

Group 40523, Award 23013
BUSES, TRANSIT (Adult Passenger)

ATTACHMENT 3: *BID DOCUMENTS (PAPER):*

Section A: *NYS Required Certifications*

Section B: *Manufacturer's Certificate*

Section C: *FTA Certifications*

SECTION A: NEW YORK STATE REQUIRED CERTIFICATIONS

NON-COLLUSIVE BIDDING CERTIFICATION

In accordance with Section 139-d of the State Finance Law, by submitting its bid each bidder and each person signing on behalf of any other 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 his or her 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.
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.

In the event that the Bidder is unable to certify as stated above, the Bidder shall provide a signed statement which sets forth in detail the reasons why the Bidder is unable to furnish the certificate as required in accordance with State Finance law §139-d(1)(b).

DIESEL EMISSION REDUCTION ACT

Pursuant to N.Y. Environmental Conservation Law §19-0323 (“the Law”) it is a requirement that heavy duty diesel vehicles in excess of 8,500 pounds use the best available retrofit technology (“BART”) and ultra-low sulfur diesel fuel (“ULSD”). The requirement of the Law applies to all vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities. It also requires that such vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities with more than half of its governing body appointed by the Governor utilize BART.

The Law may be applicable to vehicles used by contract vendors “on behalf of” State agencies and public authorities and require certain reports from contract vendors. All heavy duty diesel vehicles must have BART by December 31, 2015 (unless further extended by Law). The Law also provides a list of exempted vehicles. Regulations set forth in 6 NYCRR Parts 248 and 249 provide further guidance. The Bidder hereby certifies and warrants that all heavy duty vehicles, as defined in NYECL §19-0323, to be used under this contract, will comply with the specifications and provisions of NYECL §19-0323, and 6 NYCRR Parts 248 and 249.

By signing you certify your express authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this Attachment 1: Bid Documents (Paper), Section A: NYS Required Certifications, and that all information provided is complete, true and accurate.

Legal Business Name of Company Bidding:	
D/B/A - Doing Business As (if applicable):	
Bidder’s Signature:	Printed or Typed Name:
Title:	Date:

SECTION B: **MANUFACTURER'S CERTIFICATE**

NOTE TO BIDDERS:

This "Manufacturer's Certificate" is to be removed and forwarded to the manufacturer by the Bidder, completed and returned to the Bidder by the manufacturer, and submitted with the Bidder's offer.

BIDDER'S COMPANY NAME: _____

STREET ADDRESS: _____

CITY, STATE ZIP: _____

The manufacturer executing this certificate by signature below does hereby attest to the accuracy and validity of the responses to the following questions:

- 1. Is the Bidder listed above an authorized dealer? _____ Yes _____ No

- 2. Do you as a manufacturer agree to supply the Bidder/dealer with all quantities of products ordered pursuant to any resulting contract with the State? _____ Yes _____ No

MANUFACTURER'S COMPANY NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

E-MAIL ADDRESS: _____

PRINTED OR TYPED COPY OF SIGNATURE

SIGNATURE OF AUTHORIZED
MANUFACTURER'S REPRESENTATIVE

DATE

TITLE

* * * * *

SECTION C: FEDERAL TRANSIT ADMINISTRATION CERTIFICATIONS

PRE-AWARD - POST-DELIVERY REQUIREMENTS

For Rolling Stock Acquisitions Paid for by FTA Grant Funds

Pursuant to the use of Federal Transit Administration (FTA) funding for the purchase of Transit Buses under the resultant Contracts, all FTA Certifications hereinafter shall be provided with all bid submissions. The following certifications are necessary for compliance with FTA regulations, and shall also be provided for all appropriate pre-award and post-delivery audits.

Legal Business Name of Bidder/Company

DEBARMENT AND SUSPENSION, DISADVANTAGED BUSINESS ENTERPRISE and EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATIONS

Government-Wide Debarment and Suspension (Nonprocurement)

This contract is a covered transaction for purposes of 49 CFR Part 29 *Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)*. As such, the Bidder is required to verify that none of the Bidder, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945, by any Federal department or agency, and by extension from participation in this FTA-assisted transaction. Absent this certification, properly completed and signed, a bid shall be deemed non-responsive.

By signing below, Bidder certifies that it is not excluded or disqualified as defined in 49 CFR 29.940 and 29.945.

The certification in this clause is a material representation of fact relied upon by OGS. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to OGS, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Transit Vehicle Manufacturer (TVM) Disadvantaged Business Enterprise

Pursuant to the provisions of Section 105(f) of the Surface Transportation Assistance Act of 1982, each Bidder must certify that it has complied with the requirements of 49 CFR Part 26 *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, Subpart C Goals, Good Faith Efforts, and Counting* regarding the participation of disadvantaged business enterprises in FTA-assisted procurements of transit vehicles. TVMs must establish and submit to the FTA Office of Civil Rights for approval an overall percentage goal. In setting the overall goal, manufacturers should be guided, to the extent applicable, by the principles underlying 49 CFR 26.45. Only transit vehicle manufacturers listed on FTA's certified list of Transit Vehicle Manufacturers, or that have submitted a goal methodology to FTA that has been approved or has not been disapproved, at the time of solicitation are eligible to bid. See <http://www.fta.dot.gov/civilrights/12891.html>. Absent this certification, properly completed and signed, a bid shall be deemed non-responsive.

By signing below, Bidder certifies that it has complied with the provisions of 49 CFR Part 26.49.

Equal Employment Opportunity

The Bidder, and any and all subcontractors of the Bidder, are required to comply with US Federal Executive Order 11246 *Equal Employment Opportunity*, as amended by US Federal Executive Order 11375 *Amending Executive Order No. 11246, Relating to Equal Employment Opportunity*, and supplemented in U.S. Department of Labor regulation (41 CFR Part 60 *Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor*).

By signing below, Bidder certifies that it has complied with the provisions of Executive Order 11246, as amended by Executive Order 11375, and supplemented in U.S. Dept. of Labor Regulation (41 CFR Part 60).

Legal Business Name of Bidder/Company

CERTIFICATION OF COMPLIANCE WITH FEDERAL BUY AMERICA REQUIREMENTS (Part 1 of 2)

The Bidder agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. Part 661 *Buy America Requirements*, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. 661.7, and include final assembly in the United States for 15 passenger vans and 15 passenger wagons produced by Chrysler Corporation, and microcomputer equipment and software. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11. Rolling stock must be assembled in the United States and have a 60 percent domestic content.

A bidder or offeror must submit to the FTA recipient the appropriate Buy America certification (below) with all bids or offers on FTA-funded contracts, except those subject to a general waiver. Bids or offers that are not accompanied by a completed Buy America certification must be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

49 CFR Part 661 *Buy America Requirements*, requires that vehicles purchased with Federal Transit Administration (FTA) funds meet the following criteria:

1. All iron, steel and manufactured products used in the manufacture of the vehicle must be produced in the United States (49 CFR 661.5);
- OR
2. The cost of components and subcomponents of the vehicle that are produced in the United States is more than sixty percent (60%) of the cost of all components and subcomponents of the vehicle and final assembly must take place in the United States (49 CFR 661.11).

By signing below, Bidder certifies that it:

Certificate of Compliance with 49 U.S.C. 5323(j)(1)

1. _____ The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 CFR Part 661.5.

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(1)

1. _____ The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. 661.7.
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Certificate of Compliance with 49 U.S.C. 5323(j)(2)(C).

2. _____ The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(2)(C) and the regulations at 49 C.F.R. Part 661.11.

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(2)(C)

2. _____ The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11, but may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. 661.7.

Legal Business Name of Bidder/Company

**CERTIFICATION OF COMPLIANCE WITH FEDERAL BUY AMERICA REQUIREMENTS (Part 2 of 2)
(Federally Mandated Pre-Award and Post-Delivery Audit Requirements)**

All Transit Buses included in this bid must meet the requirements of 49 U.S. Code 5323(j); (49 CFR Part 661 *Buy America Requirements*, and 49 CFR Part 663.13 *Grantee Responsibility*). In accordance with the Federal Government Required Clauses of this IFB, *“If the Bidder certifies compliance with Buy America, it shall submit documentation which lists 1) component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin and costs; and 2) the location of the final assembly point for the rolling stock, including a description of the activities that will take place at the final assembly point and the cost of final assembly.”*

Cost Documentation for Lot(s) _____*				
	Component	Manufacturer	Country of Origin	% of Total Cost
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

* Bidder must indicate which Lot that the completed form applies to. If more than one (1) Lot is bid, submit multiple forms if the cost documentation is not the same for each Lot bid. A minimum of seven components must be listed for each Transit Bus bid. Component costs should not include final assembly costs.

1. Total percentage of Transit Bus manufactured in U.S.: _____%
2. Point of final assembly (City, State): _____
3. Major activities to be undertaken at final assembly location:

Legal Business Name of Bidder/Company

CERTIFICATION OF COMPLIANCE WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS)

The Bidder hereby certifies that Transit Buses to be provided under the resultant Contract comply with all stipulated and relevant Federal Motor Vehicle Safety Standards (FMVSS). In accordance with the Federal Government Required Clauses (FTA) of this contract, the bidder shall ensure that all Transit Buses will be affixed with a Transit Bus “*manufacturer’s FMVSS self-certification sticker information for safety compliance that the vehicle complies with relevant FMVSS.*”

1. **Regulations:** The Bidder understands through this certification that all Transit Buses provided under this contract shall conform to Federal and State regulations in effect at time of delivery. Transit Buses shall also meet the inspection requirements of Chapter VI, Article 3, Part 720 or 721 of the NYS Transportation Regulations.
2. **Notification:** List the name and address below of the Dealers located in New York State where the pre-delivery service will be performed, if other than the Contractor’s shop. Attach a separate sheet if necessary. A letter from each Dealer agreeing to perform the pre-delivery service must accompany the bid.

Dealer Name: _____

Street Address: _____

City, State, ZIP: _____

Contact Name: _____

Phone Number: _____

Dealer Name: _____

Street Address: _____

City, State, ZIP: _____

Contact Name: _____

Phone Number: _____

Dealer Name: _____
 Street Address: _____
 City, State, ZIP: _____
 Contact Name: _____
 Phone Number: _____

Dealer Name: _____
 Street Address: _____
 City, State, ZIP: _____
 Contact Name: _____
 Phone Number: _____

Legal Business Name of Bidder/Company

CERTIFICATION TO RESTRICTIONS ON LOBBYING

By signing below, Bidder certifies that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance For New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96. Modifications have been made to the clause pursuant to Section 10 of the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*]
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. Section A 3801, *et seq.*, apply to this certification and disclosure, if any.

Legal Business Name of Bidder/Company

FEDERAL TRANSIT ADMINISTRATION (FTA) BUS TESTING (STURAA) CERTIFICATION

By signing below, Bidder certifies that the Transit Buses offered in this bid submission comply with 49 U.S.C. A 5323(c) and FTA’s implementing regulation at CFR Part 665 Bus Testing Regulations, to the extent these regulations are consistent with 49 U.S.C. 5318. Bidder further certifies that:

- 1. A copy of the STURAA Test Report(s) prepared by the Federal Transit Administration’s (FTA) Altoona, Pennsylvania Bus Testing Center is attached to this certification and is a true and correct copy of the test report(s) as prepared by the facility.

STURAA Test Report #(s):

Lot J Lot L

Lot K Lot M

OR

- 2. The Transit Bus bid is exempt from testing,

OR

- 3. A copy of a STURAA Test Report prepared by the Federal Transit Administration’s (FTA) Altoona, Pennsylvania Bus Testing Center is not attached for the following Lots, and the undersigned has completed this certification and appropriately initialed with the understanding that, if awarded a contract, such Transit Buses must fully complete Altoona Testing, and the required STURAA Test Report must be submitted to OGS no later than nine (9) months from the bid opening date. A Contractor that does not submit the required STURAA Test Report within the time specified shall be subject to termination of award for the applicable Lot (see IFB Section III.6 STURAA Test Completion; Termination of Lot).

Lot J Lot L

Lot K Lot M

Manufacturer’s Certification of Anticipated Testing has been submitted with the bid for the Lot(s) indicated above, in compliance with IFB Section V.2 Bid Format and Content, Paragraph 4 Additional Supporting Information, Subparagraph d STURAA Test Report.

The undersigned understands that misrepresenting the testing status of a Transit Bus acquired with Federal financial assistance may subject the undersigned to civil penalties as outlined in the U.S. Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

By signing below you certify your express authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this Attachment 3: *Bid Documents (Paper)*, Section C: *Federal Transit Administration Certifications*, and that all information provided is complete, true and accurate.

Legal Business Name of Company Bidding:	
D/B/A - Doing Business As (if applicable):	
Bidder's Signature:	Printed or Typed Name:
Title:	Date:

INDIVIDUAL, CORPORATION, PARTNERSHIP, OR LLC ACKNOWLEDGMENT

STATE OF _____ }

: **Sworn Statement:**

COUNTY OF _____ }

On the _____ day of _____ in the year 20____ , before me personally appeared _____, known to me to be the person who executed the foregoing instrument, who, being duly sworn by me did depose and say that _he maintains an office at

Town of _____

County of _____, State of _____; and further that:

[Check One]

If an individual): _he executed the foregoing instrument in his/her name and on his/her own behalf.

If a corporation): _he is the _____ of _____, the corporation described in said instrument; that, by authority of the Board of Directors of said corporation, _he is authorized to execute the foregoing instrument on behalf of the corporation for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said corporation as the act and deed of said corporation.

If a partnership): _he is the _____ of _____, the partnership described in said instrument; that, by the terms of said partnership, _he is authorized to execute the foregoing instrument on behalf of the partnership for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said partnership as the act and deed of said partnership.

If a limited liability company): _he is a duly authorized member of _____, LLC, the limited liability company described in said instrument; that, _he is authorized to execute the foregoing instrument on behalf of the limited liability company for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said limited liability company as the act and deed of said limited liability company.

Signature and Seal of Notary Public