



Bid Solicitation Update

Subject: Revision of Bid Documents

DATE: December 15, 2015

IFB/RFP: 22982 BID OPENING DATE | TIME: December 23, 2015 | 11:00 AM

GROUP | TITLE: GROUP: 33700 – Fine and Coarse Aggregates (Statewide)

OGS DESIGNATED CONTACTS:

Marcos Ortiz	CMS 1	518-474-0117	marcos.ortiz@ogs.ny.gov
Joseph Hodder	CMS 3	518-474-3668	joseph.hodder@ogs.ny.gov

To Prospective Bidders:

Clause 5.10, entitled, “Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Minority and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women” has been removed and is replaced with the following:

Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Minority and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women

5.10.1 Policy Statement

The New York State Office of General Services (“OGS”), as part of its responsibility, recognizes the need to promote the employment of minority group members and women and to ensure that certified minority- and women-owned business enterprises have opportunities for maximum feasible participation in the performance of OGS contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority- and women-owned business enterprises had a full and fair opportunity to participate in State contracting. The findings of the study were published on April 29, 2010, under the title “The State of Minority- and Women-Owned Business Enterprises: Evidence from New York” (the “Disparity Study”). The Disparity Study found evidence of statistically significant disparities between the level of participation of minority- and women-owned business enterprises in State procurement contracting versus the number of minority- and women-owned business enterprises that were ready, willing and able to participate in State procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the Statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that OGS establish goals for maximum feasible participation of New York State certified minority- and women-owned business enterprises (“MWBE”) and the employment of minority groups members and women in the performance of New York State contracts.

5.10.2 General Provisions

- A. OGS is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 140-145 (“MWBE Regulations”) for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or

any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

- B. The Contractor agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to OGS, to fully comply and cooperate with OGS in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for New York State certified minority- and women-owned business enterprises (“MWBES”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, State or local laws.
- C. The Contractor further agrees to be bound by the provisions of Article 15-A and the MWBE Regulations. If any of these terms or provisions conflict with applicable law or regulations, such laws and regulations shall supersede these requirements.
- D. Failure to comply with all of the requirements herein may result in a finding of non-responsiveness, non-responsibility, breach of contract, withholding of funds, suspension or termination of the Contract and/or such other actions or enforcement proceedings as allowed by the Contract.

5.10.3 Equal Employment Opportunity (EEO)

- A. Contractor shall comply with the provisions of Article 15-A set forth below. These provisions apply to all Contractors, and any subcontractors, awarded a subcontract over \$25,000, for labor, services, including legal, financial and other professional services, travel, supplies, equipment, materials, or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting State agency (the “Work”) except where the Work is for the beneficial use of the Contractor.
 - a. Contractor and Subcontractors shall undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.
 - b. By entering into this Contract, Contractor certifies that the text set forth in clause 12 of Appendix A, attached hereto and made a part hereof, is Contractor’s equal employment opportunity policy.
- B. Form EEO 100 – Staffing Plan

To ensure compliance with this section, the Contractor agrees to submit or has submitted with the Bid a staffing plan on Form EEO 100 to OGS to document the composition of the proposed workforce to be utilized in the performance of the Contract by the specified categories listed, including ethnic background, gender, and federal occupational categories
- C. Form EEO 101 - Workforce Employment Utilization Report (“Workforce Report”)
 - a. If Contractor’s Form EEO 100- Staffing Plan provides that Contractor is able to report the actual workforce utilized in the performance of this Contract, the following clause shall apply: Contractor agrees it will, upon request, submit to OGS, a workforce utilization report on Form EEO 101, identifying the workforce actually utilized on the Contract if known.
 - b. If Contractor’s EEO Form 100 - Staffing Plan provides that Contractor is unable to separate out the actual workforce utilized in the performance of the Contract from its total workforce, the following clause shall apply: Contractor and OGS agree that

Contractor is unable to separate out the workforce utilized in the performance of the Contract from Contractor's and/or subcontractor's total workforce and that the information provided on the previously submitted Staffing Plan is Contractor's total workforce during the subject time frame, not limited to work specifically under the contract

- D. Contractor shall comply with the provisions of the Human Rights Law, all other State and federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal and conviction and prior arrest.

5.10.4 Contract Goals

- A. For purposes of this procurement, OGS conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set goals for participation by MWBEs as subcontractors, service providers and suppliers to Contractor. Contractor is, however, encouraged to make every good faith effort to promote and assist the participation of MWBEs on this Contract for the provision of services and materials. The directory of New York State Certified MWBEs can be viewed at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=2528>
- B. Additionally, following Contract execution, Contractor is encouraged to contact the Division of Minority and Women's Business Development ((518) 292-5250; (212) 803-2414; or (716) 846-8200) to discuss additional methods of maximizing participation by MWBEs on the Contract.
- C. Good Faith Efforts
- Pursuant to 5 NYCRR § 142.8, evidence of good faith efforts shall include, but not be limited to, the following:
- A list of the general circulation, trade and MWBE-oriented publications and dates of publications in which the Contractor solicited the participation of certified MWBEs as subcontractors/suppliers and copies of such solicitations and any responses thereto.
 - A list of the certified MWBEs appearing in the Empire State Development MWBE directory that were solicited for this Contract. Provide proof of dates or copies of the solicitations and copies of the responses made by the certified MWBEs. Describe specific reasons that responding certified MWBEs were not selected.
 - Descriptions of the Contract documents/plans/specifications made available to certified MWBEs by the Contractor when soliciting their participation and steps taken to structure the scope of work for the purpose of subcontracting with or obtaining supplies from certified MWBEs.
 - A description of the negotiations between the Contractor and certified MWBEs for the purposes of complying with the MWBE goals of this Contract.
 - Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by OGS with certified MWBEs whom OGS determined were capable of fulfilling the MWBE goals set in the Contract.
 - Other information deemed relevant to the request

ALL FORMS ARE AVAILABLE AT: <http://www.ogs.ny.gov/MWBE/Forms.asp>

For inquires related specifically to Minority Women-Owned Business Enterprises (MWBE) provisions of this procurement solicitation, the designated contact is as follows:

Anuola Surgick
New York State Office of General Services
Office for Minority and Women Owned Business Enterprises
Empire State Plaza, Corning Tower - 40th Floor
Albany, NY 12242
Voice: 1-518-486-9284
Fax: 1-518-486-2679
Email: anuola.surgick@ogs.ny.gov

All other terms and conditions of the bid solicitation remain unchanged. All bids shall be considered on the basis of this amendment.

If submitting a bid, this letter should be signed, attached to and made a part of your bid.

Bid of (Company): _____

Address: _____

City, State, Zip: _____

Signature of Bidder: _____

Printed Copy of Signature: _____

Date: _____



Bid Solicitation Update

Subject: 3rd Postponement of Bid Opening Date

DATE: December 14, 2015

IFB/RFP: 22982 **BID OPENING DATE | TIME:** December 23, 2015 | 11:00 AM

GROUP | TITLE: GROUP: 33700 – Fine and Coarse Aggregates (Statewide)

OGS DESIGNATED CONTACTS:

Marcos Ortiz	CMS 1	518-474-0117	marcos.ortiz@ogs.ny.gov
Joseph Hodder	CMS 3	518-474-3668	joseph.hodder@ogs.ny.gov

To Prospective Bidders:

The Bid Opening Date has been postponed again from December 16, 2015 – 11:00 AM to December 23, 2015 – 11:00 AM.

All other terms and conditions of the bid solicitation remain unchanged. All bids shall be considered on the basis of this amendment.

If submitting a bid, this letter should be signed, attached to and made a part of your bid.

Bid of (Company): _____

Address: _____

City, State, Zip: _____

Signature of Bidder: _____

Printed Copy of Signature: _____

Date: _____



Bid Solicitation Update

Subject: 2nd Postponement of Bid Opening Date

DATE: December 3, 2015

IFB/RFP: 22982 **BID OPENING DATE | TIME:** December 16, 2015 | 11:00 AM

GROUP | TITLE: GROUP: 33700 – Fine and Coarse Aggregates (Statewide)

OGS DESIGNATED CONTACTS:

Marcos Ortiz	CMS 1	518-474-0117	marcos.ortiz@ogs.ny.gov
Joseph Hodder	CMS 3	518-474-3668	joseph.hodder@ogs.ny.gov

To Prospective Bidders:

The Bid Opening Date has been postponed again from December 8, 2015 – 11:00 AM to December 16, 2015 – 11:00 AM.

All other terms and conditions of the bid solicitation remain unchanged. All bids shall be considered on the basis of this amendment.

If submitting a bid, this letter should be signed, attached to and made a part of your bid.

Bid of (Company): _____

Address: _____

City, State, Zip: _____

Signature of Bidder: _____

Printed Copy of Signature: _____

Date: _____



Bid Solicitation Update

Subject: Postponement of Bid Opening Date

DATE: November 20, 2015

IFB/RFP: 22982 BID OPENING DATE | TIME: December 8, 2015 | 11:00 AM

GROUP | TITLE: GROUP: 33700 – Fine and Coarse Aggregates (Statewide)

OGS DESIGNATED CONTACTS:

Marcos Ortiz	CMS 1	518-474-0117	marcos.ortiz@ogs.ny.gov
Joseph Hodder	CMS 3	518-474-3668	joseph.hodder@ogs.ny.gov

To Prospective Bidders:

The Bid Opening Date has been postponed from November 24, 2015 – 11:00 AM to December 8, 2015 – 11:00 AM.

All other terms and conditions of the bid solicitation remain unchanged. All bids shall be considered on the basis of this amendment.

If submitting a bid, this letter should be signed, attached to and made a part of your bid.

Bid of (Company): _____

Address: _____

City, State, Zip: _____

Signature of Bidder: _____

Printed Copy of Signature: _____

Date: _____



Bid Solicitation Update

Subject: Attachment 10 Addendum

DATE: November 17, 2015

IFB/RFP: 22982 **BID OPENING DATE | TIME:** November 24, 2015 | 11:00 AM

GROUP | TITLE: GROUP: 33700 – Fine and Coarse Aggregates (Statewide)

OGS DESIGNATED CONTACTS:

Marcos Ortiz	CMS 1	518-474-0117	marcos.ortiz@ogs.ny.gov
Joseph Hodder	CMS 3	518-474-3668	joseph.hodder@ogs.ny.gov

To Prospective Bidders:

A new addendum, Attachment 10, concerning the contract usage of Service-Disabled Veteran-Owned Business Enterprises has been added to the bid documents for Fine and Coarse Aggregates. It is the responsibility of the bidder to incorporate any changes into their bid documents.

All other terms and conditions of the bid solicitation remain unchanged. All bids shall be considered on the basis of this amendment.

If submitting a bid, this letter should be signed, attached to and made a part of your bid.

Bid of (Company): _____

Address: _____

City, State, Zip: _____

Signature of Bidder: _____

Printed Copy of Signature: _____

Date: _____



Bid Solicitation Update

Subject: Clarifications to Invitation for Bids

DATE: November 12, 2015

IFB/RFP: 22982 BID OPENING DATE | TIME: November 24, 2015 | 11:00 AM

GROUP | TITLE: GROUP: 33700 – Fine and Coarse Aggregates (Statewide)

OGS DESIGNATED CONTACTS:

Marcos Ortiz	CMS 1	518-474-0117	marcos.ortiz@ogs.ny.gov
Joseph Hodder	CMS 3	518-474-3668	joseph.hodder@ogs.ny.gov

To Prospective Bidders:

Clarifications to the aforementioned Invitation for Bids begin on page two (2) of this Bid Solicitation Update. It is the responsibility of the bidder to incorporate any changes into their bid documents.

All other terms and conditions of the bid solicitation remain unchanged. All bids shall be considered on the basis of this amendment.

If submitting a bid, this letter should be signed, attached to and made a part of your bid.

Bid of (Company): _____

Address: _____

City, State, Zip: _____

Signature of Bidder: _____

Printed Copy of Signature: _____

Date: _____

Clarification to Bid Specification

Inquiry: “Do I have to submit a Utilization Plan on Form MWBE (Minority and/or Women Owned Business Enterprise) 100, even though I am submitting a bid for a region(s) where there are no goals?”

Response: No. If you are submitting a bid for a region(s) where there are no goals, then you do not have to submit a Utilization Plan on Form MWBE 100 (as detailed on page 23 of the Invitation for Bids), regardless if you are a certified MWBE or not.

Inquiry: “Do I have to complete the Source Certificate on page 11 of the Invitation for Bids (IFB)?”

Response: If the bidder, “...owns, or leases, or manages and controls an approved source adequate for and devoted to the manufacture of the item(s) which it proposes to furnish...” (see page 10 of the IFB), then no, you do not need to provide a source certificate. However, if your source number for an approved plant comes from another vendor, i.e., “...from another entity acting in its capacity as a NYSDOT-approved source” (see page 10 of the IFB), then, yes, bidder would need to provide a source certificate with its bid.