RFP# 19-0620E2-137

Professional Services for Inspection of Electrically Operated Partitions, Roll Down Curtains and Bleachers

Proposals to be opened
at: 12:00 PM local time
on: Tuesday May 28th, 2019

Michael S. Yeates
Director of Purchase

Name of Bidder: ____________________________________________________________

Address: ________________________________________________________________

_______________________________________________________

Contact Person: __________________________________________________________

Phone Number: __________________________________________________________

Fax Number: _____________________________________________________________

E-mail: _________________________________________________________________

ADVERTISE:
Website  5/2/19
Buffalo News  5/5/19
NYS Contract Reporter  5/2/19
Rocket  5/9/19
Criterion  5/11/19
Greetings Partners,

In an effort to determine the efficacies of our distribution of procurement opportunities, the Buffalo Public Schools would request that you indicate the method or source in which you have obtained knowledge of this and any other procurement opportunities from us.

Below, please indicate the method/source from which you obtained this RFP.

Thank you.

_____ New York State Contract Reporter
_____ Buffalo News classifieds
_____ Buffalo Rockets
_____ Buffalo Criterion
_____ Buffalo Public Schools Purchasing Dept. web page
_____ Buffalo Public Schools Twitter Account
_____ Buffalo Public Schools Facebook page
_____ Email notification from Purchasing Department staff
_____ Third Party Municipal Bid Aggregator (BidNet, Govcb.com, etc.)

Please indicate source:____________________________________________

_____ Other – please indicate source:_________________________________

NAME OF COMPANY ________________________________________________
Dear valued partner,

If you choose not to bid, please complete the questionnaire below and return it via email or fax (716-851-3605) to the Purchase staff listed on the cover of the RFP. The purpose of gathering this information is to permit the District an opportunity to analyze no-bid rationale and is greatly appreciated.

➢ If you decline to provide the information requested below, your company may be considered unresponsive and not interested in receiving future invitations to bid and shall be removed from consideration for future opportunities.

Thank you,
Michael Yeates
Director of Purchase

* * * * * No Bid Questionnaire: * * * * *

A no bid is submitted in reply to the Buffalo Board of Education RFP 19-0620E2-137 – Professional Services for Inspection of Electrically Operated Partitions, Roll Down Curtains and Bleachers

Date Due: **Tuesday May 28th, 2019**, for the following reasons:

_____ Item/service not supplied by our company.

_____ Bid specifications (give reason(s), e.g., too restrictive, not clear, etc.): _____________________

____________________________________________________________________________________

_____ Profit margin on municipal bids too low.

_____ Past experience with BPS (give specifics, e.g., payment delay, bid process, administrative problems, etc.)

____________________________________________________________________________________

_____ Insufficient time allowed to prepare and respond to bid request.

_____ Bid requirement too large _____ or too small _____ for our company.
_____ Priority of other business opportunities limit time/other resources available to deliver or perform according to bid specifications.

_____ Other reason(s), please specify: __________________________________________________________

_____________________________________________________________________________________

Please remove our company from your Bidder List files ________.

Please keep our company on the Bidder List for this requirement ________.

Please add/ensure our company is included on Bidder List for the following products/services:

_____________________________________________________________________________________

_____________________________________________________________________________________

Company Name and Address: ________________________________________________________________

_____________________________________________________________________________________

_____________________________________________________________________________________

Phone: (____) _______________________

___________________________________________________________

(Signature) ____________________________________________

(Typed/Printed Name & Title)

If you are “NO-BIDDING” this opportunity, please return this document (pages 3 & 4) only. There is no need to include the rest of the RFP.
RFP TERMS AND CONDITIONS

Supplier Default – Failure of the supplier to comply with any of these provisions may be considered reason for rejection of proposal.

1. The issuance of this Request for Proposals (RFP) constitutes only an invitation to submit a response to the Buffalo Public Schools (District). It is not to be construed as an official and customary invitation to bid, but as a means by which the District can facilitate the acquisition of information related to the purchase or implementation of services.

2. Any and all information presented herein, including drawings, specifications, instructions, policies, engineering guides, questionnaires, methodologies, etc., which is a part of this RFP package, or disclosed during the selection process, is the property of the District, and shall not be duplicated or disclosed except to those employees of the recipient who have a need to know in order to prepare the response.

3. The District neither makes nor assumes any contractual obligations by issuing this RFP, receiving and evaluating supplier response, or making preliminary supplier selection. Providing a response as provided herein shall neither obligate nor entitle a Responder to enter into a contract with the District.

4. This RFP does not commit the District either to award a contract or to pay for any costs incurred in the preparation of a submission. Responders shall bear all costs associated with submission preparation, submission and attendance at presentation interviews, or any other activity associated with this RFP or otherwise.

5. The District reserves the right to determine, in its sole and absolute discretion, whether any aspect of the submission satisfactorily meets the criteria established in this RFP, the right to seek clarification from any Responder (s), and the right to cancel and/or amend, in part or entirely, the RFP, at any time prior to a written contract.

6. Responses should be directed to Scott Keller Jr. Buyer, at Room 816 City Hall, 65 Niagara Square, Buffalo, New York 14202 no later than the time and date stated on the cover sheet, for the opening of the RFP with title, date of opening and RFP number marked on envelope. Late submissions may be deemed disqualified and may be returned unopened. Submittal of RFP by fax or e-mail is not acceptable.

7. The District is not obligated to respond to any submission submitted nor is it legally bound in any manner whatsoever by the submission of a response.

8. Upon submission, all responses become the property of the District. The District reserves the right to use the information and any ideas presented in any submission in response to this RFP, whether or not the submission is accepted.

9. The District will designate one representative who will act as the primary contact for this project. The representative will be responsible for conferring with any and all parties necessary to resolve unanticipated issues or requirements that might occur during the course of the RFP. Questions concerning this RFP should be directed to Yvette Gordon via e-mail at ygordon@buffaloschools.org by 5/17/2019 @ 4:00 PM Local Time. All answers will be posted on the department webpage by end of business day on 5/21/2019.
1.0 BACKGROUND INFORMATION

1.1 TIMELINE

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/1/19-5/11/19</td>
<td>RFP Advertised</td>
</tr>
<tr>
<td>5/1/19</td>
<td>RFP Posted to Website</td>
</tr>
<tr>
<td>5/17/19</td>
<td>All Questions Submitted by 4:00 PM EDT</td>
</tr>
<tr>
<td>5/21/19</td>
<td>All Questions &amp; Responses posted to website by End of Day</td>
</tr>
<tr>
<td>5/28/19</td>
<td>Proposals due in Room 816 City Hall by 12:00 PM local time</td>
</tr>
<tr>
<td>5/28/19-5/29/19</td>
<td>Proposal review process</td>
</tr>
<tr>
<td>5/30/19</td>
<td>Vendor Presentations (if called for)</td>
</tr>
<tr>
<td>5/31/19</td>
<td>Board Recommendation Uploaded to BoardDocs (BPS staff)</td>
</tr>
<tr>
<td>6/19/19</td>
<td>Award of Contract</td>
</tr>
</tbody>
</table>

The dates specified on the timeline of this RFP are subject to change with any District changes given to vendors via addendum or written vendor notices.

1.2 DEFINITIONS

- “District”: Buffalo Public Schools (BPS)/Buffalo City Schools/Buffalo Board of Education and any or all of the departments within the organization.
- “Vendor”, “Bidder”, “Proposer”: An individual, partnership, or corporation from whom the “District” is soliciting a proposal.
- “Contractor”: The individual, partnership, or corporation whose proposal is accepted and who is awarded
- “Contract”, “Agreement”: The legal document the District issues to bind the Contractor to provide the product and / or service described in the Request for Proposal.
- “Request for Proposal (RFP)”: A competitive negotiation process to procure the best value for the District.

1.3 REQUEST FOR PROPOSAL PARAMETERS & DISCLAIMERS

All Request for Proposal responses must be date stamped in the Buffalo Public Schools Purchasing Department no later than 12:00 PM local time on 5/28/2019. Proposals received after this date will not be considered. See LATE BIDS section below.

Vendors must allow one (1) additional business day for proposal package delivery from the District Mailroom to the Purchasing Department. (the majority of USPS deliveries do go through the District Mailroom while other carriers typically deliver to the office designated on the envelope) Proposals may also be hand-delivered, by vendor, in a sealed envelope to the Purchasing Department at the location indicated below.

- The Proposal is to be submitted in a sealed envelope. The company name, RFP number, and the date and time the proposal is due must be indicated on the front of the envelope or package.
- Proposals submitted should consist of:
  - one (1) original hard copy with longhand signatures in all appropriate fields, marked on the cover page “ORIGINAL”,

Buffalo Public Schools
one (1) paper copy, and
one (1) electronic copy of signed original on a USB storage device
(Thumb or Flash drive)
• The original proposal shall be signed and dated by an official authorized to contractually
bind the vendor. **Unsigned proposals may be rejected.**
• **Submittal of RFP by fax or e-mail is not acceptable.**
• The District may negotiate with any Vendor who, in its judgment, may serve its interests.
The District reserves the right to terminate negotiation with any Vendor at any time.
• Elaborate proposals in the form of brochures or other presentations beyond that
necessary to present a complete and effective proposal are not desired unless
specifically requested.
• This proposal shall be binding upon the Vendor for 180 calendar days following the RFP
opening date. Any proposal on which the Vendor shortens the acceptance period may
be rejected.
• Under penalty of perjury, the signer of any Proposal submitted in response to this RFP
certifies that its Proposal has not been arrived at collusively or otherwise in violation of
Federal or New York State antitrust laws. A signed Non-Collusive Bidding Certificate
must be included with the proposal response.
• Disputes must be received in writing by the Buffalo City School Bid Protest Committee,
801 City Hall, Buffalo, NY 14202 within five business days of receipt of Intent to Award.
The District’s decision on protest is final.
• A proposal may be withdrawn after its submission by written or facsimile request signed
by the proposer or authorized representative, prior to the time and date specified for
proposal submission. Proposals may be withdrawn and resubmitted in the same manner
if done prior to the submission deadline. Withdrawal or modification offered in any other
manner will not be considered.

1.4 **PROPOSAL AND VENDOR INFORMATION**

Qualified vendors are encouraged to submit a proposal for providing the goods and / or services
described. If the vendor plans to subcontract any of the work described in the **Scope of Work**
the vendor complete all proposal requirements for the subcontractor. If a vendor plans a joint
venture with another company, the vendor shall specify accordingly and complete all proposal
requirements for each company involved in the joint venture.

All proposals should clearly state/include the following:

1. Name and address of company.
2. A Project Manager who shall be the single point of contact for the contract should
be identified and Curriculum Vitae attached.
3. Details of how each item under Section 3: Scope of Work will be addressed. This
should take the form of a list that addresses each item.
4. A fixed fee for the requested services, inclusive of travel and other costs
necessary to complete the contract services.
   • A single year list of expenses must be included.
   • A list of each year’s expenses for a five year contract must be included.
5. A detailed description of how the company will:
• Perform an inspection for safe and proper operation of electrically operated partitions, roll down curtains and electrically operated bleachers in 44 schools throughout the Buffalo Public School District, training of school personnel and Minor Repairs to correct any deficiencies noted per the inspection

6. A project timeline with clear objectives, deliverables, and completion criteria.
7. Documents supporting your company’s experience with any projects of similar magnitude.
8. Vendor’s references if requested in the RFP.
9. Disclosure of any information to the extent possible of any proposed takeover; both for takeovers of this company by another company, or any takeovers of other service providers by this company.
10. Bidder status: Bidders must disclose any relevant conflicts of interest and / or pending lawsuits.

1.5 EVALUATION PROCEDURES

Review of Proposals
Proposals will be evaluated by a three (3) person selection committee comprised of the Director of Safety and Health, Senior Chemist, and Architect. Firms with unacceptably low qualifications will be eliminated from further consideration.

The District reserves the right to retain all proposals submitted and use any idea in a proposal regardless of whether that proposal was selected.

Evaluation Criteria
• Qualifications/Relevant Experience
• Cost
• Project Strategy
• Project Schedule
• Clarity/Succinctness of Proposal
2.0 PURPOSE OF REQUEST FOR PROPOSAL AND GENERAL PROVISIONS

2.1 PURPOSE OF THE REQUEST FOR PROPOSAL

The Buffalo Public Schools Division of Plant Services and School Planning is soliciting proposals for professional services from qualified firms to perform safety inspections of electrically operated partitions, roll-down curtains and electrically operated bleachers in the Buffalo Public Schools.

In 1991, the SED issued guidelines which listed the kinds and types of equipment and features which would make the operation of folding partitions safer. New York State Education Law was amended in 1992 by further requiring educational institutions with electrically operated partitions, doors, or room dividers, to post signage regarding safe operating procedures and training of persons that operate such devices.

In 2001, a measure was signed into law that required all schools in New York State to install and maintain safety devices on all electrically operated wall partitions and roll-down curtains in an effort to further prevent serious injuries and accidental deaths. As a result of the law, the New York State Education Department implemented Commissioner's Regulation 155.25, which also requires maintenance and annual inspection of individual sensors and devices, to ensure proper operation. Additionally, the inspections must be done by a qualified tradesman or technician familiar with the devices and the manufacturer’s requirements.

There are 44 school buildings (not including those under reconstruction) that contain electrically operated partitions, roll-down curtains and/or electrically operated bleachers that require inspection. All inspections must be done in compliance with Education Law Section 409-f and 8NYCRR, Section 155.25

2.2 PROPOSALS

All proposals and contracts awarded as a result of this or any RFP are subject to the District’s terms and conditions as stated in this RFP. The submission of any other terms and/or conditions by a Vendor may be grounds for rejection of the Vendor’s proposal.

2.3 REFERENCES

Proposer must provide a list of at least three client references and their contact information. References will be contacted at the sole discretion of the District.

2.4 RIGHT TO REJECT PROPOSALS

Submission of a proposal indicates acceptance by the firm of the conditions contained in this RFP unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the District and the firm selected. The District reserves the right, without prejudice, to reject any and/or all proposals.
2.5 REQUEST FOR PRESENTATION

Vendors may be required to make one presentation, at the District’s discretion, including a question and answer session before all review team members. Questions and specific requests to be addressed during the presentation will be forwarded to those vendors chosen to present.

2.6 FINAL SELECTION

The Board of Education and its representatives will select a firm based upon the recommendations of the review team. It is anticipated that a firm will be selected by 6/19/2019. Following notification of the firm selected, it is expected that a contract will be executed between both parties by (TBD). The selected firm must be prepared to begin work upon execution of BPS contract. The contract will not necessarily be awarded to the proposal with the lowest cost projection.

2.7 TERM OF CONTRACT (Dates are approximate and dependent upon the process.)

Contract term shall be effective for one (1) year from July 1, 2019 through June 30, 2020. The Board of Education reserves the option to extend the agreement for 2 (two) one (1) year periods (July 1, 2020 – June 30, 2021 and July 1, 2021 – June 30, 2022), upon mutual agreement with the awarded vendor.

3.0 SCOPE OF WORK

The scope of work for this project shall include but not be limited to the following:

- Inspection for safe and proper operation of electrically operated partitions, roll down curtains and electrically operated bleachers in 44 schools throughout the Buffalo Public School District, training of school personnel and Minor Repairs to correct any deficiencies noted per the inspection.

- Inspections and minor repairs will begin within one week after notification of award of contract and will be completed no later than August 30, 2019, prior to the opening of 2019-2020 year

- Inspections and repairs will cause the least amount of interruption to classes and gatherings as possible

INSPECTIONS

- Inspection items for the electrically operated partitions and roll down curtains include but are not limited to:
  - proper wiring and operation of key switches
  - ability of partition to be reversed at any time during extend or stack cycle
o Proper operation of detection devices (sensors) to be able to stop moving forward or backward when an object or body passes between the lead panel and wall or other termination point
o Safety features are not tampered with, overridden or bypassed
o Notices posted regarding safe operation and procedures
o All equipment installed in a fail safe manner

- Inspection items for the electrically operated bleachers include but are not limited to:
  o Inspection for damage, wear and misalignment
  o Inspection for loose seating and walkways
  o Handrails and guardrails secured properly
  o Bleachers open and close evenly and safely
  o Bleachers are fully extended when open
  o Motors are operating properly
  o Key Switches are operating properly

- A written service report must be provided for each inspection or re-inspection showing the site, date, time, items inspected, whether or not they are in compliance and any comments, recommendations, or actions needed per all applicable federal and state regulations. A signed copy of the report must be left with the building engineer and the report must be sent to the Director of Building Safety and Health.

- Appropriate and conspicuous notice regarding the safety and proper operation and supervision of the electrical device operating divider shall be posted in immediate vicinity of each operating mechanism, on both sides of separation and adjacent to the operating mechanism.

**TRAINING**

- Training sessions will be provided for Physical Education employees and building Custodial Engineers in each building.

- Training must include the following
  1. Review of the tragic history of unattended use of these partitions.
  2. Emphasis on the importance of constant supervision of both sides and ends of the moving partition.
  3. Guidance in appropriate warning and orderly control of room occupants
  4. Instruction in hands-on operation of the partition, including starting the movement, stopping the movement, reversing the movement and, if applicable, opening and closing of pocket cover doors to secure hidden spaces.

- Vendor must compile and provide documentation of training, (including signatures of attendees) to the BPS Director of Safety and Health.

**REPAIRS**

- Following inspections, any minor repairs necessary to correct deficiencies which include but are not limited to key switch or cage replacements, sensor replacements or
adjustments, control box relays (up to a maximum of $750 per school) must be pre-approved by BPS Director of Safety and Health before any materials are purchased or work is started

- Repair work must be bid on a time and material basis
- Firms that perform repairs must be a local, factory authorized, service representative for Hufcor or Safepath Systems and familiar with the mechanics of an electrically operated partition
- Firm must have at least ten years’ experience of device installation for Hufcor or Safepath Systems and must use replacement parts manufactured by Hufcor or Safepath
- Firm must be available for emergency service on a 24 hour basis (by cell phone) and be located within two hours of the site
- Firm must have a minimum of 25 similar systems previously installed and a record of prior approval of those systems from the NYS Education Department

PREVAILING WAGES:

Prevailing Wage Reference #: 1477953

Fee Schedule

- All-inclusive total fee to perform the professional services required. BPS will not reimburse for any charges that are not clearly defined in the response.

SERVICE FEES AND RATES

Partition Inspection Fee $__________________/site

Bleacher Inspection Fee $__________________/site

Training Fee $__________________/site

Additional Fees $__________________/site

Total Inspection fee (44 Schools) $___________________

Time & Material for Repairs ________________________________

PLEASE ATTACH A FEE SCHEDULE FOR THESE SERVICES PER SPECIFICATIONS. NEED RUBRIC AND PRICING SHEET
11.0 EVALUATION CRITERIA

RFP submissions will be based upon the following criteria:

<table>
<thead>
<tr>
<th>EVALUATION CRITERION</th>
<th>MAXIMUM POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Cost (fees/value)</td>
<td>25</td>
</tr>
<tr>
<td>1-Firm Qualifications/Relevant Experience</td>
<td>20</td>
</tr>
<tr>
<td>2-Project Strategy</td>
<td>20</td>
</tr>
<tr>
<td>3-Project Schedule</td>
<td>20</td>
</tr>
<tr>
<td>4-Clarity/Succinctness of Proposal</td>
<td>15</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
</tr>
</tbody>
</table>

*Cost must be equal to or higher than any other criteria and points will be awarded based on variance from the low bid. Low Bid ÷ Bid being scored × Maximum Cost Points

<table>
<thead>
<tr>
<th>Evaluation Criteria (Maximum to Minimum Points)</th>
<th>Proposal addresses qualifications, contractor meets and exceeds requirements for years of experience and size of school district</th>
<th>Proposal addresses qualifications, contractor meets requirements for minimum years of experience working in a school district of at least 30 schools</th>
<th>Proposal addresses qualifications but contractor does not have the required number of years’ experience and/or has worked in a school district of less than 30 schools</th>
<th>Proposal addresses qualifications but contractor does not have any experience working in schools</th>
<th>Proposal has not addressed any qualifications and has not addressed contractor’s experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualifications/Relevant Experience</td>
<td>Proposal shows clear description with extensive details of how project will be completed with measurable objectives</td>
<td>Proposal shows clear description of how project will be completed</td>
<td>Proposal strategy has a description of steps for completion but one or more parts of the plan are vague</td>
<td>Proposal strategy is unclear and vague</td>
<td>Proposal does not address how project will be completed</td>
</tr>
<tr>
<td>Project Strategy</td>
<td>Proposal demonstrates strong ability to meet or exceed the service schedule</td>
<td>Proposal demonstrates contractor’s ability to meet the service schedule</td>
<td>Proposal addresses how the contractor will meet the schedule but one or more parts are vague</td>
<td>Proposal schedule is vague and unclear</td>
<td>Proposal does not address the contractor’s ability to meet the service schedule</td>
</tr>
<tr>
<td>Project Schedule</td>
<td>Proposal is well written and description meets and exceeds requirements for meeting project objectives and schedule</td>
<td>Proposal is well written and description meets requirements for meeting project objectives and schedule</td>
<td>Proposal marginally addresses the plan for meeting project objectives and schedule</td>
<td>Proposal provides plan but one or more parts of proposal is difficult to understand or vague</td>
<td>Proposal does not address project objectives, plan, or how schedule will be met</td>
</tr>
<tr>
<td>Clarity/Succinctness of Proposal</td>
<td>Proposal is well written and description meets and exceeds requirements for meeting project objectives and schedule</td>
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</tr>
</tbody>
</table>

Contact Person & Invoices

Questions regarding the Request for Proposals shall be directed to:

Yvette Gordon, Director of Safety and Health
Division of Plant Services & School Planning
406 City Hall, Buffalo, NY 14202
ygordon@buffaloschools.org

Buffalo Public Schools
12.0 GENERAL PROVISIONS

DISTRICT’S RESERVED RIGHTS

The District reserves the right to:

• Reject any or all proposals received;
• Withdraw the RFP at any time, at the agency’s sole discretion;
• Make an award under the RFP in whole or in part;
• Disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
• Seek clarifications and revisions of proposals;
• Use proposal information obtained through site visits, management interviews and the District’s investigation of a bidder’s qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency’s request for clarifying information in the course of evaluation and/or selection under the RFP;
• Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
• Prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments;
• Change any of the scheduled dates;
• Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders;
• Waive any requirements that are not material;
• Negotiate with bidders within the scope of the RFP in the best interests of the District;
• Conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with the selected bidder;
• Utilize any and all ideas submitted in the proposals received;
• Unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 60 days from the bid opening; and,
• Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer’s proposal and/or to determine an offerer’s compliance with the requirements of the solicitation.
FREEDOM OF INFORMATION LAW

The New York State Freedom of Information Law as set forth in Public Officers Law, Article 6, Sections 84-90, mandates public access to government records. However, bids submitted in response to this RFP may contain technical, financial background or other data, public disclosure of which could cause substantial injury to the Bidder’s competitive position or constitute a trade secret. Bidders who have a good faith belief that the information submitted in their bids is protected from disclosure under the New York Freedom of Information Law must clearly identify the pages of the bids containing such information by typing in bold face on the top of each page, “The bidder believes that this information is protected from disclosure under the state freedom of information law”. The BPS assumes no liability for disclosure of information so identified, provided that the BPS has made a good faith legal determination that the information is not protected under applicable law or where disclosure is required to comply with an order or judgment of a court of competent jurisdiction.

CERTIFIED CHECK, ETC. (EXCEPT AS HEREINAFTER NOTED)

If the gross total amount quoted is $100,000 or more, a certified check must be submitted with your bid. No bid will be considered unless it shall be accompanied by a certified check, banker’s check, draft, or money order which shall be payable to the order of the BPS for five percent (5%) of the amount of the bid. Said certified check, banker’s check, draft, or legal tender and the amount thereof will be retained as liquidated damages by the BPS if the successful bidder shall fail to enter into a contract and give security for the performance as hereinafter provided.

BID BOND

In lieu of certified check, banker’s check, draft, money order, or legal tender, bidders may furnish proposal or bid bonds, the amount thereof to be for not less than Twenty-five percent (25%) of the amount of the bid and shall be executed by the Bidder as principal, and as surety by a duly incorporated Surety Company authorized to do business under the laws of the State of New York. Such proposal or bid bond shall be conditioned for entering into contract by the Bidder and to furnish security for the performance thereof as hereinafter provided.

TAXES

Bids submitted on these specifications shall not be made subject to any Federal, State, or County Taxes.

SUBCONTRACTORS (PURSUANT TO SECTION 408 OF THE CITY CHARTER)

The successful bidder shall submit a list of proposed subcontractors to the BPS for its approval and obtain written consent thereto prior to the execution of the Form of Agreement. The subcontracting of any part of the work or services under this contract to any person, firm or corporation by whom a proposal was submitted to the BPS for the same contract shall be absolutely prohibited.
PREVAILING WAGE RATE INFORMATION / INSTRUCTIONS

Under New York State Labor Law, contractors and subcontractors must pay the prevailing rate of wage and supplements (fringe benefits) to all workers under a public work contract. Employers must pay the prevailing wage rate set for the locality where the work is performed. Prevailing wage is the pay rate set by law for work on public work projects. This applies to all laborers, workers or mechanics employed under a public work contract. The Bureau of Public Work administers Articles 8 and 9 of the New York State Labor Laws:

Article 8 covers public construction
Prevailing Wage Schedules are issued separately for “General Construction Projects” and “Residential Construction Projects” on a county-by-county basis.
General Construction Rates apply to projects such as: Buildings, Heavy & Highway, Tunnel and Water & Sewer rates.

Article 9 covers building service contracts
The Labor Law requires public work contractors and subcontractors to pay a service employee under a contract for building service work for a public agency, a wage of not less than the prevailing wage and supplements (fringe benefits) in the locality for the craft, trade, or occupation of the service employee. Such a public work building service contract must be in excess of one thousand five hundred dollars ($1,500.00).
Building service employee includes, but is not limited, to watchman, guard, building cleaner, porter, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, fire safety director, window cleaner, and occupations relating to the collection of garbage or refuse, and to the transportation of office furniture and equipment, and to the transportation and delivery of fossil fuel but does not include clerical, sales, professional, technician and related occupations.
Building service employee also does not include any employee to whom the provisions of Article 8 are applicable.

Wage schedules are issued on a county-by-county basis. They contain the pay rates for each work classification. Under State law, all contracts between a government entity and a contractor must contain these schedules.

CERTIFICATION OF EFFECTIVE INSURANCE

Prior to the signing of the contract, the Contractor shall furnish the BPS, for approval, a certified copy of each kind of insurance policy herein required of the Contractor, together with certificate of insurance, evidencing that the required insurance is in effect irrespective as to whether the Contractor or the BPS is the named insured.

THE SUCCESSFUL BIDDER MUST SUBMIT THE FOLLOWING INSURANCE.

1. WORKERS’ COMPENSATION CERTIFICATE to cover Contractor as named insured for his liability under the law. Certificate shall contain a provision providing that it shall not be cancelled or changed by the Contractor or Insurance Company without ten (10) days prior written notice to the Buffalo Board of Education.
2. **PUBLIC LIABILITY AND PROPERTY DAMAGE LIABILITY** insurance to cover Contractor as named insured and including there under as hereafter required. (Certified copy of POLICY must be submitted.)

   A. Contractual Liability Endorsement covering the BUFFALO PUBLIC SCHOOLS AND THE CITY OF BUFFALO.

   B. Cancellation Notice - Each insurance policy and certificate of insurance shall contain a provision providing that it shall not be cancelled or changed by the contractor or insurance company without ten (10) days prior written notice to the BPS.

**POLICY LIMITS**

| Bodily Injury  | $500,000 per person | $1,000,000 per accident |
|               |                    |                         |
| Property Damage | $300,000           |                          |

(Above limits are the minimums required, they may be changed by the BPS if the contract calls for higher limits.)

**INDEMNITY OF THE BUFFALO PUBLIC SCHOOLS/BOARD OF EDUCATION**

The Contractor shall indemnify and save harmless the Buffalo Public Schools, its officers and employees from all claims, suit actions, damages, losses, and costs of every name and description to which the Buffalo Public Schools may be subjected or put by reason of injury to the person or property of another, or the property of the Buffalo Public Schools, resulting from the negligence or carelessness, active or passive, of the Contractor, or the joint negligence, active or passive, of the Contractor and the Buffalo Public Schools, his or their employees, agents or subcontractors, in the performance of any work under this contract, or in the delivery of materials and supplies. The whole, or so much of the money is to become due under this contract as shall be considered necessary by the Buffalo Public Schools, may be retained by it until all suits or claims for damages shall have been settled or otherwise disposed of, and evidence to that effect furnished to the satisfaction of the Buffalo Public Schools.

**POST SELECTION PROCEDURES**

Upon selection, the successful bidder will receive a proposed contract from the District. All terms set forth in the selected bidder's technical proposal will be final. The selected bidder may be given an opportunity to reduce its cost proposal in accordance with the District's right to negotiate a final best price. The contents of this RFP, any subsequent correspondence during the proposal evaluation period, and such other stipulations as agreed upon may be made a part of the final contract prepared by the District. Successful bidders may be subject to audit and should ensure that adequate controls are in place to document the allowable activities and expenditure of District funds.

**BOND FOR PERFORMANCE**

The successful bidder simultaneously with his delivery of the executed contract may be required to file, with the BPS, an executed performance bond on the form attached to the contract documents and having a surety thereon such Surety Companies as are approved by the
Superintendent of Insurance of the State of New York, in the amount of One Hundred Percent (100%) of the amount of the bid.

Every bond given for the performance of any contract made by the BPS shall contain a provision that the person, co-partnership, association or corporation entering into such contract with the BPS will pay for all materials used and services rendered in the execution of such contract, and any person, co-partnership, association or corporation furnishing materials or rendering services in and about the execution of such contract may maintain an action to recover for the same, the obligors such as though said person, co-partnership, association, or corporation where named therein, provided that such action be brought within one (1) year after the cause of such action accrues. The obligors in any such bond shall be liable and may be sued accordingly.

Notice of the commencement of such action and all proceedings shall be given to the President of the Buffalo Board of Education and in default of such action no recovery shall be had in such action.

THE BUFFALO PUBLIC SCHOOLS WILL REQUIRE THE EXECUTION OF A FORMAL CONTRACT BY THE SUCCESSFUL RESPONDENT

The Contractor shall not assign, transfer, convey, sublet or otherwise dispose of this contract, or his right, title or interest therein, or his power to execute the same, to any other person, company or corporation, without the previous consent in writing of the BPS. Any such purported action without such consent shall be null and void. The assignment of this contract to any person, firm or corporation by whom a proposal was submitted to the BPS for the same contract is absolutely prohibited.

INVOICE REQUIREMENTS

Invoices must be appropriately detailed to allow District personnel to verify that specific goods and/or services have been received/completed per the Contract’s Scope of Services and Purchase Order specifications and provide a clear, consistent and accurate document trail required by the District’s Audit department.

All invoices, along with required back up documentation, must be submitted in PDF format to the following email address - INVOICES@sp.buffaloschools.org. In situations where backup material is required (i.e. required reports, attendance sheets or receipts for reimbursements) these documents must be sent with the invoice. Do not send an invoice without the required back up. These documents should be referred to in the description of goods or services section of the invoice.

All invoices must contain a valid Buffalo Schools Purchase Order # (PO#). Vendors should not commence work without a PO#. Contact the District Designee in Section 3 with any problems obtaining a PO#. Invoices not containing a valid PO# cannot be processed for payment. All Invoices must contain the following standard information: your organizations name and contact information, Invoice Date, Invoice #, Terms – for early payment discounts, a Buffalo City School District PO# and a current Remit Address.

The description of goods or services section of the invoice must be consistent with both the Contract’s Scope of Services and the Purchase Order and include what service was performed, where it was performed, when it was performed and the cost for these services. Documentation
required to support any charges based on staff time or reimbursements (e.g. attendance data, invoice receipts) must be submitted with the invoice (e.g. time sheets, subcontractor invoices, receipts).

For contracts that have a multi-line Purchase Order, the invoice must indicate which Purchase Order line number the invoice charges are to be applied against.

A separate invoice is required for each PO#. Do not include charges against more than one PO# on any one invoice.

Do not include sales tax on any invoice. As a governmental entity, the District is tax exempt.

Invoices should not be submitted prior to completion of services or receipt of goods.

The Buffalo Public Schools offers an "electronic payment" option in lieu of issuing checks. To obtain more information on electronic payments, contact Stephen Galante at SGalante@buffaloschools.org.

**RESTRICTED COMMUNICATION**

Restricted Communication Period (Cone of Silence) – as per New York State finance law, article 9, section 139-j, during the period of time from the earliest posting or distribution of this RFP until the Board approval a vendor shall contact only the representative named in item 9 (above) regarding this RFP. Any contacts during this period between a vendor and any Board of Education member, officer or employee is a violation of this provision. The District will not respond to any inquiries or questions by any vendor during this period unless it was properly put forth during and within the indicated question and answer period.
PROTEST

A bid Protest Committee has been established to consider any protest regarding the award of any contracts as a result of this bid. Any persons conceiving themselves to be injured or aggrieved by the result of an award must submit their written protests in duplicate to the following addresses:

(1) BID PROTEST COMMITTEE
    c/o 801 CITY HALL
    BUFFALO, NEW YORK 14202

(2) FINANCIAL CONTROLLER
    c/o 815 CITY HALL
    BUFFALO, NEW YORK 14202

Protests must be submitted within five (5) business days after a purchase contract is awarded. The committee is obligated to consider protests within thirty (30) days of receipt of said protest. The Bid Protest Committee is comprised of one (1) member of the Board of Education and two (2) District staff.

LATE BIDS

For purposes of Bid openings held and conducted by the Buffalo Board of Education, a Bid must be received in such place as may be designated in the Bid Documents, at or before the date and time established in the Bid Specifications for the Bid opening.

For purposes of Bid openings held and conducted by the Buffalo Board of Education, the term late Bid is defined as a Bid not received in the location established in the Bid Specifications at or before the date and time specified for the Bid opening. Any Bid received at the specified location after the time specified will be considered a late Bid.

A late Bid shall not be considered for award unless: (i) no timely Bids meeting the requirements of the Bid Documents are received or, (ii) in the case of a multiple award, an insufficient number of timely Bids were received to satisfy the multiple award; and acceptance of the late Bid is in the best interests of the Authorized Users.

Delays in United States mail deliveries or any other means of transmittal, including couriers or agents shall not excuse late Bid submissions. Similar types of delays, including but not limited to, bad weather, or security procedures for parking and building admittance shall not excuse late Bid submissions. Determinations relative to Bid timeliness shall be at the sole discretion of the Buffalo Board of Education.
BIDDER’S CHECKLIST

1. If your firm is MWBE Certified by any Municipal or Government agency, please include a copy of the certification establishing agency approval, date of certification and expiration of certification.

☐ MWBE CERTIFICATION ENCLOSED

2. Please review each of the following items as their inclusion is necessary if a bid submitted to the Buffalo Public Schools exceeds a total of $9,999.99.

☐ Demonstrated ability to meet all of the requirements of this RFP
☐ Legible Cost Proposal with all inclusive rate
☐ Bidder’s Affirmation of Understanding of regarding Restrictions on Contact
☐ Bidder Disclosure of Prior Non-Responsibility Determinations
☐ Non Collusive Bidding Certification
☐ Certificate of Authority
☐ A copy or statement of the company’s equal employment opportunity policy
☐ A commitment by the company to make a good faith effort to utilize minority groups and females in the conduct of its business (sample page following)
☐ A breakdown of employees by job category, race, and gender

IF BID EXCEEDS $99,999.99, THE FOLLOWING IS APPLICABLE;

☐ Bid security of EITHER a certified check (aka official check) in the amount of 5% of the bid total OR a bid bond of 25% of the bid total bid exceeds $99,999.99

If submitting a check as bid security, please (print) fill in the following information:

Name of bank or institution drawn on: ________________________________
Check Number: ________________________________
Value of check: ________________________________
Name of bid: ________________________________
Bid number: ________________________________
Company Name ________________________________
Procurement Anti-Lobbying Law

I. Information and Forms

The Buffalo Board of Education (the “District”) adopts New York State Finance Law §§139-j and 139-k, which imposes certain restrictions on communications between District staff and any Bidder during this procurement process. A Bidder is restricted from contacting, or having a third party contact, District staff with the intent to influence governmental procurement. The only communication regarding this RFP should be with the designated contact person(s) as indicated in the RFP/Bid and in the matter proscribed by the solicitation and New York State Finance Law §§139-j, during the restricted period. This restricted period for contact will begin once the RFP is advertised and last through the time a final award is issued by the Buffalo Board of Education. Any communications you have with the District regarding the RFP or as pertaining to the RFP will be documented. Failure to comply with these restrictions may result in your ineligibility for an award with respect to this RFP. Your acknowledgement to these restrictions on contact is required.

Bidder’s Affirmation of Understanding of regarding Restrictions on Contact pursuant to State Finance Law §139-j

The Bidder affirms that it understands and agrees to comply with the terms of this solicitation and only engage in permissible Contacts as outlined by State Finance Law §139-j (3) and §139-j (6) (b).

Signed: ________________________________ Date: ________________________________

Name: ________________________________

Title: ________________________________

Contractor Name: ________________________________

Contractor Address: ________________________________

Designated Contact for this RFP:

All inquiries concerning this procurement should be addressed to the following:

Yvette Gordon
Department of Building Safety and Health
406 City Hall
Buffalo, NY 14202
(716) 816-3029
ygordon@buffaloschools.org
Fax (716) 851-3527
All questions should be submitted in writing, citing the particular proposal section and paragraph number and in line with the specifications of this solicitation regarding the question and answer timeline. Prospective Bidders should note that all clarifications and exceptions, including those relating to the terms and conditions of the agreement, are to be resolved prior to the submission of a proposal. Answers to all questions of a substantive nature will be given to all prospective Bidders in the form of a formal addendum, which will be annexed to and become part of the resultant agreement.

II. Bidder Disclosure of Prior Non-Responsibility Determinations

Background:
New York State Finance Law §139-k(2) provides that a Governmental Entity shall obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, an Bidder must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such Contact does not fall within one of the exemptions).

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

III. Instructions

The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract.

IV. Bidder Disclosure of Prior Non-Responsibility Determinations

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

   No       Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

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

   No       Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

   Governmental Entity: __________________________________________________________

   Date of Finding of Non-responsibility: __________________________________________

   Basis of Finding of Non-Responsibility: __________________________________________

   ____________________________________________________________________________
   ____________________________________________________________________________
   ____________________________________________________________________________
   ____________________________________________________________________________

   (Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

   No       Yes

6. If yes, please provide details below.

   Governmental Entity: __________________________________________________________

   Date of Termination or Withholding of Contract: ________________________________

   Basis of Termination or Withholding: __________________________________________

   ____________________________________________________________________________
   ____________________________________________________________________________
   ____________________________________________________________________________
   ____________________________________________________________________________

   (Add additional pages as necessary)
State Finance Law §139-k(5) provides that:

New York State Finance Law §139-k(5) requires that every Procurement Contract award subject to the provisions of State Finance Law §§139-k or 139-j shall contain a certification by the Bidder that all information provided to the procuring Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

The Governmental Entity reserves the right to terminate this contract in the event it is found that the certification filed by the Bidder in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, the Governmental Entity may exercise its termination right by providing written notification to the Bidder in accordance with the written notification terms of this contract. The Bidder affirms that it understands and agrees to comply with the procedures of the Government Entity relative to permissible Contacts as required by State Finance Law §139-j (3) and §139-j (6) (b). I certify that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

Signed: ________________________________  Date:____________________

Name: ________________________________

Title: ________________________________

Contractor Name: _______________________________________________________

Contractor Address: _____________________________________________________
NON-COLLUSIVE BIDDING CERTIFICATION

By submission of this bid, each Bidder and each person signing on behalf of any Bidder certifies\(^1\), under penalty of perjury, that to the best of his knowledge and belief:

1. The prices in this 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 Bidder or with any competitor; and

2. Unless otherwise required by law, the prices which have been quoted in this proposal 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 Bidder or to any competitor; and

3. No attempt has been made or will be made by the Bidder to induce any other person, partnership, or corporation to submit or not to submit a proposal for the purpose of restricting competition

This proposal is made without any connection with any person making any proposal for the material herein listed and it is in all respects fair and without collusion or fraud, and also, that no Office or Member of the Buffalo Board of Education, City of Buffalo, is directly interested therein, or in the supplies to which it relates, or any portion of the profits thereof.

If the Bidder is a corporation, the execution of the non-collusive certification on the form of proposal shall be deemed to have been authorized by the Board of Directors of the Bidder and such authorization shall be deemed to include the signing and submission of the proposal and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

No proposal shall be considered for an award nor shall any award be made to a Bidder where the proposal does not include the statements as to non-collusion as set forth in the form of proposal herein; provided however, that if in any case the Bidder cannot make the foregoing certification, the Bidder shall so state and shall furnish with the proposal a signed statement which sets forth in detail the reason. No award shall be made unless the Buffalo Board of Education determines that such disclosure was not made for the purpose of restricting competition. It should be noted that the fact that a Bidder has published price lists, rates or tariffs covering items being procured or has informed prospective customers of the proposed or pending publication of new or revised price lists for such items, or has sold the same items to other customers at the same price as being proposal, does not constitute, without more, a disclosure to any other Bidder or to any competitor within the meaning of the non-collusive certification included in the form of proposal.

Respectfully submitted,

BY __________________________________________

(signature)

(print)

TITLE __________________________________________

FIRM NAME __________________________________________

ADDRESS __________________________________________

DATE ______________________ PHONE ______________________

\(^1\)In the case of any joint proposal (which for these purposes shall include any proposal where the Bidder has consulted with a subcontractor in making the proposal), each party or subcontractor thereto shall sign this non-collusion certification as to its own organization or corporation.
CERTIFICATION OF AUTHORITY

The Individual signing this document certifies that he/she is authorized to contract on behalf of the vendor/contractor.

The individual signing this document certifies that the vendor/contractor is not involved in any agreement to pay money or other compensation for the execution of this agreement other than to an employee of the vendor. Exceptions require full disclosure.

The individual signing this document certifies that the prices quoted have been arrived at independently, without consultation, communication, or agreement for the purpose of restricting competition.

The individual signing this document certifies that the prices quoted in this proposal have not been knowingly disclosed by the vendor prior to an award to any other vendor or potential vendor/contractor.

The individual signing this document certifies that the vendor/contractor is properly certified /credentialed to perform the scope of work as outlined.

The individual signing this document certifies that the vendor/contractor is not currently involved in any legal dispute that could terminate or adversely affect performance up to and including all final reports and recommendations both written and verbal.

The individual signing this document certifies that he/she has read and clearly understands all of the information contained in the Request for Proposal.

BY

____________________________________
(Signature)

____________________________________
(Print)

____________________________________
TITLE

____________________________________
DATE
Please use your office letterhead

Buffalo Public Schools
Bureau of Purchase
65 Niagara Square, Suite 816
Buffalo, New York 14202

To whom it may concern:

This is to certify that _____________________ is an equal opportunity employer. This corporation shows no discrimination regarding race, creed, gender, religion, or ethnic origin in the conduct of its business.

__________________ has in the past, and will continue in the future to make every effort to utilize minority businesses in the normal operation of our business.

Signed

Name, Title
Company Name
## EQUAL EMPLOYMENT OPPORTUNITY
### EMPLOYER INFORMATION REPORT

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<th>Project or Bid Number:</th>
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**Formal on site in training**

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Buffalo Public Schools