reporting of project progress.

A hard copy of the Final HPP must be submitted to the New York State Historic Preservation Office by September 30, 2019.

At a minimum, the project will include the following tasks and plan elements:

## 5.1 Project Tasks

### **Task 1 - Project Initiation**

Immediately upon endorsement of the Notice to Proceed, the consultant will meet with City of Albany staff, the Historic Resources Commission and the Preservation Plan Committee, as established, to review and refine the project work plan and goals, deliverables, timetables, etc.

Deliverable(s):

- Written minutes and/or summary of all meetings held.
- Copies of all project schedules and work plans.

### **Task 2 - Inventory and Assessment of Existing Documents**

The consultant shall inventory and assess the relative significance of all extant historic resources data and associated surveys, reports, studies, plans, publications, mapping and property data.

The inventory shall also assess the existing status of all known historic properties within the City of Albany including:

- a) Known properties that are listed on the National Register of Historic Places as an individual property or as part of a district;
- b) Locally designated buildings; and
- c) Properties eligible for the National Register of Historic Places.

Deliverable(s):

- Written summary and/or presentation of all inventory and findings.

### **Task 3 – Historic Context Statement and Overview**

The consultant will develop a historic context statement and overview of the history of Albany and its historic resources that identifies the broad patterns of historic architecture and development of the community and historic property types, such as buildings, sites, structures, objects or districts, which may represent these patterns of development. In addition, the historic context statement will provide direction for evaluating historic significance and integrity in protecting significant historic resources.

Deliverable(s):

- Written summary and/or presentation of all findings.

#### **Task 4 – Assessment of Existing Preservation Program**

The consultant shall assess the City's existing preservation planning program including current issues, stakeholders, economic factors and existing tools. This assessment will at minimum include an analysis of:

- Local preservation ordinances, design guidelines, historic resource inventories, brochures, and activities of the HRC;
- Legal requirements associated with the program including Certified Local Government status and Section 106 and ramifications of non-compliance;
- Review the existing process to survey and inventory potential and existing Historic District and individual Landmarks. ;
- All procedures, processes and related to historic and conservation district designations, HRC structure and design review.

The consultant should address these specific concerns:

- Conservation Districts
  - Evaluate enabling process for conservation districts as a complement to the historic districts and evaluate the introduction of conservation districts in Albany. The consultant will examine the enabling process and the roles of city staff and HRC as it pertains to proposed alterations within the conservation district.
- Policies, procedures, roles and responsibilities of the HRC
  - The role of the HRC in the proposal and oversight of future National Register nominations and updates;
  - The structure of the HRC in terms of numbers, background, guidelines, recruiting, term lengths and evaluation;
  - Process for streamlining and updating Design Review Guidelines;
  - Design Review Guidelines for new construction in a Historic District;
  - Guidelines in applying the ordinance in a clear and consistent manner amongst different parts of the city;
  - Training for HRC members such as Interpretation and Application of Secretary of the Interior's Standards for the Treatment of Historic Properties.
- Development of Education/Outreach Program
  - Creation of educational materials such as illustrated design guidelines and brochures for use in historic districts, and conservation districts. Information includes technical assistance, good preservation practices and historic preservation incentives;
  - Review methods of promoting the role of the HRC within the community and the process of applying for Certificate of Appropriateness;

- Review of existing or potential technical resources and their availability to the community;
  - Promote use of MapGeo and Historic District maps to the community;
  - Review process for developing a historic buildings database;
  - Review development of a Best Practices and Web Resources webpage.
- Roles and responsibilities of City staff.
    - Identify the role(s) of the City Staff and HRC;
    - Review Inter-Departmental communication as it relates to historic structures such as Notifications of Permits / Certificates of Appropriateness issued and reporting of structure fires and emergency demolitions in historic districts to Planning staff and HRC;
    - Updates to HRC on major or contentious projects.

Deliverable(s):

- Summary of the City’s existing preservation program.
- Make recommendations for Historic District and Landmark survey and inventory process, examine creation of databases, identify resources and areas throughout the City for new State and National Registers nominations; Identify existing historic districts and individually listed landmarks for survey and national register updates.
- Make recommendation for the creation of a historic buildings database
- Make recommendations for developing and creating a Best Practices and Web Resources webpage.
- Make recommendation for promoting the role of the HRC and the process of applying for Certificate of Appropriateness.

### **Task 5 – Recommended Goals and Objectives**

The consultant shall identify definitive goals and objectives of the HPP, including the development of a Preservation Philosophy / “Why Preservation Matters” statement.

Deliverable(s):

- Preservation Philosophy statement.
- List of Goals and objectives of Preservation Plan.

### **Task 6 – Coordination and Facilitation of Public Input**

Public participation is essential to the development of the HPP and goals of the preservation program. The consultant shall, at the direction of the Department of Planning and Development, coordinate and facilitate public input, including and subject to the following principles:

- Conduct interviews with stakeholders;
- Develop a project website to host announcements, web-based tools for community engagement, project updates, and draft plan documents;
- Conduct surveys of the community and owners of historic and non-historic properties within the city to identify the needs and goals within the community;
- Provide opportunities for the general public to share views and to influence the outcome of the planning process;
- Conduct interactive meetings with the public, city officials, local elected and appointed officials and key decision makers within the community, as well as local staff;
- Seek opinions from stakeholders in the community such as neighborhood groups, historic homeowners, cultural and historic institutions to provide an opportunity to identify local issues and opportunities for historic preservation and comment on draft plan documents;
- Attend HRC meetings, as needed, to present progress updates and obtain input on the HPP from the Commission;
- Build consensus and public support for the vision and goals of the plan and of the entity charged with developing and implementing the plan;
- Ensure that the planning effort addresses issues of importance to those affected by the plan.

Deliverable(s):

- The consultant shall evaluate and summarize the information, sentiments and opinions gathered during the stakeholder meetings and public review process. Detailed analyses shall be provided for any data collected.
- Written summary of all interview findings.
- Website and web-based tool information.
- Copies of all survey results.
- Written minutes and/or summary of all meetings held.

### **Task 7 - Draft HPP and Implementation Strategy**

The consultant shall produce a draft HPP that will develop a strategy and projected timeline for implementation of the final HPP. The draft will also set the goals and objectives therein.

Deliverable(s):

- Draft Historic Preservation Plan

### **Task 8 – Public Review of Draft Plan**

The consultant shall present the preliminary finding and draft implementation strategy to the public and stakeholders, consisting of at least one public meeting and one presentation to the Historic Resources Commission.

Deliverable(s):

- Written minutes and/or summary of all meetings held.

### **Task 9 – Final Document and Implementation Strategy**

The goal of the completed HPP is to serve as a management document that provides concrete strategies with short, medium and long-term goals and implementation steps that will improve the preservation program over the next 5 to 10 years. To that end, the HPP is to include an appropriate level of analysis and phased recommendations for regulations, investment and public-private partnerships. Project tasks should be fully outlined and recommended tasks clearly demonstrated in the proposed scope of services to be submitted by the Consultant.

The Consultant will be responsible for writing the plan, producing graphic illustrations, renderings and photographs, graphic formatting and design, art direction and otherwise producing the final plan document. It is incumbent upon the Consultant to propose the type and level of specificity of graphic illustrations to be developed as a part of the plan that will best convey plan elements. Proposed deliverables associated with each task and/or phase as proposed are to be clearly outlined in Consultant's response.

The consultant shall present the final HPP and implementation strategy/timeline to the Department Planning and Development, Mayor's Office, Common Council and other pertinent city officials.

### **SECTION 6: PROJECT DELIVERABLES:**

The Consultant will be responsible for writing the plan, producing graphic illustrations, renderings and photographs, graphic formatting and design, art direction and otherwise producing the final plan document. It is incumbent upon the Consultant to propose the type and level of specificity of graphic illustrations to be developed as a part of the plan that will best convey plan elements. Proposed deliverables associated with each task and/or phase as proposed are to be clearly outlined in Consultant's response

In general, deliverables shall include:

- Minutes of all project review team, stakeholder and public meetings including items discussed, materials distributed presentations, and understandings or agreements reached and next steps.
- All materials developed photographs, renderings or illustration, developed as part of the Historic Preservation Plan.
- Draft Historic Preservation Plan.
- Final Historic Preservation Plan.

#### 6.1 Required Form and Copies

Materials shall be delivered in the following quantities and formats:

- Electronic files of all submissions, in native format and Portable Documents Format (PDF).
- One flash drive containing all images and electronic files of the project.
- Three bound hard copies of the final Historic Preservation Plan.

### SECTION 7: WORK PROPOSAL:

- 7.1 Address the Scope of Services referenced in Section 4 above, including a detailed work plan and project approach that includes task definitions and methodology, milestones, and project schedule.

### SECTION 8: COST PROPOSAL:

- 8.1 Provide the proposed fee for each of the services set forth in Section 5 above.
- 8.2 The total budget for the Historic Preservation Plan is \$50,000; proposals shall not exceed the budget.
- 8.3 Clearly set forth in detail any and all additional expenses for which reimbursement is expected. The proposal must, however, provide a guarantee that no additional fees will be charged to the City of Albany without prior written consent by the City.

### SECTION 9: CONTRACT:

- 9.1 The contract period for the services contemplated by this RFP will be through September 30, 2019. The term of the contract shall commence upon the awarding of the contract through September 30, 2019.
- 9.2 The selected proposer(s) will be required to execute a contract with the City of Albany. A sample City of Albany Professional Services Agreement is available upon request. The City of Albany will have the right to terminate the contract at any time, with or without cause, upon thirty (30) days written notice.

## SECTION 10: PROPOSAL EVALUATION:

- 10.1 Proposals shall remain valid until the execution of a contract by the City of Albany.
- 10.2 Proposals shall be examined and evaluated by the City Of Albany Corporation Counsel's Office and Planning and Development Department to determine which Proposal provides the most favorable system in the most cost effective manner. The Proposal shall be thorough, comprehensive, detailed and meet the requirements of this RFP. A recommendation will be made to the Mayor for a contract award to the Proposal with the overall best qualified proposal based on all the following criteria:
- Proposer's demonstrated capabilities, professional qualifications and experience;
  - The wherewithal of the proposer(s) to render the requested services to the City;
  - The total proposed cost; and
  - The completeness of the proposal.
- 10.3 The selection of a proposal will not be based solely on a monetary evaluation. Considerable weight will be given to experience in the areas required and the track record of the proposer(s).

## SECTION 11: ALTERNATIVES:

- 11.1 Proposals may include alternative matters or items not specified or requested in this RFP. However, all such alternatives matters or items must be listed separately from the proposal and the cost(s) thereof must be separate and itemized.

## SECTION 12: INDEMNIFICATION:

- 12.1 The selected proposer will be required to defend, indemnify and save harmless the City of Albany and its officers, employees, and agents, from and against all claims, damages, losses and expenses (including without limitations, reasonable attorney's fees) arising out of, or in consequence of, any negligent or intentional act or omission of the selected proposer, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

## SECTION 13: SPECIFICATION CLARIFICATION:

- 13.1 All inquiries with respect to this Request for Proposals shall be in writing directed to the individuals below:

For project specific clarifications:  
Christopher P. Spencer  
Commissioner  
Department of Planning and Development  
200 Henry Johnson Blvd.  
Albany, NY 12210  
cspencer@albanyny.gov

For public procurement process clarifications:  
Angelica Kang, Esq.  
Assistant Corporation Counsel  
Corporation Counsel  
24 Eagle Street  
Albany, New York 12207  
akang@albanyny.gov

- 13.2 All questions about the meaning or intent of the specifications shall be submitted in writing to the individuals referenced above in Section 13.1. Replies will be issued by Addenda mailed or delivered to the party who submitted the inquiry(ies), and will be posted on the City's website at <https://www.albanyny.gov/NewsandEvents/RFPs.aspx>. Questions received less than four (4) business days prior to the date of submission of proposals will not be answered. Only questions answered by formal written Addenda will be binding. Oral or other interpretations or clarifications will be without legal effect.
- 13.3 Any changes, additions, or deletions to this RFP will also be posted on the City's website: <http://www.albanyny.gov/NewsandEvents/RFPs.aspx>, along with the electronic version of this RFP. Respondents are urged to check the City's website frequently for notices of any clarification of or changes, additions, deletions to this RFP.

OTHER THAN THE CONTACTS IDENTIFIED ABOVE, PROSPECTIVE RESPONDENTS SHALL NOT APPROACH 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.

#### SECTION 14: MODIFICATION AND WITHDRAWAL OF PROPOSALS:

- 14.1 Proposals may be modified or withdrawn by an appropriate document duly executed (in the manner that a proposal must be executed) and delivered to the place where proposals are to be submitted at any time prior to the opening of proposals.
- 14.2 If within twenty-four (24) hours after the proposals are opened, any proposer files a duly signed written notice with the City of Albany and promptly thereafter demonstrates to the reasonable satisfaction of the City that there was a material

and substantial mistake in the preparation of his proposal, that proposer may withdraw his proposal and any proposal security will be returned. Thereafter, that proposer will be disqualified from further proposal on the work.

**SECTION 15: INSURANCE AND SECURITY REQUIREMENTS:**

- 15.1 The selected proposer will be required to procure and maintain at its expense the following insurance coverage:
- (a) Workers' Compensation and Employer's Liability Insurance: A policy or policies providing protection for the proposer's employees in the event of job-related injuries.
  - (b) General Liability Insurance: A policy or policies of comprehensive general liability insurance with limits of not less than \$1,000,000.
  - (c) Professional Malpractice Insurance: A policy or policies with limits of not less than \$1,000,000.
- 15.2 All insurance must be issued by an insurer licensed to do business in the State of New York and must have an A.M. Best rating of not less than "A". Each policy of insurance shall be in form and content satisfactory to the City of Albany Corporation Counsel, and shall provide that:
- (a) The City of Albany is named as an additional named insured on a primary and non-contributing basis;
  - (b) The insurance policies shall not be changed or cancelled until thirty days after the City receives written notice of such change or cancellation; and
  - (c) The insurance policies shall be automatically renewed upon expiration and continued in force unless the City is given thirty (30) days written notice to the contrary.
- 15.3 No work shall be commenced under the contract until the selected proposer has delivered to the City's Corporation Counsel proof of issuance of all policies of insurance required by the contract to be procured by the selected proposer. If at any time, any of said policies shall be or become unsatisfactory to the City, the selected proposer shall promptly obtain a new policy and submit proof of insurance of the same to the City for approval. Upon failure of the selected proposer to furnish, deliver and maintain such insurance as above provided, this contract may, at the election of the City, be forthwith declared suspended, discontinued or terminated. Failure of the selected proposer to procure and maintain any required insurance shall not relieve the selected proposer from any liability under the contract, nor shall the insurance requirements be constructed to conflict with the obligations of the selected proposer concerning indemnification.

## SECTION 16: NON-COLLUSIVE PROPOSAL CERTIFICATE & ACKNOWLEDGMENT:

16.1 Each proposer shall complete and submit with its, his, or her proposal the “Non-Collusive Proposal Certificate” and the “Acknowledgment” found on Pages 17 and 18.

## SECTION 17: PROCUREMENT FORMS AND REQUIREMENTS:

17.1 Additional requirements for this RFP are described below. Relevant statements, where required to be submitted, must be executed and included in the submission in the following order: (1) Iran Divestment Act Statement; and (2) Non-discrimination and Diversity Requirements.

17.2 Iran Divestment Act: By submission of a response to this RFP, ***“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 respondent cannot make the foregoing certification, the respondent shall so state and shall furnish with the response a signed statement which sets forth in detail the reasons therefor. A political subdivision may award a contract to a respondent who cannot make the certification pursuant to paragraph a of N.Y. General Municipal Law § 103-g on a case-by-case basis.

17.3 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 response to this RFP, each respondent and each person signing on behalf of any respondent certifies, and in the case of a joint response 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.”***

#### **SECTION 18: SUBMISSION REQUIREMENTS:**

- 18.1 All proposers shall be required to submit a complete proposal. As outlined in this RFP, all proposals shall include the following:
- (a) Statement of Qualifications as outlined in Section 4.
  - (b) Work proposal as outlined in Section 6.
  - (c) Cost proposal as outlined in Section 7.
  - (d) Non-Collusive Proposal Certificate and Acknowledgment Form as outlines in Section 17.
- 18.2 Failure to include all of the above items may result in the proposal being considered nonresponsive.

**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 \_\_\_\_\_, 2019, 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

If Corporation:

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, 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

If Partnership:

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me personally came \_\_\_\_\_, 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 authority to sign the same, and acknowledged that he/she executed the same as the act and deed of said partnership.

\_\_\_\_\_  
Notary Public