

Erie County

Bid Submittal

REHABILITATION OF BAILEY AVENUE (US 62 / CR152)

TOWN OF AMHERST

PROJECT NUMBER FA-5764.14-25

NYSDOT PIN 5764.14

ERIE COUNTY, NEW YORK

not relieve him/her of the responsibility for estimating properly the difficulty or cost of successfully performing the work.

The Contractor's attention is drawn to the following items:

e) **BID SUBMITTAL ITEMS:**

The Contractor is hereby notified that the following items SHALL be submitted with his/her bid otherwise the bid SHALL NOT be considered:

REQUIRED FOR ALL PROJECTS:

- Certified Check for the bid deposit required. Attach to inside of front cover.
- Completed New York State vendor responsibility questionnaire FOR-PROFIT construction (CCA-2), Attachment A, Attachment B and Attachment C (Q 12 to Q 29)
- Project Construction Schedule, with description of tasks as detailed on SI 8, SI 9, SI 16 AND SI 17. Attach to inside of back cover.
- Identify the proposed Project Superintendent on the Project Schedule.
- Completed Form DA 1, Acknowledgement of Drug and Alcohol Testing Program Compliance.
- Completed Itemized Proposal Including:
 - Fill in IP Pages IP-1 through IP-19
 - Execute the proposal by signing on IP-18 and completing IP-19
- Completed Apprenticeship Training Program form (ATP 1).
- Completed Pay Equity Certification (PEC 1)
- Completed Locally Administered Federal Aid Contract Forms section of this document (FAF 1 to FAF 14)
- Copy of valid New York State Department of Labor Certificate of Contractor Registration.
- Summary of Federal DBE Commitments and Bid Requirements (AAP 14)
- DBE Subcontractor/Work Service/Professional Service Commitments/Confirmation (AAP 20)
- DBE/MBE/WBE/SDVOB Material Commitments/Confirmation (AAP 22)

- DBE/MBE/WBE/SDVOB Trucking Commitments/Confirmation (AAP 23)
- Bidders List - List of Subcontractors who Provided Quotes Prior to Letting (CONR 80)
- Documentation to show Good Faith Efforts (GFE) made to meet the DBE goal (if the Bidder was not successful in obtaining enough DBE participation to meet the goal). More information on GFE documentation, including the DBE/MBE/WBE/SDVOB Solicitation Log (AAP 10) is available at: <https://www.dot.ny.gov/main/business-center/contractors/construction-division/forms-manuals-computer-applications-general-information/civil-rights>

f) SPECIAL NOTES:

- 1) The Contractor is advised to make a site visit prior to the bid to familiarize himself with the scope of work and component quantities required to complete the work.
- 2) The Contractor shall give particular attention and care to protect from damage all existing vegetation, including turf, trees, ornamental plantings, etc. which is not within the actual construction limits. Every attempt shall be made to protect and save the vegetation that is near construction limits according to the instructions of the Engineer.
- 3) In addition to requirements and/or explanations contained in the NYSDOT Standard Specifications, the Contractor is advised of the following:
 - The Contractor shall satisfy himself/herself as to the exact location of utility lines and shall protect and support in a suitable manner all utilities encountered during the proposed work. The Contractor shall make good any damage to those utilities caused by his/her operations. If the nature of the damage is such as to endanger the satisfactory operations of the utilities, and the necessary repairs are not immediately made by the Contractor, the work may be done by the respective owning companies and the cost thereof charged against the Contractor.
 - The Contractor shall notify UDig NY at 1-800-962-7962 or 811, two days before any underground work is initiated.
- 4) The Contractor is to note that **NO** estimate will be processed without the following, submitted with, or prior to, the estimate for payment:
 - “Contractor’s Payment Certificate” form (CP-1), one for each estimate along with one for each subcontractor that has worked within the estimate period.

ITEMIZED PROPOSAL



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|-------------|------------------------|--|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 203.02 | 125.0 | UNCLASSIFIED EXCAVATION AND DISPOSAL FOR: _____ _____ Per CY | | | | |
| 206.0201 | 210.0 | TRENCH AND CULVERT EXCAVATION FOR: _____ _____ Per CY | | | | |
| 206.03 | 20.0 | CONDUIT EXCAVATION AND BACKFILL INCLUDING SURFACE RESTORATION FOR: _____ _____ Per LF | | | | |
| 209.2301 | 1120.0 | SEDIMENT FILTER LOG - TEMPORARY, 12" FOR: _____ _____ Per LF | | | | |
| 304.12 | 130 | SUBBASE COURSE, TYPE 2 FOR: _____ _____ Per CY | | | | |
| 404.0001 | 132.0 | PLANT PRODUCTION QUALITY ADJUSTMENT TO ASPHALT ITEMS FOR: ONE HUNDRED DOLLARS AND NO CENTS FIXED PRICE _____ Per QU | \$100 | 00 | \$13,200 | 00 |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|-------------|------------------------|--|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 404.0002 | 1.0 | PAVEMENT DENSITY QUALITY ADJUSTMENT TO ASPHALT ITEMS FOR: ONE HUNDERED DOLLARS AND NO CENTS <u>FIXED PRICE</u> _____ | \$100 | 00 | \$100 | 00 |
| 404.0189 | 528.0 | TRUING & LEVELING F9, ASPHALT, 80 SERIES COMPACTION FOR: _____ _____ Per TON | | | | |
| 404.0962 | 2640.0 | 9.5 F2 TOP COURSE ASPHALT, 60 SERIES COMPACTION FOR: _____ _____ Per TON | | | | |
| 404.1989 | 54.0 | 19 F9 BINDER COURSE ASPHALT, 80 SERIES COMPACTION FOR: _____ _____ Per TON | | | | |
| 407.0102 | 2980.0 | DILUTED TACK COAT FOR: _____ _____ Per GAL | | | | |
| 418.7603 | 22500.0 | ASPHALT PAVEMENT JOINT ADHESIVE FOR: _____ _____ Per LF | | | | |

IP 2



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|--------------|------------------------|---|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 490.10 | 26720.0 | PRODUCTION COLD MILLING OF BITUMINOUS CONCRETE FOR: _____ _____ Per SY | | | | |
| 490.30 | 2710.0 | MISCELLANEOUS COLD MILLING OF BITUMINOUS CONCRETE FOR: _____ _____ Per SY | | | | |
| 555.05000001 | 35.0 | PERFORMANCE ENGINEERED MIXTURE (PEM) CONCRETE FOR SPECIAL APPLICATIONS FOR: _____ _____ Per CY | | | | |
| 603.98100404 | 12.0 | POLYVINYL CHLORIDE (PVC) SEWER PIPE & FITTINGS 4" DIAMETER FOR: _____ _____ Per LF | | | | |
| 604.070501 | 40.0 | ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES FOR: _____ _____ Per EA | | | | |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|--------------|------------------------|---|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 604.070502 | 45.0 | ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES FOR: _____ _____ Per EA | | | | |
| 607.41010010 | 1720.0 | TEMPORARY PLASTIC BARRIER FENCE FOR: _____ _____ Per LF | | | | |
| 608.0000013 | 1.0 | PLANT PRODUCTION QUALITY ADJUSTMENT TO ASPHALT SIDEWALKS DRIVEWAYS, BICYCLE PATHS AND VEGETATION CONTROL STRIPS FOR: <u>ONE HUNDRED DOLLARS AND NO CENTS</u> <u>FIXED PRICE</u> _____ Per QU | \$100 | 00 | \$100 | 00 |
| 608.01060415 | 124.0 | 4" THICK CONCRETE SIDEWALK (ALL WORK INCLUDED) FOR: _____ _____ Per SF | | | | |
| 608.01060615 | 832.0 | 6" THICK CONCRETE SIDEWALK (ALL WORK INCLUDED) FOR: _____ _____ Per SF | | | | |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|--------------|------------------------|---|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 608.01070615 | 5080.0 | 6" THICK CURB RAMP AND SUB-BASE (ALL WORK INCLUDED) FOR: _____ _____ Per SF | | | | |
| 608.020102 | 10.0 | ASPHALT SIDEWALKS, DRIVEWAYS AND BICYCLE PATHS, AND VEGETATION CONTROL STRIPS FOR: _____ _____ Per TON | | | | |
| 608.21000003 | 11.8 | CAST IRON EMBEDDED DETECTABLE WARNING UNITS FOR: _____ _____ Per SY | | | | |
| 608.94010007 | 500.0 | IMPRINTING AND COLORING OF ASPHALT CONCRETE PAVEMENT FOR: _____ _____ Per SF | | | | |
| 609.0401 | 217.0 | CAST-IN-PLACE CONCRETE CURB TYPE VF6 FOR: _____ _____ Per LF | | | | |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|-------------|------------------------|---|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 609.0501 | 450.0 | CAST-IN-PLACE CONCRETE CURB & GUTTER VF6G FOR: _____ _____ Per LF | | | | |
| 610.1402 | 40.0 | TOPSOIL - ROADSIDE FOR: _____ _____ Per CY | | | | |
| 610.1602 | 315.0 | TURF ESTABLISHMENT - LAWNS FOR: _____ _____ Per SY | | | | |
| 619.01 | 1.0 | BASIC WORK ZONE TRAFFIC CONTROL FOR: _____ _____ Per LS | | | | |
| 619.04 | 20.0 | TYPE III CONSTRUCTION BARRICADES FOR: _____ _____ Per EA | | | | |
| 619.080102 | 470.0 | REMOVE PAINT MARKING STRIPES, EPOXY PAINT FOR: _____ _____ Per LF | | | | |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|-------------|------------------------|---|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 619.0901 | 5500.0 | TEMPORARY PAVEMENT MARKING STRIPE (TRAFFIC PAINT) FOR: _____ _____ Per LF | | | | |
| 619.111113 | 4.0 | (PVMS) STANDARD SIZE - LINE OR CHARACTER MATRIX (LED) NO OPTIONAL EQUIPMENT SPECIFIED, CELL COMMUNICATIONS W/NTCIP COMPLIANCE FOR: _____ _____ Per EA | | | | |
| 619.1611 | 18.0 | MAINTAIN TRAFFIC SIGNAL EQUIPMENT (REQUIREMENT A) FOR: _____ _____ Per INTM | | | | |
| 621.03 | 14596.0 | CLEANING CLOSED DRAINAGE SYSTEMS FOR: _____ _____ Per LF | | | | |
| 621.04 | 72.0 | CLEANING DRAINAGE STRUCTURES FOR: _____ _____ Per EA | | | | |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|--------------|------------------------|---|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 625.01 | 1.0 | SURVEY OPERATIONS FOR: _____ _____ Per LS | | | | |
| 627.50140008 | 1800.0 | CUTTING PAVEMENT FOR: _____ _____ Per LF | | | | |
| 633.1401 | 250.0 | REMOVAL AND REPAIR OF DETERIORATED ASPHALT PAVEMENT LESS THAN OR EQUAL TO 4 SQUARE YARDS FOR: _____ _____ Per SY | | | | |
| 633.1402 | 750.0 | REMOVAL AND REPAIR OF DETERIORATED ASPHALT PAVEMENT GREATER THAN 4 SQUARE YARDS AND LESS THAN 20 SQUARE YARDS FOR: _____ _____ Per SY | | | | |
| 633.1403 | 1650.0 | REMOVAL AND REPAIR OF DETERIORATED ASPHALT PAVEMENT 20 SQUARE YARDS OR GREATER FOR: _____ _____ Per SY | | | | |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|-------------|------------------------|---|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 637.11 | 8.0 | ENGINEER'S FIELD OFFICE - TYPE 1 FOR: _____ _____ Per MNTH | | | | |
| 637.34 | 2000.0 | OFFICE TECHNOLOGY AND SUPPLIES FOR: ONE DOLLAR AND NO CENTS _____ Per DC | \$1 | 00 | \$2,000 | 00 |
| 637.36 | 100 | CONSTRUCTION TESTING SUPPLIES - CONSUMABLES FOR: ONE DOLLAR AND NO CENTS _____ Per DC | \$1 | 00 | \$100 | 00 |
| 645.5101 | 15.5 | FOR: GROUND-MOUNTED SIGN PANELS WITHOUT Z-BARS _____ Per SF | | | | |
| 645.5102 | 268.2 | GROUND-MOUNTED SIGN PANELS LESS THAN OR EQUAL TO 32 SF, WITH Z-BARS FOR: _____ Per SF | | | | |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|--------------|------------------------|--|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 645.81 | 40.0 | TYPE A SIGN POST FOR: _____ _____ Per EA | | | | |
| 645.81090003 | 6.0 | RETROREFLECTIVE SIGN POST STRIP FOR: _____ _____ Per EA | | | | |
| 645.85 | 7.0 | POLE-MOUNTED SIGN SUPPORT SYSTEM (BAND MOUNTING) FOR: _____ _____ Per EA | | | | |
| 647.31 | 3.0 | RELOCATE SIGN PANEL, SIGN PANEL ASSEMBLY SIZE I (UNDER 30 SF) FOR: _____ _____ Per EA | | | | |
| 647.51 | 8.0 | REMOVE AND DISPOSE SIGN PANEL, SIGN PANEL ASSEMBLY SIZE I UNDER 30 SF FOR: _____ _____ Per EA | | | | |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|--------------|------------------------|---|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 647.61 | 12.0 | REMOVE AND DISPOSE SIGNS, GROUND MOUNTED TYPE A SIGN SUPPORTS AND FOUNDATIONS - SIZE I (UNDER 30 SF) FOR: _____ _____ Per EA | | | | |
| 655.1103 | 40.0 | WELDED FRAME AND RETICULINE GRATE 3 FOR: _____ _____ Per EA | | | | |
| 655.16000011 | 40.0 | REMOVE AND DISPOSE OF FRAMES AND GRATES FOR: _____ _____ Per EA | | | | |
| 663.33 | 11.0 | ADJUST EXISTING VALVE BOX ELEVATION FOR: _____ _____ Per EA | | | | |
| 680.5001 | 1.0 | POLE EXCAVATION AND CONCRETE FOUNDATION FOR: _____ _____ Per CY | | | | |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|--------------|------------------------|---|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 680.50500005 | 2.0 | REMOVE POLE FOUNDATIONS FOR: _____ _____ Per LF | | | | |
| 680.51020009 | 1.0 | ALTER ELEVATION OF PULLBOX, TYPE 2 (RAISING BELOW 5 INCHES OR RESETTING) FOR: _____ _____ Per EA | | | | |
| 680.510201 | 1.0 | PULLBOX - CIRCULAR, 18 INCH DIAMETER, REINFORCED CONCRETE FOR: _____ _____ Per EA | | | | |
| 680.51030009 | 3.0 | ALTER ELEVATION OF PULLBOX, TYPE 3 (LOWERING) FOR: _____ _____ Per EA | | | | |
| 680.520506 | 20.0 | TRAFFIC SIGNAL CONDUIT, RIGID PLASTIC, CLASS 1, 2" FOR: _____ _____ Per LF | | | | |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|--------------|------------------------|--|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 680.730514 | 40.0 | SIGNAL CABLE 5 CONDUCTORS, 14 AWG FOR: _____ _____ Per LF | | | | |
| 680.82250408 | 1.0 | RELOCATE PEDESTRIAN POLE FOR: _____ _____ Per EA | | | | |
| 685.1102 | 7500.0 | WHITE EPOXY REFLECTORIZED PAVEMENT STRIPES - 20 MILS FOR: _____ _____ Per LF | | | | |
| 685.1202 | 13300.0 | YELLOW EPOXY REFLECTORIZED PAVEMENT STRIPES - 20 MILS FOR: _____ _____ Per LF | | | | |
| 685.3104 | 11300.0 | WHITE EPOXY REFLECTORIZED PAVEMENT SPECIAL STRIPES - 20 MIL PORTABLE/HAND APPLICATION FOR: _____ _____ Per LF | | | | |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14

BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|-------------|------------------------|---|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 685.3204 | 3600.0 | YELLOW EPOXY REFLECTORIZED PAVEMENT SPECIAL STRIPES - 20 MIL PORTABLE/HAND APPLICATION FOR: _____ _____ Per LF | | | | |
| 685.3304 | 20.0 | WHITE EPOXY RELECTORIZED PAVEMENT LETTERS - 20 MIL PORTABLE/HAND APPLICATION FOR: _____ _____ Per EA | | | | |
| 685.3404 | 18.0 | WHITE EPOXY REFLECTORIZED PAVEMENT SYMBOLS - 20 MIL PORTABLE/HAND APPLICATION FOR: _____ _____ Per EA | | | | |
| 697.03 | 105000.0 | FIELD CHANGE PAYMENT FOR: ONE DOLLAR AND NO CENTS _____ Per DC | \$1 | 00 | \$105,000 | 00 |
| 698.04 | 8235.0 | ASPHALT PRICE ADJUSTMENT FOR: ONE DOLLAR AND NO CENTS _____ Per DC | \$1 | 00 | \$8,235 | 00 |



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Rehabilitation of Bailey Avenue, PIN 5764.14 BID SUMMARY FORM

**Bids will not be accepted unless the bid package is downloaded directly from
www.erie.gov/dpw and contact information is captured.**

| ITEM NUMBER | ESTIMATE OF QUANTITIES | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | UNIT BID PRICE | | AMOUNT OF BID | |
|-------------------------------------|------------------------|---|----------------|-------|---------------|-------|
| | | | DOLLARS | CENTS | DOLLARS | CENTS |
| 698.05 | 3565.0 | FUEL PRICE ADJUSTMENT FOR: ONE DOLLAR AND NO CENTS <u>FIXED PRICE</u> _____ Per DC | \$1 | 00 | \$3,565 | 00 |
| 698.06 | 100.0 | STEEL/IRON PRICE ADJUSTMENT FOR: ONE DOLLAR AND NO CENTS <u>FIXED PRICE</u> _____ Per DC | \$1 | 00 | \$100 | 00 |
| | | Subtotal | \$ _____ | | | |
| 699.040001 | 1.0 | Mobilization (Must not exceed 4% of subtotal above. See specification for this item) FOR: _____ Per LS | | | | |
| Total or Gross Sum in Written Words | | | | | | |
| | | | | | | |
| | | | | | | |

Notes:

Please make sure a bid is entered for each item.

In the event that there are discrepancies within the bid schedule, the written words will be the accepted value.

To the Commissioner of Public Works, Erie County, New York

In submitting this bid the undersigned declares that he is or they are the only person or persons interested in the said bid; that it is made without any connection with any person making another bid for the same contract, that the bid is in all respects fair and without collusion, fraud or mental reservation; and that no official of the County, or any person in the employ of the County is directly or indirectly interested in said bid or in the supplies or work to which it relates, or in any portion of the profits thereof.

The undersigned also, hereby declares that he has or they have carefully examined the plans, specifications and form of contract, and that he has or they have personally inspected the actual location of the work together with the local sources of supply, has or have satisfied himself or themselves as to all the quantities and conditions, and understand that in signing this proposal he or they waive all right to plead any misunderstanding regarding the same.

The undersigned further understands and agrees that he is or they are to furnish and provide for the respective item price bid all the necessary material, machinery, implements, tools, labor, services, and other items of whatever nature, and to do and perform all the work necessary under the aforesaid conditions to complete the improvement of the aforementioned highway in accordance with the plans and specifications for said improvement, which plans and specifications it is agreed are a part of this proposal, and to accept in full compensation therefore the amount of the summation of the products of the approximate quantities multiplied by the unit prices bid. This summation will hereinafter be referred to as the gross sum bid.

The undersigned further agrees to accept the aforesaid "unit bid" prices as compensation for any additions or deductions caused by variation in quantities due to more accurate measurement, or by any changes or alterations in the plans or specifications of the work, and for use in the computation of the value of the work performed for monthly estimates.

The undersigned further agrees that at any time during the progress of work the County adds, alters or omits portions of the work he shall so perform such work and accept compensation in accordance with the Standard Specifications.

Accompanying this proposal in cash, a draft or certified check for \$125,000. In case this proposal shall be accepted by the County of Erie, New York, and the undersigned shall fail to execute the contract and in all respects comply with the provisions of Section 38 of the Highway Law, as amended, the monies represented by such cash, draft or certified check shall be regarded as liquidated damages and shall be forfeited and become the property of the County of Erie, otherwise to be returned to the depositor in accordance with the provisions of said Section 38 of the Highway Law, as amended.

On acceptance of this proposal for said work the undersigned does or do hereby bind himself or themselves to enter into written contract within ten days of date of notice of award, with the said County of Erie and to comply in all respects with Subdivision 6 of Section 38 of the Highway Law, as amended, in relation to security for the faithful performance of the terms of said contract.

**NON-COLLUSIVE BIDDING CERTIFICATION
(REQUIRED BY SECTION 103-d OF THE GENERAL MUNICIPAL LAW)**

Section 103-d "Statement of non-collusion of bids and proposals to political subdivision of the state.

1. Every bid or proposal hereafter made to a subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule or regulation or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury: Non-collusive bidding certification.
 - a. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his 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; 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 bid for the purposes of restricting competition.
 - b. A bid shall not be considered for award nor shall any award be made where "a" (1) (2) and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where "a" (1) (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one "a".

2. Any bid hereafter made to any political subdivision of the state or any public department, agency, or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule or regulation, and where such bid contains the certification referred to in subdivision one of this section, 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 bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation."

BY EXECUTING THIS PROPOSAL, THE CONTRACTOR AGREES TO:

- 1) perform all work listed in accordance with the Contract Documents at the unit prices bid;
- 2) all non-collusive bidding certifications required by Section 103-d of the General Municipal Law;
- 3) the affirmation of the Minority Business Enterprises Bidder's Certification;
- 4) certification of Specialty Items category selected, if contained in this proposal;
- 5) certification of any other clauses required by this proposal and contained herein.

Date 20

Legal Name of Individual, Partnership, or
Corporation

By: _____

Signature and Title

Please Complete Information Requested Below

The address of the bidder is:

Street

City and State

Telephone/Fax

E-mail

Federal Employer Tax I.D. Number

IF A CORPORATION

| <u>Name</u> | <u>Address</u> |
|--------------------|----------------|
| _____ President | _____ |
| _____ Secretary | _____ |
| _____ Treasurer | _____ |

IF A PARTNERSHIP

| <u>Name</u> | <u>Address</u> |
|-------------------------|-------------------------|
| _____ _____ _____ | _____ _____ _____ |

**LOCAL LAW 2-2021 and
EXPERIENCE QUESTIONNAIRE**

LOCAL LAW INFORMATION FOR BIDDERS

Local Law 2-2021 is a law specific to Erie County concerning lowest responsible bidding requirements. This law became effective April 4, 2021. As a part of this the experience questionnaire has been change to New York State's Vendor Responsibility Questionnaire For-Profit Construction (CCA-2).

1. This form needs to be submitted in hard copy with the bid proposal on the date bids are due.
2. Erie County will not be using the New York State VendRep system for submittal of this questionnaire, hence the required hard copy.
3. The New York State Vendor Identification Number (NYS Vendor IDA) is not a requirement of the Erie County and therefore the information is not required to be filled out in the questionnaire.
4. Section I. Business Characteristics, Item 1.6 – Minority and Women Owned businesses must be Erie County Certified Minority and Women owned businesses. New York State small Business and Federally Certified Disadvantaged Business Enterprise do not apply to 100% funded Erie County projects i.e., Capital Projects.
5. Section VI. Certifications/Licenses, Item 6.1 – Disadvantage Business Enterprises are not a requirement for Erie County Capital Projects without federal Aid.
6. Section VII. Certifications/Licenses, Item 7.1 – Disadvantage Business Enterprises are not a requirement for Erie County Capital Projects without federal Aid.
7. Certification – Within the certification statement those discussions concerning government agencies are to include Erie County not just OSC and New York State government agencies.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Erie _____

Local Law No. 2 _____ of the year 2021

A local law updating and reforming Erie County's Requirements for

(Insert Title)

Lowest Responsible Bidding on County Construction Projects and

Repealing and Replacing Local Law 1-2009 in its entirety.

Be it enacted by the Erie County Legislature _____ of the

(Name of Legislative Body)

County City Town Village
(Select one.)

of Erie _____

as follows:

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

A. New York General Municipal Law Section 103 requires that all contracts entered into by the County of Erie for public work involving an expenditure of more than thirty-five thousand dollars (\$35,000) shall be awarded to the lowest responsible bidder.

B. Taxpayers have a strong interest in an effective screening process to ensure that appropriate contractors be awarded public works contracts. A thorough evaluation process ensures that the taxpayers get a proper return on their investment and that qualified contractors are awarded bids.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

C. General Municipal Law § 103(15)(a) recognizes the need for this process and provides that municipalities, such as the County of Erie, may establish guidelines governing the qualifications of bidders seeking to bid or enter into such contracts.

D. By enacting this Local Law, the County of Erie seeks to establish such guidelines in order to assure the prudent and economical use of public moneys for the benefit of all the inhabitants of the County.

Section 2. Short Title.

This Local Law shall be known as “the Erie County Lowest Responsible Bidder Law”.

Section 3. Applicability.

This Local Law shall apply to County of Erie construction projects, defined herein, in excess of \$35,000 and advertised for bids on or after the effective date of this Local Law.

Section 4. Definitions.

A. “The County of Erie” or “County” as used herein shall include the political subdivision known as the County of Erie as well as those County Departments responsible for letting public works contracts.

B. “Bidder” or “bidders” as used herein shall include individuals, companies, partnerships or other entities that respond to requests for bids issued by the County of Erie.

C. “Construction Projects” as used herein shall mean projects with a value in excess of \$35,000 where the County of Erie is a direct or indirect party to the contract which includes more than an incidental amount of construction type activity intended to benefit the public, including all work which is necessary, incidental or connected with the execution of the contract which is performed by construction workers. A public entity need not be party to the construction contract. A construction contract includes: projects that the County of Erie funds directly, projects that the County of Erie funds indirectly by providing funds to a separate entity to perform the construction type activity; privately financed construction projects specifically built with the intent of leasing them to any Department of the County of Erie government; and construction projects built under the County of Erie’s direction and later paid for with County of Erie funds.

D. “Commissioner” as used herein shall mean the Commissioner of the County of Erie Department that is requesting bids and/or his or her designee.

E. “Responsible” or “responsibility” as used herein means the financial ability, legal capacity, integrity, past performance of a business entity and compliance with applicable laws and regulations and as such terms have been interpreted relative to public procurements.

F. "Responsive" as used herein means a bidder meeting the minimum specifications or requirements as prescribed in the request for bids.

G. "Responsibility Questionnaire" shall mean the current the New York Vendor Responsibility Questionnaire For-Profit Construction (CCA-2), as maintained by the New York Office of the State Comptroller, and as may be amended from time to time, which requires all bidders to answer questions demonstrating their financial ability, legal capacity, integrity, past performance on municipal contracts and compliance with applicable laws and regulations. Such Questionnaire shall be affirmed by a principal of the bidder.

Section 5. Requirements.

A. By submitting bids in response to solicitations from the County of Erie, all bidders and sub-bidders (including sub-sub bidders) for construction projects funded by the County of Erie, acknowledge the terms and conditions of this Local Law and agree that they shall comply with the obligations of this Local Law.

B. In addition to the bid response, all bidders shall complete and submit a Responsibility Questionnaire as defined in Section 4 so that the County can evaluate the financial responsibility and organizational capacity of the bidder; the bidder's legal authority to do business in this County and State; the integrity of the owners, officers, principals, members and contract managers and the past performance of the bidder on prior municipal or public contracts. The completed Responsibility Questionnaire must be submitted with the bid.

C. Failure to submit the completed Responsibility Questionnaire with the bid documents shall render the bid non-responsive and the bid shall not be considered by the Commissioner.

Section 6. Procedure.

A. Bids for construction projects to which this Local Law applies shall be advertised in accordance with the requirements of the General Municipal Law and other applicable State and Local Laws. Such advertisement shall set forth the request for bids and shall set forth the deadline for submission and the time and place of the public opening of the bids.

B. The Commissioner, or his or her designee, shall distribute to all bidders a copy of this Local Law and the Responsibility Questionnaire referenced above. Distribution of the aforementioned documents shall be deemed effectuated when delivered in the same manner as the request for bids and any associated documents. The submission of a bid shall establish that the bidder received all necessary documents, including but not limited to, the Responsibility Questionnaire.

C. Only Bids accompanied by the Responsibility Questionnaire and all other necessary documentation will be considered by the Commissioner and or his or her designee.

D. All bids received shall be publicly opened and read at the time and place so specified in the advertisement for bids and the identity of all bidders shall be publicly disclosed at the time and place so specified. The apparent lowest bidder shall be announced at that time.

E. Commencing on the date of the bid opening and lasting for ten (10) calendar days thereafter, there shall be a public comment period during which members of the public may submit information relative to any such bidder to the Commissioner. The Commissioner shall acknowledge receipt of such information, and provide a written response prior to the final determination of bidder responsibility.

F. After review of the bid documents, the information collected pursuant to this and other Local Laws, New York State Law, applicable rules and regulations, consideration of the information provided in the Responsibility Questionnaire and of the financial ability, legal capacity, integrity, past performance of the bidder and compliance with applicable laws and regulations, the Commissioner shall determine if the apparent lowest bidder is responsible.

H. If the amount of the lowest responsible bidder appears disproportionately low when compared with estimates undertaken by or on behalf of the County of Erie, and/or compared to other bids submitted (10% or greater disparity), the County reserves the right to inquire further of the apparent lowest bidder to determine whether the bid contains mathematical errors, omissions and/or erroneous assumptions, and whether the apparent lowest bidder has the capability to perform and complete the contract for the bid amount.

I. If the apparent lowest bidder is deemed responsible by the Commissioner, such low bidder will be notified, as soon as is practicable.

J. At least five (5) business days prior to the award of the contract to the low bidder, the Commissioner shall post on the Erie County Website a listing of the three apparent lowest bidders for the work.

Section 7. Non-Responsibility Determination.

A. If, after review of the bid documents, the information collected pursuant to this and other Local Laws, New York State Law, applicable rules and regulations, consideration of the information provided in the Responsibility Questionnaire and of the financial ability, legal capacity, integrity, past performance of the bidder and compliance with applicable laws and regulations, the Commissioner makes a provisional determination that the apparent lowest bidder is deemed not to be responsible, the provisions of subdivisions C-E herein shall apply.

B. In the event the bidder is found to have falsified information on a submitted Responsibility Questionnaire or if the bidder fails to properly disclose information that would call into question the financial ability, legal capacity, integrity, or past performance of the business entity, the Commissioner shall make a provisional determination that the bidder is not responsible subject to the provisions of subdivisions C-E herein.

C. Not less than five (5) business days prior to any final determination that the apparent lowest bidder is not responsible, the County shall notify the affected bidder of the same, in writing, stating the reasons therefore and setting forth a time, date and place for the apparent lowest bidder to appear and be heard on the issue of non-responsibility. Mailing via first class mail to the address provided by bidder shall constitute sufficient service of the notice.

D. At the date, time and place set forth above, the bidder may appear in person, with or without counsel or via affidavit. After due consideration, the Commissioner shall make a determination with regard to responsibility. Such determination may be appealed pursuant to the CPLR.

E. If the apparent lowest bidder is deemed not to be responsible, then the next lowest bidder will be reviewed and so on until the lowest bidder is deemed responsible and selected as the lowest responsible bidder. The Commissioner reserves the right to award the contract to the bidder determined to be the lowest responsible bidder or to reject all bids and rebid the contract in accordance with the General Municipal Law.

Section 8. Ongoing Responsibility.

A. The Contractor shall at all times during the Contract term remain responsible. The Contractor agrees, if requested by the Commissioner or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

B. Any resident of Erie County who has reason to believe that an awarded contractor is not responsible, may submit to the Commissioner evidence as to why the contractor or subcontractor is not responsible. The Commissioner shall acknowledge receipt of such evidence, and provide a written response within fifteen (15) calendar days.

C. The Commissioner may, upon receipt of such information, conduct a further investigation into whether or not the contractor is responsible and prior to making any determination of non-responsibility shall proceed in accordance with the process set forth in Section 7 above.

Section 9. Sanctions.

A. Any contractor or subcontractor, its alter ego or control group, or principal officer who has, after the opportunity to be heard as set forth above, been determined by the Commissioner to be non-responsible, shall be barred from bidding on contracts for the County of Erie for a period of six months for the first violation. In the event the bidder subsequently fails to comply with the provisions of this Local Law on future bids, it may be subject to additional penalties, including prohibition against work on County contracts for three years for the second violation, and permanently for the third violation.

Section 10. Emergency.

A. Notwithstanding the provisions of this Local Law, in the case of a public emergency arising out of an accident or any other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of the County of Erie, which requires immediate action which cannot await competitive bidding or competitive offering, contracts for public work may be let by the appropriate officer, board or agency of the County of Erie without competitive bidding and as it otherwise deems appropriate.

Section 11. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 12. Effective Date.

This Local Law shall take effect 30 days after the filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

Sponsors:

Timothy Meyers
April N.M. Baskin
Howard Johnson

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ on _____ 20____, was duly passed by the (Name of Legislative Body) provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 21 of the (County) _____ of Erie _____ was duly passed by the Erie County Legislature on February 4 2021, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the Erie County Executive (Elective Chief Executive Officer*) and was deemed duly adopted March 1 on _____ 20 21, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

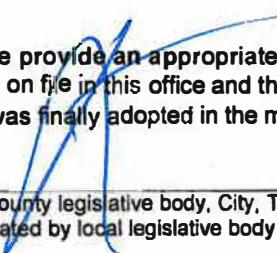
5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: March 2, 2021

(Seal)

A Public Hearing was held on the foregoing **Local Law Intro. No. 7-1-2020** on **February 23, 2021** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, **MARK C. POLONCARZ**, County **Executive** of Erie County, do hereby APPROVE and SIGN said Local Law this 1 day of March, 2021.



Mark C. Poloncarz

A Public Hearing was held on the foregoing Local Law Intro. No. 7-1-2020 on February 23, 2021 due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, **MARK C. POLONCARZ**, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of _____, 2021.

Mark C. Poloncarz

Instructions for New York State Vendor Responsibility Questionnaires

Although it is recommended that vendors complete their questionnaires online using the New York State VendRep System, the four (4) questionnaires found on the VendRep System are also available in paper format.

The questionnaires are intended to elicit information based on vendor type (For-Profit or Not-for-Profit) and activity (Construction or Non-Construction). Each vendor should select the questionnaire that most closely reflects its business characteristics or as directed by an agency's solicitation instructions. The available vendor questionnaires are:

- For-Profit
- For-Profit Construction
- Not-for-Profit
- Not-for-Profit Construction

Business Entities may print the PDF version of a questionnaire form and complete it manually or may select the MS Word version and complete the questionnaire on a computer. Completing the questionnaire in MS Word allows the questionnaire to be saved on the user's computer and updated in the event that the vendor's information changes.

The person(s) completing the vendor responsibility questionnaire must be knowledgeable about the vendor's business and operations. The certification at the end of each questionnaire must be completed by an owner or officer of the Business Entity and must be notarized to be complete.

Business Entities must answer every question contained in the selected questionnaire¹. Most questions require "Yes" or "No" answers and request additional information where necessary. Each response must provide all relevant information which can be obtained within the limits of the law. However, information regarding a determination or finding made in error which was subsequently corrected or overturned, and/or was withdrawn by the issuing government entity, is not required. For paper submissions, responses that require additional information must include an attachment containing this information.

If the submitting Business Entity is a Joint Venture, one questionnaire must be submitted for the Joint Venture plus each Business Entity comprising the Joint Venture must also submit separate questionnaires.

¹ If the Business Entity uses a Social Security Number (SSN) as its identification number, providing the SSN on the questionnaire is optional. Individuals and Sole Proprietors may use an SSN but are encouraged to obtain and use an Employer Identification Number.

NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE FOR-PROFIT CONSTRUCTION (CCA-2)

You have selected the For-Profit Construction questionnaire, commonly known as the "CCA-2," which may be printed and completed in this format or, **for your convenience, may be completed online using the [New York State VendRep System](#).**

COMPLETION & CERTIFICATION

The person(s) completing the questionnaire must be knowledgeable about the vendor's business and operations. An owner or official must certify the questionnaire and the signature must be notarized.

NEW YORK STATE VENDOR IDENTIFICATION NUMBER (VENDOR ID)

The Vendor ID is a ten-digit identifier issued by New York State when the vendor is registered on the Statewide Vendor File. This number must now be included on the questionnaire. If the business entity has not obtained a Vendor ID, contact the IT Service Desk at ITServiceDesk@osc.state.ny.us or call 866-370-4672.

DEFINITIONS

All underlined terms are defined in the "New York State Vendor Responsibility Definitions List," found at <http://www.osc.state.ny.us/vendrep/documents/questionnaire/definitions.pdf>. These terms may not have their ordinary, common or traditional meanings. Each vendor is strongly encouraged to read the respective definitions for any and all underlined terms. By submitting this questionnaire, the vendor agrees to be bound by the terms as defined in the "New York State Vendor Responsibility Definitions List" existing at the time of certification.

RESPONSES

Every question must be answered. Each response must provide all relevant information which can be obtained within the limits of the law. However, information regarding a determination or finding made in error which was subsequently corrected or overturned, and/or was withdrawn by the issuing government entity, is not required. Individuals and Sole Proprietors may use a Social Security Number but are encouraged to obtain and use a federal Employer Identification Number (EIN).

**NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT CONSTRUCTION (CCA-2)**

| BUSINESS ENTITY INFORMATION | | | | |
|---|-------------|--|------------------------------------|---------------|
| <u>Legal Business Name</u> | | <u>EIN</u> _____ | | |
| Address of the <u>Principal Place of Business</u> (street, city, state, zip code) | | <u>New York State Vendor Identification Number</u> | | |
| | | <u>Telephone</u> ext. | <u>Fax</u> | |
| | | <u>Website</u> | | |
| Authorized Contact for this Questionnaire | | | | |
| <u>Name</u> | | <u>Telephone</u> ext. | <u>Fax</u> | |
| <u>Title</u> | | <u>Email</u> | | |
| Additional <u>Business Entity</u> Identities: If applicable, list any other <u>DBA</u> , <u>Trade Name</u> , <u>Former Name</u> , Other Identity, or <u>EIN</u> used in the last five (5) years, the state or county where filed and the status (active or inactive). | | | | |
| <u>Type</u> | <u>Name</u> | <u>EIN</u> | <u>State or County where filed</u> | <u>Status</u> |
| | | | | |
| | | | | |

| I. BUSINESS CHARACTERISTICS | | | | |
|---|-----------------------------|----------------------------------|--|--|
| 1.0 <u>Business Entity</u> Type – Check appropriate box and provide additional information: | | | | |
| a) <input type="checkbox"/> <u>Corporation</u> (including <u>PC</u>) | Date of Incorporation | | | |
| b) <input type="checkbox"/> <u>Limited Liability Company</u> (<u>LLC</u> or <u>PLLC</u>) | Date Organized | | | |
| c) <input type="checkbox"/> <u>Limited Liability Partnership</u> | Date of Registration | | | |
| d) <input type="checkbox"/> <u>Limited Partnership</u> | Date Established | | | |
| e) <input type="checkbox"/> <u>General Partnership</u> | <u>Date Established</u> | <u>County (if formed in NYS)</u> | | |
| f) <input type="checkbox"/> <u>Sole Proprietor</u> | How many years in business? | | | |
| g) <input type="checkbox"/> <u>Other</u> | Date Established | | | |
| If Other, explain: | | | | |
| 1.1 Was the <u>Business Entity</u> formed in New York State? | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If "No," indicate jurisdiction where the <u>Business Entity</u> was formed: | | | | |
| <input type="checkbox"/> United States | <u>State</u> | | | |
| <input type="checkbox"/> Other | <u>Country</u> | | | |

NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT CONSTRUCTION (CCA-2)

| I. BUSINESS CHARACTERISTICS | | | |
|---|--|---|--|
| 1.2 Is the <u>Legal Business Entity</u> publicly traded? | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| If "Yes," provide the <u>CIK</u> code or Ticker Symbol: | | | |
| 1.3 Is the <u>Business Entity</u> currently <u>registered to do business in New York State</u> ? | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| <i>Note: Select "Not Required" if the Business Entity is a Sole Proprietor or General Partnership</i> | | | |
| If "No," explain why the <u>Business Entity</u> is not required to be <u>registered to do business in New York State</u> : | | | |
| 1.4 Is the responding <u>Business Entity</u> a <u>Joint Venture</u> ? Note: If the submitting <u>Business Entity</u> is a <u>Joint Venture</u> , also submit a separate questionnaire for each <u>Business Entity</u> comprising the <u>Joint Venture</u> . | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 1.5 If the <u>Business Entity's Principal Place of Business</u> is not in New York State, does the <u>Business Entity</u> maintain an office in New York State? <i>(Select "N/A" if Principal Place of Business is in New York State.)</i> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | |
| If "Yes," provide the address and telephone number for one office located in New York State. | | | |
| 1.6 Is the <u>Business Entity</u> a New York State certified <u>Minority-Owned Business Enterprise</u> , or <u>Women-Owned Business Enterprise</u> , or <u>New York State Small Business</u> , or federally certified <u>Disadvantaged Business Enterprise</u> ? | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| If "Yes," check all that apply: | | | |
| <input type="checkbox"/> New York State certified <u>Minority-Owned Business Enterprise</u> (MBE) <input type="checkbox"/> New York State certified <u>Women-Owned Business Enterprise</u> (WBE) <input type="checkbox"/> <u>New York State Small Business</u> <input type="checkbox"/> Federally certified <u>Disadvantaged Business Enterprise</u> (DBE) | | | |
| 1.7 Identify each person or business entity that is, or has been within the past five (5) years, <u>Principal Owner</u> of 5.0% or more of the firm's shares; a <u>Business Entity Official</u> ; or one of the five largest shareholders, if applicable. <i>(Attach additional pages if necessary.)</i> | | | |
| <u>Joint Ventures:</u> Provide information for all firms involved. | | | |
| Name <i>(For each person, include middle initial)</i> | Title | Percentage of ownership <i>(Enter 0%, if not applicable)</i> | Employment status with the firm |
| | | | <input type="checkbox"/> Current <input type="checkbox"/> Former |
| | | | <input type="checkbox"/> Current <input type="checkbox"/> Former |
| | | | <input type="checkbox"/> Current <input type="checkbox"/> Former |
| | | | <input type="checkbox"/> Current <input type="checkbox"/> Former |

NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT CONSTRUCTION (CCA-2)

II. AFFILIATE and JOINT VENTURE RELATIONSHIPS

| | | |
|--|------------------------------------|--|
| 2.0 Are there any other <u>construction</u> -related firms in which, now or in the past five years, the submitting <u>Business Entity</u> or any of the individuals or business entities listed in question 1.7 either owned or owns 5.0% or more of the shares of, or was or is one of the five largest shareholders or a director, officer, partner or proprietor of said other firm? <i>(Attach additional pages if necessary.)</i> | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Firm/Company Name | Firm/Company EIN (If available) | Firm/Company's Primary Business Activity |
| Firm/Company Address | | |
| Explain relationship with the firm and indicate percent of ownership, if applicable (enter N/A, if not applicable): | | |
| Are there any shareholders, directors, officers, owners, partners or proprietors that the submitting <u>Business Entity</u> has in common with this firm? | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Individual's Name <i>(Include middle initial)</i> | Position/Title with Firm/Company | |
| 2.1 Does the <u>Business Entity</u> have any <u>construction</u> -related <u>affiliates</u> not identified in the response to question 2.0 above? <i>(Attach additional pages if necessary.)</i> | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Affiliate Name | Affiliate EIN (If available) | Affiliate's Primary Business Activity |
| Affiliate Address | | |
| Explain relationship with the affiliate and indicate percent of ownership, if applicable <i>(enter N/A, if not applicable)</i> : | | |
| Are there any shareholders, directors, officers, owners, partners or proprietors that the submitting Business Entity has in common with this affiliate? | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Individual's Name <i>(Include middle initial)</i> | Position/Title with Firm/Company | |
| 2.2 Has the <u>Business Entity</u> participated in any <u>construction</u> -related Joint Ventures within the past three (3) years? <i>(Attach additional pages if necessary.)</i> | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Joint Venture Name | Joint Venture EIN (If available) | Identify parties to the Joint Venture |

**NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT CONSTRUCTION (CCA-2)**

III. CONTRACT HISTORY

| | |
|---|--|
| 3.0 Has the <u>Business Entity</u> completed any <u>construction</u> contracts? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <p>If "Yes," list the ten most recent <u>construction</u> contracts the <u>Business Entity</u> has completed using Attachment A – Completed Construction Contracts, found at www.osc.state.ny.us/vendrep/documents/questionnaire/ac3294s.doc.</p> <p>If less than ten, include most recent subcontracts on projects up to that number.</p> | |
| 3.1 Does the <u>Business Entity</u> currently have uncompleted <u>construction</u> contracts? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <p>If "Yes," list all current uncompleted <u>construction</u> contracts by using Attachment B – Uncompleted Construction Contracts, found at www.osc.state.ny.us/vendrep/documents/questionnaire/ac3295s.doc.</p> <p>Note: Ongoing projects must be included.</p> | |

IV. INTEGRITY – CONTRACT BIDDING

Within the past five (5) years, has the Business Entity, an affiliate, or any predecessor company or entity:

| | |
|--|--|
| 4.0 Been <u>suspended</u> or <u>debarred</u> from any <u>government</u> contracting process or been <u>disqualified</u> on any <u>government</u> procurement? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4.1 Been subject to a denial or revocation of a <u>government</u> prequalification? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4.2 Had any bid rejected by a <u>government entity</u> for lack of qualifications, responsibility or because of the submission of an informal, non-responsive or incomplete bid? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4.3 Had a proposed subcontract rejected by a <u>government entity</u> for lack of qualifications, responsibility or because of the submission of an informal, non-responsive or incomplete bid? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4.4 Had a low bid rejected on a <u>government contract</u> for failure to make <u>good faith efforts</u> on any <u>Minority-Owned Business Enterprise</u> , <u>Women-Owned Business Enterprise</u> or <u>Disadvantaged Business Enterprise</u> goal or <u>statutory affirmative action requirements</u> on a previously held contract? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4.5 Agreed to a voluntary exclusion from bidding/contracting with a <u>government entity</u> ? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4.6 Initiated a request to withdraw a bid submitted to a <u>government entity</u> or made any claim of an error on a bid submitted to a <u>government entity</u> ? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

For each "Yes," provide an explanation of the issue(s), the Business Entity involved, the relationship to the submitting Business Entity, the government entity involved, project(s), relevant dates, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer(s) below or attach additional sheets with numbered responses.

V. INTEGRITY – CONTRACT AWARD

Within the past five (5) years, has the Business Entity, an affiliate, or any predecessor company or entity:

| | |
|---|--|
| 5.0 Defaulted on or been <u>suspended</u> , <u>cancelled</u> or <u>terminated</u> for cause on any contract? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 5.1 Been subject to an <u>administrative proceeding</u> or civil action seeking specific performance or restitution (except any disputed work proceeding) in connection with any <u>government contract</u> ? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 5.2 Entered into a formal monitoring agreement, consent decree or stipulation settlement as specified by, or agreed to with, any <u>government entity</u> ? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 5.3 Had its surety called upon to complete any contract whether government or private sector? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 5.4 Forfeited all or part of a standby letter of credit in connection with any <u>government contract</u> ? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT CONSTRUCTION (CCA-2)**

V. INTEGRITY – CONTRACT AWARD

Within the past five (5) years, has the Business Entity, an affiliate, or any predecessor company or entity:

For each “Yes,” provide an explanation of the issue(s), the Business Entity involved, the relationship to the submitting Business Entity, the government entity/owners involved, project(s), contract number(s), relevant dates, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer(s) below or attach additional sheets with numbered responses.

VI. CERTIFICATIONS/LICENSES

Within the past five (5) years, has the Business Entity, an affiliate, or any predecessor company or entity:

| | |
|--|--|
| 6.0 Had a revocation or <u>suspension</u> of any business or professional permit and/or license? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 6.1 Had a denial, decertification, revocation or forfeiture of New York State certification of <u>Minority-Owned Business Enterprise</u> , <u>Women-Owned Business Enterprise</u> or a federal certification of <u>Disadvantaged Business Enterprise</u> status, for other than a change of ownership? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

For each “Yes,” provide an explanation of the issue(s), the Business Entity involved, the relationship to the submitting Business Entity, the government entity involved, relevant dates, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer(s) below or attach additional sheets with numbered responses.

VII. LEGAL PROCEEDINGS/GOVERNMENT INVESTIGATIONS

Within the past five (5) years, has the Business Entity, an affiliate, or any predecessor company or entity:

| | |
|---|--|
| 7.0 Been the subject of a criminal <u>investigation</u> , whether open or closed, or an indictment for any business-related conduct constituting a crime under local, state or <u>federal</u> law? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7.1 Been the subject of: <ul style="list-style-type: none"> (i.) An indictment, grant of immunity, <u>judgment</u> or conviction (including entering into a plea bargain) for conduct constituting a crime; or (ii.) Any criminal <u>investigation</u>, felony indictment or conviction concerning the formation of, or any business association with, an allegedly false or fraudulent <u>Minority-Owned Business Enterprise</u>, <u>Women-Owned Business Enterprise</u>, or a <u>Disadvantaged Business Enterprise</u>? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7.2 Received any <u>OSHA</u> citation, which resulted in a final determination classified as <u>serious</u> or <u>willful</u> ? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7.3 Had a <u>government entity</u> find a willful prevailing wage or supplemental payment violation? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7.4 Had a New York State Labor Law violation deemed willful? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7.5 Entered into a consent order with the New York State Department of Environmental Conservation, or a <u>federal</u> , state or local government enforcement determination involving a violation of <u>federal</u> , state or local environmental laws? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT CONSTRUCTION (CCA-2)

VII. LEGAL PROCEEDINGS/GOVERNMENT INVESTIGATIONS

Within the past five (5) years, has the Business Entity, an affiliate, or any predecessor company or entity:

| | |
|--|--|
| <p>7.6 Other than previously disclosed, been the subject of any <u>citations</u>, notices or violation orders; a pending administrative hearing, proceeding or determination of a violation of:</p> <ul style="list-style-type: none"> • <u>Federal</u>, state or local health laws, rules or regulations; • <u>Federal</u>, state or local environmental laws, rules or regulations; • Unemployment insurance or workers compensation coverage or <u>claim</u> requirements; • Any labor law or regulation, which was deemed willful; • Employee Retirement Income Security Act (ERISA); • <u>Federal</u>, state or local human rights laws; • <u>Federal</u>, state or local security laws? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|--|

For each "Yes," provide an explanation of the issue(s), the Business Entity involved, the relationship to the submitting Business Entity, the government entity involved, relevant dates, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer(s) below or attach additional sheets with numbered responses.

Note: Information regarding a determination or finding made in error, which was subsequently corrected or overturned, and/or was withdrawn by the issuing government entity, is not required.

VIII. LEADERSHIP INTEGRITY

If the Business Entity is a Joint Venture Entity, answer "N/A - Not Applicable" to questions in this section.

Within the past five (5) years has any individual previously identified or any individual currently or formerly having the authority to sign, execute or approve bids, proposals, contracts or supporting documentation on behalf of the Business Entity with any government entity been:

| | |
|--|--|
| <p>8.0 <u>Sanctioned</u> relative to any business or professional permit and/or license?</p> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| <p>8.1 <u>Suspended</u>, <u>debarred</u> or <u>disqualified</u> from any <u>government contracting process</u>?</p> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| <p>8.2 The subject of a criminal <u>investigation</u>, whether open or closed, or an indictment for any business-related conduct constituting a crime under local, state or <u>federal</u> law?</p> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| <p>8.3 Charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime or subject to a judgment for:</p> <ul style="list-style-type: none"> (i.) Any business-related activity, including but not limited to fraud, coercion, extortion, bribe or bribe-receiving, giving or accepting unlawful gratuities, immigration or tax fraud, racketeering, mail fraud, wire fraud, price-fixing or collusive bidding; or (ii.) Any crime, whether or not business-related, the underlying conduct of which related to truthfulness, including but not limited to the filing of false documents or false sworn statements, perjury or larceny | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |

For each "Yes," provide an explanation of the issue(s), the individual involved, the relationship to the submitting Business Entity, the government entity involved, relevant dates, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer(s) below or attach additional sheets with numbered responses.

**NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT CONSTRUCTION (CCA-2)**

IX. FINANCIAL AND ORGANIZATIONAL CAPACITY

9.0 Within the past five (5) years, has the Business Entity or any affiliate received any formal unsatisfactory performance assessment(s) from any government entity on any contract? Yes No

If "Yes," provide an explanation of the issue(s), the Business Entity involved, the relationship to the submitting Business Entity, the government entity involved, relevant dates, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.

9.1 Within the past five (5) years, has the Business Entity or any affiliate had any liquidated damages assessed over \$25,000? Yes No

If "Yes," provide an explanation of the issue(s), the Business Entity involved, the relationship to the submitting Business Entity, relevant dates, the contracting party involved, the amount assessed and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.

9.2 Within the past five (5) years, has the Business Entity or any affiliate had any liens, claims or judgments over \$25,000 filed against the Business Entity which remain undischarged or were unsatisfied for more than 90 days? (Note: Including but not limited to tax warrants or liens. Do not include UCC filings.) Yes No

If "Yes," provide an explanation of the issue(s), the Business Entity involved, the relationship to the submitting Business Entity, relevant dates, the Lien holder or Claimants' name(s), the amount of the lien(s) and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.

9.3 In the last seven (7) years, has the Business Entity or any affiliate initiated or been the subject of any bankruptcy proceedings, whether or not closed, or is any bankruptcy proceeding pending? Yes No

If "Yes," provide the Business Entity involved, the relationship to the submitting Business Entity, the bankruptcy chapter number, the court name and the docket number. Indicate the current status of the proceedings as "Initiated," "Pending" or "Closed." Provide answer below or attach additional sheets with numbered responses.

9.4 What is the Business Entity's Bonding Capacity?

a. Single Project b. Aggregate (All Projects)

9.5 List Business Entity's Gross Sales for the previous three (3) Fiscal Years:

| | | |
|--|--|--|
| 1st Year (Indicate year) Gross Sales | 2nd Year (Indicate year) Gross Sales | 3rd Year (Indicate year) Gross Sales |
|--|--|--|

9.6 List Business Entity's Average Backlog for the previous three (3) fiscal years:
(Estimated total value of uncompleted work on outstanding contracts)

| | | |
|-------------------------------------|-------------------------------------|-------------------------------------|
| 1st Year (Indicate year) Amount | 2nd Year (Indicate year) Amount | 3rd Year (Indicate year) Amount |
|-------------------------------------|-------------------------------------|-------------------------------------|

9.7 Attach Business Entity's most recent annual financial statement and accompanying notes or complete Attachment C – Financial Information, found at www.osc.state.ny.us/vendrep/documents/questionnaire/ac3296s.xls.
(This information must be attached.)

NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT CONSTRUCTION (CCA-2)

X. FREEDOM OF INFORMATION LAW (FOIL)

10.0 Indicate whether any information provided herein is believed to be exempt from disclosure under the Freedom of Information Law (FOIL). Yes No

Note: A determination of whether such information is exempt from FOIL will be made at the time of any request for disclosure under FOIL. Attach additional pages if necessary.

If "Yes," indicate the question number(s) and explain the basis for the claim.

NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE FOR-PROFIT CONSTRUCTION (CCA-2)

Certification

The undersigned: (1) recognizes that this questionnaire is submitted for the express purpose of assisting New York State government entities (including the Office of the State Comptroller (OSC)) in making responsibility determinations regarding award or approval of a contract or subcontract and that such government entities will rely on information disclosed in the questionnaire in making responsibility determinations; (2) acknowledges that the New York State government entities and OSC may, in their discretion, by means which they may choose, verify the truth and accuracy of all statements made herein; and (3) acknowledges that intentional submission of false or misleading information may result in criminal penalties under State and/or Federal Law, as well as a finding of non-responsibility, contract suspension or contract termination.

The undersigned certifies that he/she:

- is knowledgeable about the submitting Business Entity's business and operations;
- has read and understands all of the questions contained in the questionnaire;
- has not altered the content of the questionnaire in any manner;
- has reviewed and/or supplied full and complete responses to each question;
- to the best of his/her knowledge, information and belief, confirms that the Business Entity's responses are true, accurate and complete, including all attachments, if applicable;
- understands that New York State government entities will rely on the information disclosed in the questionnaire when entering into a contract with the Business Entity; and
- is under an obligation to update the information provided herein to include any material changes to the Business Entity's responses at the time of bid/proposal submission through the contract award notification, and may be required to update the information at the request of the New York State government entities or OSC prior to the award and/or approval of a contract, or during the term of the contract.

Signature of Owner/Official _____

Printed Name of Signatory _____

Title _____

Name of Business _____

Address

City, State, Zip _____

Sworn to before me this _____ day of _____, 20____;

Notary Public

NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
ATTACHMENT A – COMPLETED CONSTRUCTION CONTRACTS

Vendor Name:

NYS Vendor ID:

| Question 3.0: List the ten most recent construction contracts the Business Entity has completed. If less than ten, include most recent subcontracts on projects up to that number: | | | | | | |
|---|----------------|--------------|--|--|--------|--------------------------|
| 1. | Agency/Owner | | | Award Date | Amount | Date Completed |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| 2. | Agency/Owner | | | Award Date | Amount | Date Completed |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| 3. | Agency/Owner | | | Award Date | Amount | Date Completed |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| 4. | Agency/Owner | | | Award Date | Amount | Date Completed |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| 5. | Agency/Owner | | | Award Date | Amount | Date Completed |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |

NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
ATTACHMENT A – COMPLETED CONSTRUCTION CONTRACTS

Vendor Name:

NYS Vendor ID:

| Question 3.0: List the ten most recent construction contracts the Business Entity has completed. If less than ten, include most recent subcontracts on projects up to that number: | | | | | | |
|---|----------------|--------------|--|--|--------|--------------------------|
| 6. | Agency/Owner | | | Award Date | Amount | Date Completed |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| 7. | Agency/Owner | | | Award Date | Amount | Date Completed |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| 8. | Agency/Owner | | | Award Date | Amount | Date Completed |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| 9. | Agency/Owner | | | Award Date | Amount | Date Completed |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| 10. | Agency/Owner | | | Award Date | Amount | Date Completed |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |

NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
ATTACHMENT B – UNCOMPLETED CONSTRUCTION CONTRACTS

Vendor Name:

NYS Vendor ID:

| Question 3.1: List all current uncompleted construction contracts: | | | | | | |
|--|----------------|--------------|--|--|--------------------|--------------------------|
| 1. | Agency/Owner | | | | Award Date | |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| | | | Total Contract Amount | Amount Sublet to others | Uncompleted Amount | |
| 2. | Agency/Owner | | | | Award Date | |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| | | | Total Contract Amount | Amount Sublet to others | Uncompleted Amount | |
| 3. | Agency/Owner | | | | Award Date | |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| | | | Total Contract Amount | Amount Sublet to others | Uncompleted Amount | |
| 4. | Agency/Owner | | | | Award Date | |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| | | | Total Contract Amount | Amount Sublet to others | Uncompleted Amount | |

NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
ATTACHMENT B – UNCOMPLETED CONSTRUCTION CONTRACTS

Vendor Name:

NYS Vendor ID:

| Question 3.1: List all current uncompleted construction contracts: | | | | | | |
|--|----------------|--------------|--|--|--------------------|--------------------------|
| 5. | Agency/Owner | | | | Award Date | |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| | | | Total Contract Amount | Amount Sublet to others | Uncompleted Amount | |
| 6. | Agency/Owner | | | | Award Date | |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| | | | Total Contract Amount | Amount Sublet to others | Uncompleted Amount | |
| 7. | Agency/Owner | | | | Award Date | |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| | | | Total Contract Amount | Amount Sublet to others | Uncompleted Amount | |
| 8. | Agency/Owner | | | | Award Date | |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| | | | Total Contract Amount | Amount Sublet to others | Uncompleted Amount | |

NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
ATTACHMENT B – UNCOMPLETED CONSTRUCTION CONTRACTS

Vendor Name:

NYS Vendor ID:

| Question 3.1: List all current uncompleted construction contracts: | | | | | | |
|---|----------------|--------------|--|--|--------------------|--------------------------|
| 9. | Agency/Owner | | | | Award Date | Completion Date |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| | | | Total Contract Amount | Amount Sublet to others | Uncompleted Amount | |
| 10. | Agency/Owner | | | | Award Date | Completion Date |
| | Contact Person | | Telephone No. | Designer Architect and /or Design Engineer | | |
| | Contract No. | Prime or Sub | Joint Venture (JV) Name, if applicable | | | EIN of JV, if applicable |
| | | | Total Contract Amount | Amount Sublet to others | Uncompleted Amount | |
| Grand Total All Uncompleted Contracts | | | | | | \$0.00 |

NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE
ATTACHMENT C - FINANCIAL INFORMATION

NYS Vendor ID: _____

As of Date: _____

ASSETS

Current Assets

| | |
|--|----------|
| 1. Cash | \$ _____ |
| 2. Accounts receivable - less allowance for doubtful accounts | \$ _____ |
| Retainers included in accounts receivable | \$ _____ |
| Claims included in accounts receivable not yet approved or in litigation | \$ _____ |
| Total Accounts Receivable | \$ _____ |
| 3. Notes receivable - due within one year | \$ _____ |
| 4. Inventory - materials | \$ _____ |
| 5. Contract costs in excess of billings on uncompleted contracts | \$ _____ |
| 6. Accrued income receivable | \$ _____ |
| Interest | \$ _____ |
| Other (list) _____ | \$ _____ |
| Total Accrued Income Receivable | \$ _____ |
| 7. Deposits | \$ _____ |
| Bid and Plan | \$ _____ |
| Other (list) _____ | \$ _____ |
| Total Deposits | \$ _____ |
| 8. Prepaid Expenses | \$ _____ |
| Income Taxes | \$ _____ |
| Insurance | \$ _____ |
| Other (list) _____ | \$ _____ |
| Total Prepaid Expenses | \$ _____ |
| 9. Other Current Assets | \$ _____ |
| Other (list) _____ | \$ _____ |
| Total Other Current Assets | \$ _____ |
| 10. Total Current Assets | \$ _____ |
| 11. Investments | \$ _____ |
| Listed securities-present market value | \$ _____ |
| Unlisted securities-present value | \$ _____ |
| Total Investments | \$ _____ |
| 12. Fixed Assets | \$ _____ |
| Land | \$ _____ |
| Building and improvements | \$ _____ |
| Leasehold improvements | \$ _____ |
| Machinery and equipment | \$ _____ |
| Automotive equipment | \$ _____ |
| Office furniture and fixtures | \$ _____ |
| Other (list) _____ | \$ _____ |
| Total | \$ _____ |
| Less: Accumulated depreciation | \$ _____ |
| Total Fixed Assets - Net | \$ _____ |
| 13. Other Assets | \$ _____ |
| Loans receivable | \$ _____ |
| Officers | \$ _____ |
| Employees | \$ _____ |

| | | |
|--|----------|----------|
| Shareholders | \$ _____ | \$ _____ |
| Cash surrender value of officers' life insurance | \$ _____ | \$ _____ |
| Organization expense – net of amortization | \$ _____ | \$ _____ |
| Notes receivable - due after one year | \$ _____ | \$ _____ |
| Other (list) _____ | \$ _____ | \$ _____ |
| Total Other Assets | \$ _____ | \$ _____ |
| 14. TOTAL ASSETS | \$ _____ | \$ _____ |
| LIABILITIES | | |
| Current Liabilities | | |
| 15. Accounts payable | \$ _____ | \$ _____ |
| 16 a. Loans from shareholders - due within one year | \$ _____ | \$ _____ |
| 16 b. Other Loans - due within one year | \$ _____ | \$ _____ |
| 17. Notes payable - due within one year | \$ _____ | \$ _____ |
| 18. Mortgage payable - due within one year | \$ _____ | \$ _____ |
| 19. Other payables - due within one year | \$ _____ | \$ _____ |
| Other (list) _____ | \$ _____ | \$ _____ |
| Total Other Payables - due within one year | \$ _____ | \$ _____ |
| 20. Billings in excess of costs and estimated earnings | \$ _____ | \$ _____ |
| 21. Accrued expenses payable | | |
| Salaries and wages | \$ _____ | \$ _____ |
| Payroll taxes | \$ _____ | \$ _____ |
| Employees' benefits | \$ _____ | \$ _____ |
| Insurance | \$ _____ | \$ _____ |
| Other | \$ _____ | \$ _____ |
| Total Accrued Expenses Payable | \$ _____ | \$ _____ |
| 22. Dividends payable | \$ _____ | \$ _____ |
| 23. Income taxes payable | | |
| State | \$ _____ | \$ _____ |
| Federal | \$ _____ | \$ _____ |
| Other | \$ _____ | \$ _____ |
| Total Income Taxes Payable | \$ _____ | \$ _____ |
| 24. Total current liabilities | \$ _____ | \$ _____ |
| 25. Deferred income taxes payable | | |
| State | \$ _____ | \$ _____ |
| Federal | \$ _____ | \$ _____ |
| Other | \$ _____ | \$ _____ |
| Total Deferred Income Taxes | \$ _____ | \$ _____ |
| 26. Long Term Liabilities | | |
| Loans from shareholders - due after one year | \$ _____ | \$ _____ |
| Other Loans - due within one year | | |
| Principle | \$ _____ | \$ _____ |
| Interest | \$ _____ | \$ _____ |
| Notes payable - due after one year | \$ _____ | \$ _____ |
| Mortgage - due after one year | \$ _____ | \$ _____ |
| Other payables - due after one year | \$ _____ | \$ _____ |
| Other (list) _____ | \$ _____ | \$ _____ |
| Total Long Term Liabilities | \$ _____ | \$ _____ |
| 27. Other Liabilities | | |
| Other (list) _____ | \$ _____ | \$ _____ |
| Total Other Liabilities | \$ _____ | \$ _____ |
| 28. TOTAL LIABILITIES | \$ _____ | \$ _____ |
| NET WORTH | | |
| 29. Net Worth (if proprietorship or partnership) | \$ _____ | \$ _____ |

30. Stockholders' Equity

| | |
|--|--------------------------------|
| Common stock issued and outstanding | \$ <u> </u> - |
| Preferred stock issued and outstanding | \$ <u> </u> - |
| Retained earnings | \$ <u> </u> |
| Total | \$ <u> </u> - |
| Less: Treasury stock | \$ <u> </u> - |
| 31. TOTAL STOCKHOLDERS' EQUITY | \$ <u> </u> - |
| 32. TOTAL LIABILITIES AND NET WORTH | \$ <u> </u> - |

New York State Vendor Responsibility

Definitions List

Administrative Proceeding

Any government entity proceeding in which a determination of the legal rights, duties or privileges of named parties thereto is required by law to be made only on a record and after an opportunity to be heard. Such a proceeding may be solely comprised of an exchange of written materials, which can include, but is not limited to, testimony recorded electronically, transcriptions, letters, documents, etc.

Affiliate

For-Profit:

SEE ASSOCIATED ENTITY

Not-For-Profit:

Any business entity (not-for-profit or for-profit) which is entitled to exercise the membership rights of participation in the election of board members, participation and service on the committees of the not-for-profit and approval of changes to a business entity's governing documents, and any company or other legal entity which controls or is controlled by the not-for-profit business entity.

Construction:

- a. Any business entity in which the submitting Business Entity holds 5% or greater ownership interest; and/or
- b. Any business entity or organized group of principal owners or officers holding 5% or greater ownership interest of the submitting business entity; and/or
- c. Any business entity which is owned
 - i. 5% or more by the same entity or group described in (b) or
 - ii. by an individual holding 5% or greater ownership in the submitting business entity and/or
- d. Any business entity in which the submitting Business Entity directs or has a right to direct such entity's daily operations, regardless of percentage of ownership interest.

Associated Entity

Generally, any entity that the Reporting Entity controls or is controlled by, including:

- a. Owner: Any business entity or organized group of principal owners or officers holding 50% or greater ownership interest in the Reporting Entity (i.e., holding company, parent company).
- b. Controlling entity: Any business entity which directs or has a right to direct the Reporting Entity's operations, regardless of percentage of ownership interest (i.e., headquarters).
- c. Controlled entity: Any business entity in which the Reporting Entity holds 50% or greater ownership interest, or the Reporting Entity directs or has a right to direct operations, regardless of percentage of ownership interest (i.e., subsidiaries, units under the Reporting Entity).

Note: "Associated Entity" does not include "sibling organizations" (i.e., entities owned or controlled by a parent company that owns or controls the Reporting Entity), unless such sibling entity has a direct relationship with or impact on the Reporting Entity.

Business Entity

Includes a Legal Business Entity, a Reporting Entity or an Associated Entity as defined herein.

New York State Vendor Responsibility

Business Entity Leaders

An officer, general partner, managing partner, manager of an LLC, and/or director.

Business Entity Officials

Individuals serving in an executive capacity, as staff and/or corporate officers, who have decision-making authority and responsibility for the oversight of a business entity; includes individuals who perform the functions of chief executive officer (CEO), chief operating officer (COO), chief financial officer (CFO), and/or chairman of the board, or their equivalents. (Equivalent titles may include, but are not limited to, President, Executive Vice President, Treasurer, Secretary, Managing Trustee)

Instructions:

Corporations: Identify the Business Entity Officials.

Partnerships: Identify the Senior Managing Partners, and any other partners with powers equivalent to Business Entity Officials.

Limited Liability Companies (LLC): Identify the Executive Managing Directors/Members, Senior Managing Directors/Members, and any other members/managers with powers equivalent to Business Entity Officials.

Sole Proprietors: Identify the individual who is the sole owner and manager of the business entity, or other persons, including staff, with powers equivalent to Business Entity Officials.

Unincorporated Associations: Identify the Executive Committee Members, including President, Vice President, Secretary and Treasurer, Executive or Managing Trustees, or other persons, including staff, with powers equivalent to Business Entity Officials.

Certificate of Good Standing

Certificate issued by the Business Entity's controlling jurisdiction indicating that the Business Entity is current with the filing requirements of the jurisdiction, issued within one year of the date of certification of the Vendor Responsibility Questionnaire.

Charities Registration Number

Number issued by the New York State Attorney General's Charities Bureau to qualified not-for-profit charitable organizations.

CIK Code

The Central Index Key (CIK) is a designation number established for each entity which has filed disclosures with the Securities and Exchange Commission (SEC). It is used on the SEC's computer systems to identify corporations and individual people who have filed disclosure with the SEC.

Citation, Summons, Notice, Violation Order

A notice to appear in court or at an administrative hearing or administrative proceeding, usually issued by a State or Local Government enforcement agency. Includes court issued writs, police issued orders, administrative orders or writs to appear at a certain time and place to do something demanded in the writ, or to defend against the citation, or to show cause for not doing so.

New York State Vendor Responsibility

Claim

A written, formal demand for money due, for property, for damages or for enforcement of a right, e.g., a fine or penalty sought by a Government Entity.

Construction

Contracts for work involving general contracting, building new structures and remodeling existing structures, demolition, concrete, paving and masonry, excavation, heating, ventilation and air conditioning, painting, plumbing, electrical work, roofing, asbestos abatement, lead abatement, and remediation and abatement of hazardous materials or hazardous waste. Construction activity also includes grant and other activities in which a not-for-profit entity contracts with the State for construction services (e.g., the building of permanent and transitional housing, and day care facilities). Includes all construction activities whether provided directly or through the use of subcontractors.

Corporation – For-Profit

Entity organized for the purpose of making profit, created under the laws of a State or United States federal government. Ownership may consist of publicly traded or privately held shares of stock.

Corporation – Not-For-Profit

A corporation formed for purposes other than financial gain, pursuant to and in accordance with a state's Not-For-Profit Corporation Law.

DBA - Doing Business As

An assumed name a business entity uses for doing business, in lieu of using the legal business name or owner's personal name. The entity must have filed a "Business Certificate," otherwise known as a Certificate of Conducting Business Under an Assumed Name, or DBA, in the county clerk's office of the county in which the business entity is located, or in the case of corporate entities with the Department of State.

Debarred

The exclusion of an individual or business entity from participating in the government procurement process for specified period of time.

Disadvantaged Business Enterprise (DBE)

A United States federal designation through a program run by the U.S. Department of Transportation. A for-profit small business concern that is at least 51% owned by one or more individuals who are both socially and economically disadvantaged, or in the case of a corporation, in which 51% of the stock is owned by one or more such individuals. State Agencies designate a business entity as a DBE based upon the federal standards.

Disqualification

Any action taken by a government entity which prevents or precludes a business entity from receiving an award for a particular contract or from being placed on a prequalification list. A business entity may be disqualified for a number of reasons, including but not limited to determinations of non-responsibility or lack of required experience.

New York State Vendor Responsibility

DUNS - Data Universal Numbering System

A unique 9-digit number provided by Dun & Bradstreet (D&B), a commercial information company. The DUNS Number is site-specific and division-specific. Therefore, each physical location of an entity may have its own DUNS Number. Further, each separate division or branch of an entity may have its own, unique DUNS Number.

EIN - Employer Identification Number

Federal Employer Identification Number used for federal income tax reporting. Although this number may be the Social Security Number of an individual operating a business as a sole proprietor, vendors are encouraged to obtain an EIN for business purposes.

Federal

Any department, division, board, commission or bureau of any federal department designated by the United States federal government.

Financial Statements

Presentation of financial data including balance sheets, income statements, and statements of cash flow, or any supporting statement(s) intended to communicate a business entity's financial position at a point in time and its results of operations for a period then ended.

Formal Unsatisfactory Performance Assessment

A written (including electronic), unsatisfactory performance assessment or evaluation issued by a government entity, after providing due process to a business entity. May include unsatisfactory past performance assessments determined under audit and/or required by law, rule, regulation, policy or procedure.

Former Name

Any previous name by which Legal Business Entity has done business as, inside or outside the State of New York.

General Partnership

An association of two or more persons to carry on as co-owners of a business.

New York State Vendor Responsibility

Good Faith Effort(s)

An effort to achieve a Minority-Owned Business Enterprise, Women-Owned Business Enterprise (M/WBE) or Disadvantaged Business Enterprise (DBE) goal, federal requirement or New York State requirement, which, by its scope, intensity and appropriateness to the objective, can reasonably be expected to fulfill the program requirements.

The code of Federal Regulations 49 C.F.R. Part 26 sets forth the standards to determine whether a contractor has made good faith efforts to reach a DBE goal. Appendix A to Part 26 provides the following guidance for a bidder: "First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful."

Article 15-A of the Executive Law of the State of New York sets forth the standards for the M/WBE Program. These standards are to be used to determine whether a contractor has made "active and conscientious efforts to employ and to utilize minority group members and women at all levels and in all segments of its work force on state contracts, and the contractor will document these efforts."

Government Audits

Financial, compliance and/or performance audits completed for or by a government entity.

Government Contract

A contract entered into by a United States federal, state or local government entity.

Government Contracting Process

Bidding, evaluation, award and administration of a government contract.

Government Entity

Any United States federal, state or local government-created bureau, agency, department, division, board, commission, public authority or public benefit corporation.

Investigation

An inquiry has been or is being made by any prosecutorial, investigative or regulatory agency concerning an individual or business entity or the activities and/or the business practices thereof.

Joint Venture

When two or more persons or business entities join together for a specific business undertaking in which profits, losses and control are shared. Usually an enterprise with limited scope and duration but with shared liability and responsibility for debts or losses. Joint ventures normally terminate when the contract or project for which the entities have joined is completed. The Joint Venture may be established as a separate legal entity with its own federal Employer Identification Number (EIN).

New York State Vendor Responsibility

Judgment

A court decision or judgment that settles the rights of the parties and disposes of all issues in controversy, except for award of costs and enforcement of the judgment. A judgment rendered by a lower court is deemed to be a final judgment, even if such judgment is subject to appeal.

Key Employee

Any officer, managing director or managing trustee, executive director, and persons or entities that manage and/or control the daily operations of the Business Entity, and any person having responsibilities or powers similar to those of officers, managing directors, or managing trustees, including the chief management and administrative officials of the Business Entity (such as executive director or chancellor), but does not include the heads of separate departments or smaller units within the business entity.

A chief financial officer and the officer in charge of administration or program operations are both Key Employees if they have the authority to control the Business Entity's activities, its finances or both. The "heads of separate departments" reference applies to persons such as the head of the radiology department or coronary care unit of a hospital, or the head of the English department at a college. These persons are managers within their specific areas but not for the business entity as a whole and therefore, are not Key Employees.

Legal Business Entity

A Business Entity registered with the Internal Revenue Service and assigned a federal Employer Identification Number.(Note: Individuals and Sole Proprietors may use a Social Security Number but are encouraged to obtain and use an Employer Identification Number.)

Legal Business Entity includes for-profit and not-for-profit entities, and may take the form of:

- a. a Corporation, Partnership (including General, Limited or Limited Liability Partnership), Limited Liability Company, Sole Proprietor, Unincorporated Association, or any other business organization , in the case of for-profit entities, or
- b. a Not-for-Profit Corporation, Foundation, Partnership, Limited Liability Company, Unincorporated Association, or any other business organization, in the case of not-for-profit entities.

Legal Business Entity Name

The name of the entity as set forth in the Legal Business Entity's creation documents.

- a. For Corporations, the name as set forth in the Certificate of Incorporation.
- b. For General Partnerships, the name as set forth in the Certificate of Assumed Name.
- c. For Limited Partnerships, the name as set forth in the Certificate of Limited Partnership.
- d. For Limited Liability Partnerships, the name as set forth in the Certificate of Registration.
- e. For Limited Liability Companies, the name as set forth in the Articles of Organization.

For purposes of this questionnaire, a Sole Proprietor or an individual seeking to do business as him/herself may use his/her name anywhere it asks for the name of the Legal Business Entity Name.

New York State Vendor Responsibility

Liens

A form of security interest against property or property interest to secure the payment of a debt, judgment, or taxes, including, but not limited to, judgment liens, mechanics' liens, tax liens, attorneys' liens, New York State of Department of Environmental Conservation liens, but shall not include purchase credit liens, Uniform Commercial Code filings, or mortgages.

Liquidated Damages

Compensation that contracting parties have agreed should be paid to one party for any loss or damage arising from breach of the agreement by the other party.

LLC - Limited Liability Company

A Limited Liability Company (LLC) is a type of business structure that offers limited liability for the debts and obligations of the business entity to the owners. An LLC provides management flexibility and the income and losses are passed through the owners of the entity, like a partnership. It must be formed pursuant to and in accordance with the Limited Liability laws of the state. The designation "LLC" must follow and be a part of the business entity's legal name.

LLP - Limited Liability Partnership

A Limited Liability Partnership is a partnership with no limited partners, where each partner is a professional by law and qualified to render a professional service, and is engaged in the practice of such profession. The business entity is registered as an LLP with the New York State Department of State, or a partnership with no limited partners registered or otherwise created under the laws of another jurisdiction. The designation "LLP" must follow and be a part of the business entity's legal name.

LP - Limited Partnership

A Limited Partnership is a type of partnership which has two types of partners; general and limited. A LP has at least one general partner and one or more limited partners. The general partner acts in the same capacity as in a general partnership such as management control, right to use property of the partnership, shared profits and joint/several liability. The limited partner has limited liability, is not involved in the day-to-day activity of the partnership and has no management control. The designation "LP" must follow and be a part of the business entity's legal name.

Material Disallowance

Expenditures which have occurred in a contract or grant which an auditor has determined were not allowed under the guidelines established by the agency, the terms of the contract or grant, or by statute, in an amount that would be material in relation to the total value of the contract or grant.

Minority Community-Based Organization (MCBO)

A not-for-profit, local human service organization having its origins in the geographic area that it serves. Generally, the governing bodies and personnel of community-based organizations reflect the racial, ethnic and cultural makeup of the community being served. These types of organizations are characterized by majority representation of Native Americans, Asian-Americans, African-Americans and/or Hispanic-Americans, in both policy formulation and decision-making regarding management, service delivery and staffing reflective of the geographic area it serves.

New York State Vendor Responsibility

Minority-Owned Business Enterprise (MBE)

A business enterprise which is at least 51% owned, operated or controlled by United States citizens or permanent resident aliens who are minority group members (as listed under Article 15-A of the New York State Executive Law).

A business entity must be certified by the New York State Division of Minority and Women-Owned Business Development as a Minority-Owned Business Enterprise in order to qualify for this status.

New York State Small Business (SB)

A business which is a resident of New York State, independently owned and operated, not dominant in its field and which employs one hundred or fewer people.

New York State Vendor ID

The NYS Vendor ID is a ten-character identifier issued by New York State when the vendor is registered on the Vendor File.

Non-Responsibility Finding

A determination by a government entity that a business entity does not have the requisite financial or organizational capacity, and/or legal authority, and/or integrity, and/or acceptable performance on previous government contracts to perform on a government contract.

Not-For-Profit

A business entity organized for the purpose of social, religious, charitable, educational, athletic, literary, and political or other such activities, which is registered with either:

- a. the New York State Department of State as a Not-for-Profit Corporation in accordance with Article 13 of the Not-for-Profit Corporation Law; and/or
- b. the New York State Attorney General Charities Bureau;

or, is exempt from taxation under Section 501 of the Internal Revenue Code.

Not-For-Profit Corporation

A corporation formed for purposes other than financial gain, pursuant to and in accordance with a state's Not-For-Profit Corporation Law.

New York State Vendor Responsibility

Official(s)

Individual who serves in an executive capacity with decision-making authority and responsibility for the oversight of a Legal Business Entity, a Reporting Entity or an Associated Entity; includes individuals who perform the functions of chief executive officer (CEO), chief operating officer (COO), chief financial officer (CFO), and/or chairman of the board, or their equivalents.

Equivalent titles may include, but are not limited to the following:

- a. Corporations: The chief executive officer (CEO), chief operating officer (COO), chief financial officer (CFO), and/or chairman of the board
- b. Partnerships: The Senior Managing Partners
- c. Limited Liability Companies (LLC): The Executive Managing Directors/Members, Senior Managing Directors/Members
- d. Sole Proprietors: The individual who is the sole owner and manager of the business entity
- e. Unincorporated Associations: The Executive Committee Members, including President, Vice President, Secretary and Treasurer, Executive or Managing Trustees

Organizational Chart

A diagram which illustrates the relationship and management structure of the Reporting Entity to the Legal Business Entity and other Associated Entities as herein defined

Organizational Unit

An established portion of a Legal Business Entity which is within and operating under the authority of the Legal Business Entity, with a designated manager or management team responsible for the operation thereof. For example, a department, division, branch or chapter directly or primarily responsible for fulfilling the terms of the contract. (See Reporting Entity)

OSHA Violation

Serious

A violation designated as "serious" by the Occupational Safety and Health Administration (OSHA). Generally, where there is substantial probability that death or serious physical harm could result and that the employer knew or should have known of the hazard.

Willful

A violation designated as "willful" by the Occupational Safety and Health Administration (OSHA). Generally, a violation that the employer knowingly commits or commits with plain indifference to the law. The employer either knows that what he or she is doing constitutes a violation, or is aware that a hazardous condition exists and makes no reasonable effort to eliminate it.

PC – Professional Service Corporation

A Professional Service Corporation (PC) is organized by one or more individuals authorized to provide a professional service for the purpose of making a profit and for the purpose of rendering such professional service as licensed thereto. Shares may only be issued to those licensed individuals as are authorized to practice their professional service in this state and who have engaged in such profession or will be engaged in the practice of such profession of the PC within 30 days of the issuance of the shares. The designation "PC" must follow and be a part of the business entity's legal name.

New York State Vendor Responsibility

PLLC – Professional Service Limited Liability Company

A Professional Service Limited Liability Company (PLLC) is a limited liability company organized for the purpose of providing professional services. Members may only consist of those licensed individuals as are authorized to practice their professional service in this state, and who have engaged in such profession, or will be engaged in the practice of such profession. The designation "PLLC" must follow and be a part of the business entity's legal name.

Primary Place of Business

The location where the direction and management of the Reporting Entity takes place.

Principal Owner

Any person holding 10% or more of the voting stock of a publicly traded corporation, or 25% or more of a privately held corporation. For construction business entities, any person whose ownership interest is 5% or more.

Principal Place of Business

The location of the primary control, direction and management of the Legal Business Entity.

Registered to do business in New York State

A business entity is registered to do business in New York State, when it has met the statutory filing requirements of filing for authority to do business in New York State, usually by filing with the New York Department of State.

Reporting Entity

The Reporting Entity may be either the entire Legal Business Entity or a portion of the Legal Business Entity, which does or anticipates doing business with the State of New York. If it is not the entire Legal Business Entity, the portion must be an established organizational unit within and operating under the authority of the Legal Business Entity, with a designated manager or management team responsible for the operation thereof. The established organizational unit must have the same Employer Identification Number as the Legal Business Entity. The organizational unit must also be part of the Legal Business Entity, with primary responsibility for fulfilling the terms of the anticipated contract. Examples of a Reporting Entity include, but are not limited to, a department, division or branch.

Sanction

(Sanction or sanctioned) Any fine, penalty, judgment, injunction, violation, debarment, suspension or revocation.

Shared Space

Space is considered to be shared when any part of the space utilized by the submitting Business Entity, at any of its sites, is also utilized on a regular or intermittent basis for any purpose by any other entity, and where there is no lease or sublease in effect between the submitting Business Entity and any other entity that is sharing space with the submitting Business Entity.

Sole Proprietor

A business entity owned and operated by one individual, although there may be employees. All business decisions are made by the sole owner.

New York State Vendor Responsibility

State Contracting Entity

Any New York State government-created entity with the authority to enter into a contract. This includes any New York State created agency, department, division, board, commission or bureau, including public authorities and public benefit corporations.

State Government Entity

Any state government-created agency, department, division, board, commission or bureau of any state, including public authorities and public corporations.

Statutory Affirmative Action Requirements

The statutory inclusion of language in government procurement contracts that

- a. requires a business entity to affirmatively act to ensure and promote equal opportunity employment on government contracts,
- b. prohibits a business entity from discrimination in employment, and
- c. provides for termination of such contracts for a business entity's failure to comply with such terms.

Suspension

(Suspension or suspended) Action taken by a government entity to temporarily restrict the business entity's right to provide new or continuing contractual obligations.

Terminated for Cause

The exercise of a government entity's right to completely or partially terminate a contract due to the business entity's failure to perform its contractual obligations or for the business entity's failure to comply with statutory and/or regulatory responsibilities.

TIN – Taxpayer Identification Number

Taxpayer Identification Number used for federal income tax reporting. This number may be the federal Employer Identification Number (EIN) or the Social Security Number (SSN) of an individual operating a business as a sole proprietor. (Note: Individuals and Sole Proprietors may use a Social Security Number but are encouraged to obtain and use an Employer Identification Number.)

Trade Name

Any name used by a person to identify a business or vocation of such person. A person shall include an individual (natural person), firm, partnership, corporation, union, association or other business entity capable of suing and being sued in a court of law. This also includes any trade, franchise or licensee names.

Unincorporated Association

This is a type of business entity that may be created contractually. The contractual relationship is between the members of the association, all of whom have agreed to join together for a particular purpose. These types of business entities include, but are not limited to, unions, historical societies, professional membership associations, and recreational societies.

New York State Vendor Responsibility

Women-Owned Business Enterprise (WBE)

A business enterprise which is at least 51% owned, operated or controlled by U.S. citizens or permanent resident aliens who are women. A business entity must be certified by the New York State Division of Minority and Women-Owned Business Development as a Women-Owned Business Enterprise in order to qualify for this status.

**DRUG AND ALCOHOL TESTING
PROGRAM COMPLIANCE**

ACKNOWLEDGMENT OF DRUG AND ALCOHOL TESTING PROGRAM COMPLIANCE

(PRINT OR TYPE COMPANY NAME) hereby acknowledges that a drug and alcohol program which is required by Federal Department of Transportation rules (CFR, Title 49, Part 40 and 382), has been implemented by this Company. The program is administered by:

Please select one

The Company itself - The program administrator is:

Company Administrator's Name and Telephone Number

Third-Party Administrator - The program administrator is:

Third-Party Administrator's Name

Address

Point of Contact/Telephone Number

Company Official's Name

Signature

Date

(NOTARY SEAL/STAMP)

LOCAL LAW 3-2018

APPRENTICESHIP TRAINING PROGRAM FORM

NEW YORK STATE CERTIFIED APPRENTICESHIP
TRAINING PROGRAM CERTIFICATION

Pursuant to Erie County Local Law 3-2018 the following MUST be submitted along with supporting documentation unless the Contracting Agency has otherwise determined under Section 2f of the Erie County Rules and Regulations that the New York State Certified Apprenticeship Training Program does not apply.

TO BE FILLED OUT BY BIDDER: please check that which applies on sign below.

[] Enclosed is a copy of the certification of approval of the New York State Certified Apprenticeship Training Program (NYSCATP) by the New York State Department of Labor which, as Bidder, will use in connection with the construction contract. Also Enclosed is a written plan demonstrating how apprentices will be utilized by the Bidder As Prime Contractor or by the Subcontractor(s) to the Bidder as Prime Contractor. Such Plan shall include at a minimum:

- i. An organized written plan in place that embodies the terms and conditions of employment, training and supervision of one or more apprentices;
- ii. A schedule of wages to be paid to the apprentices consistent with the skills required and approved by the New York State Department of Labor;
- iii. Equal employment and affirmative action plans;
- iv. **Workforce development and diversification goals to ensure that the contractor will diligently work toward a minority workforce goal of 30% minority and female participation combined in project personnel including trades people, trainees, journeymen, apprentices and supervisory staff;**
- v. **A minimum of ten percent (10%) of the total construction workers. Trades people, trainees, journeymen, and apprentices employed at any given time on a particular project by any and all contractors or subcontractors must be consist of persons participating in a NYSCATP; and**
- vi. **In all cases, such Certified Apprenticeship Training Program must be specific to the type and scope of work which is being performed and must have a graduation rate of at least thirty percent (30%) as determined by the New York State Department of Labor.**

[] Enclosed is a detailed explanatory written statement as to the inapplicability of Apprenticeship participation due to: the lack of career opportunities in NYSCATP Approved by New York State Department of Labor Commissioner; OR the magnitude of the construction contract which would make use of apprentices impracticable.

SIGNATURE

COMPANY NAME

DATE

**ERIE COUNTY EQUAL PAY CERTIFICATION
(EXECUTIVE ORDER #13)**

Erie County Equal Pay Certification

In order to comply with Executive Order 13 dated November 6, 2014, we hereby certify that we are in compliance with federal law, including the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, Federal Executive Order 11246 of September 24, 1965 and New York State Labor Law Section 194 (together "Equal Pay Law"). We understand that this certification is a material component of this contract. Violation of the provisions of Executive Order 13, which is attached hereto and made a part hereof, can constitute grounds for the immediate termination of this contract and may constitute grounds for determining that a bidder is not qualified to participate in future county contracts.

We have evaluated wages and benefits to ensure compliance with the Equal Pay Law. We certify that we have not been the subject of an adverse finding under the Equal Pay Law within the previous five years and, in the alternative, if we were the subject of an adverse finding under the Equal Pay Law within the previous five years, we have annexed a detailed description of the finding(s). In addition, we have annexed a detailed description of any currently pending claims under the Equal Pay Law in which we are involved.

Signature

Verification

A) OWNER/PARTNERSHIP

STATE OF _____)
COUNTY OF _____) SS:

_____, being duly sworn, states he or she is the owner of
(or a partner in) _____, and is making the foregoing
Certification and that the statements and representations made in the Certification are true to his or her
own knowledge.

Sworn to before me this _____ Day of _____, 20____

Notary

B) CORPORATE

STATE OF _____)
COUNTY OF _____) SS:

_____, being duly sworn, states that he or she is the
Name of Corporate Officer
_____, of _____, Name of Corporation
Title of Corporate Officer
the enterprise making the foregoing Certification, that he or she has read the Certification and knows its
contents, that the statements and representations made in the Certification are true to his or her own
knowledge, and that the Certification is made at the direction of the Board of Directors of the
Corporation.

Sworn to before me this _____ Day of _____, 20____

Notary

Rev 5/5/15

LOCALLY ADMINISTERED FEDERAL AID
CONTRACT FORMS

APPENDIX 12-1A

CONSTRUCTION CONTRACT REQUIREMENTS FILLABLE FORMS

This page has been left intentionally blank.

Contents

| | |
|--|---|
| NON-COLLUSIVE BIDDING CERTIFICATION..... | 4 |
| OFFERER DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS..... | 5 |
| COMBINED CERTIFICATION FORM..... | 6 |

ALL FORMS MUST BE INCLUDED IN ALL FEDERAL AID CONTRACTS AND MUST BE INCLUDED IN EACH BID PROPOSAL.

NON-COLLUSIVE BIDDING CERTIFICATION BIDDER INFORMATION

Bidder to provide information listed below:

Bidder Address:

Street or P. O. Box No.

City

State ZIP

Federal Identification No.:

Name of Contact Person:

Phone # of Contact Person:

If Bidder is a Corporation:

President's Name & Address:

Secretary's Name & Address:

Treasurer's Name & Address:

If Bidder is a Partnership:

Partner's Name & Address:

Partner's Name & Address:

If Bidder is a Sole Proprietorship:

Owner's Name & Address:

THIS PAGE MUST BE INCLUDED IN ALL FEDERAL AID CONTRACTS AND MUST BE INCLUDED IN EACH BID PROPOSAL.

Offerer Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address:

Name and Title of Person Submitting this Form:

Contract Procurement Number:

Date:

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?

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?

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?

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?

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.)

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____

Date:

Signature

Name:

Title:

COMBINED CERTIFICATION FORM

BY EXECUTING THIS DOCUMENT, THE CONTRACTOR AGREES TO:

1. Perform all work listed in accordance with the Contract Documents including all amendments, at the prices bid; subject to the Changed Conditions provisions if applicable,
2. Accompany this proposal with a bid bond, certified check or bank cashier's check for the specified amount of deposit required,
3. All the terms and conditions of the non-collusive bidding certifications required by §139-d of the State Finance Law and 2 CFR Part 1200,
4. Certify, under penalty of perjury, as to the current history regarding suspensions, debarments, voluntary exclusions, determinations of ineligibility, indictments, convictions or civil judgments required by FHWA Form 1273 Required Contract Provisions Federal-Aid Construction Contracts-Section X "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion",
5. Certify that no Federal appropriated funds have been paid or will be paid, to any person for lobbying a Federal official or employee, or disclosure was made in accordance with 31 USC 1352 required by FHWA Form 1273 Required Contract Provisions Federal-Aid Construction Contracts-Section XI "Certification Regarding Use of Contract Funds for Lobbying",
6. Attest that its performance of the services outlined in this proposal does not and will not create a conflict of interest with nor position the firm to breach any other contract currently in force with the State of New York,
7. Certify that it understands the prohibitions under the Federal False Claims Act (31 USC §3729) and the New York State False Claims Act (NYS Finance Law Article 13),
8. Certify that all information provided to the Department with respect to the requirements contained in the Procurement Lobbying Law (State Finance Laws §139-j and §139-k) is complete, true and accurate,
9. Affirm, under penalty of perjury, that all the responses provided to the Department with respect to its submitted Form CCA-2 New York State Vendor Responsibility Questionnaire For-Profit Construction, are complete, true, and accurate, and further affirms and acknowledges that it must remain a responsible Contractor throughout the duration of the contract, in accordance with §105-05 Vendor Responsibility,
10. Provide commitments to meet the established DBE goal(s) prior to award or demonstrate good faith efforts to do so,
11. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the New York State Labor Law.

12. Certify to all other clauses required by this proposal and contained herein.

Dated , 20

Legal Name of person, firm or corporation

By _____
Signature (Title)

(Acknowledgment by Individual Contractor)

STATE OF NEW YORK)
COUNTY OF) SS:

On this day of , 20 , before me personally came , to me known and known to me to be described in and who executed the foregoing instrument, and that he/she acknowledged that he/she executed the same.

Notary Public

(Acknowledgment by Individual Contractor, If a Corporation)

STATE OF NEW YORK)
COUNTY OF) SS:

On this day of , 20 , before me personally came , to me known and known to me to be the person who executed the above instrument, who being duly sworn by me, did depose and say that he/she resides at , and that he/she is the of the the corporation described in and which executed the above instrument, and that he/she signed his/her name thereto on behalf of said Corporation by order of the Board of Directors of said Corporation.

Notary Public

(Acknowledgment of Co-Partnership Contractor)

STATE OF NEW YORK)
COUNTY OF) SS:

On this day of , 20 , before me personally came , to me known and known to me to be the person described in and who executed the above instrument, who, being duly sworn by me, did for himself/herself depose and say that he/she is a member of the firm of , consisting of himself/herself and , and that he/she executed the foregoing instrument in the firm name of and that he/she had authority to sign same, and did duly acknowledge to me that he/she executed same as the act and deed of said firm of for the uses and purposes mentioned herein.

Notary Public

Letting Date: 5/22/2025

Proposer Name: _____

Address: _____

PIN: 5764.14

Contract #: LD040841

DBE Goal: 6 % as Stated in the Advertisement

We hereby submit a DBE commitment of % for the above referenced project.

| <u>DBE Name and Address</u> | <u>Work Category **</u> | <u>% DBE Credit</u> <u>(A)</u> | <u>\$ Commitment</u> <u>(B)</u> | <u>DBE Credit \$</u> <u>(AXB)</u> |
|---|-------------------------|-----------------------------------|------------------------------------|--------------------------------------|
| Example Company: Drainage R Us Address: 2543 Lexington Street Troy, NY 12180 | Construction | 100 | \$1,120,000 | \$1,120,000 |

| | | | | |
|----------|---|--|--|--|
| Address: | | | | |
| Address: | | | | |
| Address: | <p>This is a sample document only. This form shall be downloaded from NYSDOT's Civil Rights Website (https://www.dot.ny.gov/main/business-center/contractors/construction-division/construction-repository/AAP_14.pdf) and completed as necessary.</p> <p>Note that original signatures are needed on this document. Digital signatures such as DocuSign or Adobe Signature are NOT acceptable. Photocopies or Scanned and Printed versions are permitted.</p> <p>The highlighted fields at the top of this document are to aid bidders in completing the form for this project. Bidders will need to manually enter this on their forms.</p> | | | |
| Address: | | | | |

***Only submit DBE(s) that you have verified are certified to perform/supply the identified commitments**

Total Commitment:

****Work Category:**

Construction, Manufacturers, Fabricators, Professional Service, Work Service, Trucking Firm = 100% Credit
Material Supplier = 60% Credit
Distributor = 40% Credit
Broker (Fees / Commissions Only) = 100% Credit

NOTE: In addition to the summary of commitments shown above, you shall submit DBE commitments/confirmation on [Department Forms](#) (i.e., AAP 20, AAP 22, and AAP 23 depending on Work Category) with your bid submission for each DBE Firm listed above. In addition, if you do not meet the DBE Goal, you shall submit sufficient Good Faith Effort documentation with your bid submission. No supplemental information will be considered after Letting.

I hereby confirm that the DBEs are certified to perform the commitments shown above. Upon notification that my commitments and/or good faith efforts have been accepted by the Department, I shall enter exactly (as shown) all of the DBE commitments identified here, into Equitable Business Opportunity Solution (EBO), with no additions, substitutions, or reductions.

Acknowledged By:

Name: _____

Title:

Company Federal Tax ID XX-XXXXXXX

DBE Subcontractor / Work Service / Professional Service Commitments / Confirmation

| Contract Number LD040841 | Contract Description Rehabilitation of Bailey Avenue (US 62 / CR 152) | Region 5 | Page No. 1 of | |
|------------------------------------|---|--|-------------------------------|-------------------|
| Contractor Name | | DBE Subcontractor/Service Name | | |
| Address (include zip code) | | DBE Subcontractor / Service Address (include zip code) | | |
| Phone () | | Phone () | | |
| FEIN: | | FEIN: | | |
| Item Number | Description of Work | *Work Category | Incomplete Item (i.e., <100%) | DBE Commitment \$ |

This is a sample document only. This form shall be downloaded from NYSDOT's Civil Rights Website (https://www.dot.ny.gov/main/business-center/contractors/construction-division/construction-repository/AAP_20.pdf) and completed as necessary.

Note that original signatures are needed on this document. Digital signatures such as Docusign or Adobe Signature are **NOT** acceptable. Photocopies or Scanned and Printed versions are permitted.

The highlighted fields at the top of this document are to aid bidders in completing the form for this project. Bidders will need to manually enter this on their forms.

By signing this form, the Bidder commits to using the listed DBE Subcontractor / Service, whose participation it submits to meet the contract goal, for the type and amount of work indicated, as supplemented by any split item explanations.

Contractor Signature : _____ Date: _____

By signing this form, the DBE firm confirms that they are committed to participating in the contract for the type and amount of work indicated.

Sub/Service Signature: _____ Date: _____

The Contractor and DBE firm hereby certify that, if awarded the contract, a written subcontract / agreement for the type and amount of work specified, containing all of the required provisions, will be executed no later than 10 days after contract award.

DBE/MBE/WBE/SDVOB Material Commitments / Confirmation

NOTE: Select 8.5 X 14" Legal Prior to Printing

This form identifies how the DBE/MBE/WBE/SDVOB Material commitment was established. The Prime Contractor is responsible for ensuring that the form is completed accurately. A separate form is needed for each pay item.

| | | | | |
|--|----------------------------------|---|-----------------------|--|
| <input checked="" type="radio"/> Pre-Award | <input type="radio"/> Post Award | Contract #: LD040841 | Date Submitted: _____ | Region: 5 |
| Prime Contractor Name: _____ | | | | |
| DBE/MBE/WBE/SDVOB Vendor: _____ | | | | |
| DBE/MBE/WBE/SDVOB Contact Information | | | | |
| DBE/MBE/WBE/SDVOB: 5 | Phone #: _____ | E-mail: _____ | | |
| Address: _____ | | | | |
| Material NAICS Code/Type of Material: _____ | | Associated Contract NYSDOT Pay Item (3 Digit Code) 5 | | |
| Description of Materials: _____ | | | | |
| Vendor Participation being submitted for: 5 | | *See definitions on Page 2 Total Commitment Dollar Amount for Item Identified: _____ | | |
| Preliminary Questions (applies to all) | | | | |
| Does the D/M/WBE/SDVOB have an establishment where the products, or those of the general character described by the specifications and required under the contract, are kept and regularly sold/leased? List address _____ <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |
| Will the D/M/WBE/SDVOB be responsible for paying for the material itself? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |
| Is the DBE an established business that engages in the regular sale or lease of the items specified by the contract? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |
| Manufacturer/Fabricator | | | | |
| Does the proposed D/M/WBE/SDVOB operate or maintain a factory or establishment that produces, on the premises, the materials, supplies, articles or equipment required under the contract and of the general character described by the specifications? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |
| If Yes, list the address _____ | | | | |
| Will the proposed D/M/WBE/SDVOB be assembling, constructing or otherwise substantially altering materials or supplies into assemblies, components, or finished items for inclusion into the work prior to resale? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |
| If Yes, please describe the alterations being made by the D/M/WBE/SDVOB _____ | | | | |
| Equipment Rental | | | | |
| Does the D/M/WBE/SDVOB own the equipment being rented? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |
| Will the equipment be delivered by a truck 5 and operated by an employee of the D/M/WBE/SDVOB? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |
| Material Supplier/Regular Dealer | | | | |
| Will at least 51% of products come from the D/M/WBE/SDVOB's existing inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |

This is a sample document only. This form shall be downloaded from NYSDOT's Civil Rights Website (https://www.dot.ny.gov/main/business-center/contractors/construction-division/construction-repository/AAP_22.pdf) and completed as necessary.

The submitted document shall be printed on legal sized paper (8.5" x 14").

Note that original signatures are needed on this document. Digital signatures such as Docusign or Adobe Signature are NOT acceptable. Photocopies or Scanned and Printed versions are permitted.

The highlighted fields at the top of this document are to aid bidders in completing the form for this project. Bidders will need to manually enter this on their forms.

| |
|---|
| Broker |
| Will the D/M/WBE/SDVOB's role be limited to that of a packager, broker, manufacturers' representative, or other person whose role is solely to arrange or expedite this transaction? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Will the D/M/WBE/SDVOB's role be limited to providing assistance in the lease of, or fees for transportation charges for the delivery of, equipment owned by a third party? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Notes/Comments (Example: If Prime Contractor is picking up the materials from the D/M/WBE/SDVOB, you should provide sufficient detail such as the physical address of where the materials are being picked up from, etc) |

Affirmation of Truth Statement

DBE/MBE/WBE/SDVOB Firm _____

As authorized representative for the above-named firm, I confirm participation on this contract, in the manner prescribed, for the type and amount of work indicated. In addition, I confirm that my firm shall perform a commercially useful function. I agree to promptly notify the Prime Contractor of any changes to the participation shown.

I affirm this _____ day of _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in any action or proceeding in a court of law.

| | | |
|------------------|-----------------|-------------|
| Print Name _____ | Signature _____ | Title _____ |
|------------------|-----------------|-------------|

Prime Contractor _____

As authorized representative for the above-named firm, I confirm that I have reviewed the information provided in this form and shall utilize the DBE/MBE/WBE/SDVOB for the type and amount of work shown. I confirm that the counting of the participation is accurate and any shortfall caused by errors in counting are my responsibility. I acknowledge that my firm is prohibited from seeking credit towards the DBE/MBE/WBE/SDVOB goal(s) through any arrangements or actions of others where my firm knows, or should have known based upon evidence and circumstances present, that a DBE/MBE/WBE/SDVOB is not performing a commercially useful function.

I affirm this _____ day of _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in any action or proceeding in a court of law.

| | | | |
|------------------|-----------------|-------------|--|
| Print Name _____ | Signature _____ | Title _____ | Make Form Read-Only (Cannot be undone) 5 |
|------------------|-----------------|-------------|--|

Do not click the "Make Form Read-Only" button until data entry is complete. Read-Only locks the data entered and can't be undone.

Manufacturers/Fabricators. A Manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles or equipment required under the contract and of the general character described by the specifications. A Fabricator is a firm that assembles, constructs or otherwise substantially alters materials or supplies into assemblies, components, or finished items for inclusion into the work prior to resale. 100% of the cost of the materials or supplies from a DBE/MBE/WBE/SDVOB Manufacturer or Fabricator will be counted toward the DBE/MBE/WBE/SDVOB goal(s). Manufacturers or Fabricators may provide materials to the Contractor or a Subcontractor working on the contract for installation. When a DBE makes minor modifications to the materials, supplies, articles, or equipment, the DBE is not a manufacturer. Minor modifications are additional changes to a manufactured product that are small in scope and add minimal value to the final product.

Material Suppliers. A Material Supplier, also known as a regular dealer, is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described in the specifications required for the performance of the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. A Material Supplier is an established, regular business that engages in, as its principal business, and under its own name, the purchase and sale or lease of the products in question. 60% of the cost of the materials or supplies from a DBE/MBE/WBE Material Supplier will be counted toward the DBE/MBE/WBE goal(s) when all, or at least 51 percent of, the items under a purchase order or subcontract are provided from the DBE's inventory, and when necessary, any minor quantities delivered from and by other sources are of the general character as those provided from the DBE's inventory. 100% of the cost of the materials or supplies from an SDVOB Material Supplier will be counted toward the SDVOB goal. Material Suppliers may provide materials to the Contractor or a Subcontractor working on the contract for installation. Credit determination awarded to a firm for the provision of materials and supplies (i.e., whether the firm is acting as a material supplier or broker) will be determined on a contract-by-contract basis. If it is determined that the material supplier is acting as a broker, the participation will be credited accordingly.

Material Supplier of Bulk Items. (*Petroleum products, steel, cement, gravel, stone, or asphalt and items that are not typically stocked due to their unique characteristics (e.g., limited shelf life or items ordered to specification)*) - A Material Supplier who deals in bulk items such as need not own, operate nor maintain a store, warehouse, or other establishment, if it owns and operates distribution equipment for the products. This can be accomplished by either maintaining stock of the product or through delivery of the materials, to the job site or Contractor's designated location, by using the Material Supplier's own trucks. Any supplementing of Material Suppliers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. To be considered valid, the long-term lease shall include the lessor's name, list of trucks to be leased by vehicle identification number (VIN), and the agreed upon amount of the cost and method of payment. Third party haulers do not qualify as a long-term lease. The operator shall be an employee of the DBE/MBE/WBE/SDVOB. It shall be the responsibility of the DBE/MBE/WBE/SDVOB to provide the operator's fuel, maintenance, and insurance for all leased trucks.

Note: Some bulk items may be drop-shipped due to the specific needs in a contract and the DBE/MBE/WBE/SDVOB must take legal possession of the items in the chain of distribution at all times after acceptance of the item, however, they will receive credit as a Broker not as a Material Supplier (See §102-12D.4 Brokers/Manufacturer's Representatives).

Equipment Rental. Equipment rental or equipment leasing is considered to be a type of material supply activity and is credited at 60% for DBE/MBE/WBEs and 100% for SDVOBs. Credit determination awarded to a firm for rental of equipment (i.e., whether the firm is acting as a rental company or a broker) will be determined on a contract-by-contract basis.

If the D/M/WBE/SDVOB's role is limited to providing assistance in the lease of, or fees for transportation charges for the delivery of, equipment owned by a non-DBE, to the prime, they are considered as acting as a broker, and the participation will be credited accordingly (See Broker/Manufacturer's Representative).

Brokers/Manufacturer's Representatives. A Broker / Manufacturer's Representative is a firm that arranges or expedites transactions for materials. 100% of the expenditures for fees or commissions charged for assistance in the procurement of, or fees for transportation charges for the delivery of, materials or supplies provided by a DBE/MBE/WBE/SDVOB Broker/Manufacturer's Representative will be counted toward the DBE/MBE/WBE/SDVOB goal(s), provided they are determined by the Department to be reasonable and not excessive as compared with fees customarily allowed for similar services. The cost of the materials and supplies themselves will not be counted. A Broker / Manufacturer's Representative may arrange or expedite transactions for materials to the Contractor or Subcontractor working on the contract.

Federal DBE requirements Contracts awarded after Jan 1, 2025 ONLY

Distributor: A DBE distributor is an established business that engages in the regular sale or lease of the items specified by the contract. A DBE distributor assumes responsibility for the items it purchases once they leave the point of origin (e.g., a manufacturer's facility), making it liable for any loss or damage not covered by the carrier's insurance. A DBE distributor performs a CUF when it demonstrates ownership of the items in question and assumes all risk for loss or damage during transportation, evidenced by the terms of the purchase order or a bill of lading (BOL) from a third party, indicating Free on Board (FOB) at the point of origin or similar terms that transfer responsibility of the items in question to the DBE distributor. If the materials or supplies are purchased from a DBE distributor that neither maintains sufficient inventory nor uses its own distribution equipment for the products in question, count 40 percent of the cost of materials or supplies (including transportation costs). Where a distributor "drop ships" materials without assuming risk or does not operate in accordance with its distributorship agreement, credit is limited to fees or commissions (See Broker/Manufacturer's Representative).

| | | | |
|---|--|---|--|
| Contract D#: LD04084 | Prime Contractor Name: _____ | | |
| Region: 5 | Program: <input checked="" type="radio"/> DBE <input type="radio"/> MBE <input type="radio"/> WBE <input type="radio"/> SDVOB | Pre-Award <input checked="" type="radio"/> Post Award | Date Submitted: _____ |
| DBE/MBE/WBE/SDVOB Supervisor of the day-to-day DBE/WBE/MBE/SDVOB trucking operation is: _____ | | | |
| DBE/MBE/WBE/SDVOB Trucking Firm: _____ | | | |
| Number of Trucks Owned: 1 | + Leased: 0 | = Total: 1 | Number of Trucks Performing Work On-Site: 1 Off-Site: 0 |

This is a sample document only. This form shall be downloaded from NYSDOT's Civil Rights Website (https://www.dot.ny.gov/main/business-center/contractors/construction-division/construction-repository/AAP_23.pdf) and completed as necessary.

The submitted document shall be printed on legal sized paper (8.5" x 14").

Note that original signatures are needed on this document. Digital signatures such as DocuSign or Adobe Signature are **NOT** acceptable. Photocopies or Scanned and Printed versions are permitted.

The highlighted fields at the top of this document are to aid bidders in completing the form for this project. Bidders will need to manually enter this on their forms.

| | | | |
|--|---|--|--|
| Number of Trucks Owned: 1 | + Leased: 0 | = Total: 1 | Number of Trucks Performing Work On-Site: 1 Off-Site: 0 |
| # of Trucks from other Firms supplementing your fleet by adding them to your payroll: 0 | | How many are owner/operators? 0 | |
| Names of Supplemental Trucking Firms: _____ | | | |
| Rate: 100 | Per: Hour | x Duration/Number: 1 | = Commitment: 100 |
| NAICS Code & NYSDOT Item # | Description of the Material Being Hauled: _____ | | |

Affirmation of Truth Statement

DBE/MBE/WBE/SDVOB Firm _____

As authorized representative for the above-named firm, I confirm participation on this contract, in the manner prescribed, for the type and amount of work indicated. In addition, I confirm that my firm shall perform a commercially useful function. I agree to promptly notify the Prime Contractor of any changes to the participation shown.

I affirm this _____ day of _____, _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in any action or proceeding in a court of law.

Print Name _____

Signature _____

Title _____

Prime Contractor _____

As authorized representative for the above-named firm, I confirm that I have reviewed the information provided in this form and shall utilize the DBE/MBE/WBE/SDVOB for the type and amount of work shown. I confirm that the counting of the participation is accurate and any shortfall caused by errors in counting are my responsibility. I acknowledge that my firm is prohibited from seeking credit towards the DBE/MBE/WBE/SDVOB goal(s) through any arrangements or actions of others where my firm knows, or should have known based upon evidence and circumstances present, that a DBE/MBE/WBE/SDVOB is not performing a commercially useful function.

I affirm this _____ day of _____, _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in any action or proceeding in a court of law.

Print Name _____

Signature _____

Title _____

This form identifies how the DBE/MBE/WBE/SDVOB Trucking commitment was established. The Prime Contractor is responsible for ensuring that the form is completed accurately. A copy of all lease agreements are required to be submitted, along with this form, for any long term leased trucks.

Do not click the "Make Form Read-Only" button until data entry is complete. Read-Only locks the data entered and cannot be undone.

Make Form Read-Only
(Cannot be undone)

Bidder's List

This is a sample document only. This form shall be downloaded from NYSDOT's Civil Rights Website (https://www.dot.ny.gov/main/business-center/contractors/construction-division/construction-repository/CONR_80.xls) and completed as necessary.

Per 49 CFR 26.11, the Department is required to collect information from all Bidders regarding all quotes a Contractor receives from DBE and non-DBE Subcontractors prior to Letting. Bidders shall complete the Bidder's List with the name of each DBE and non-DBE Subcontractor that provided a quote prior to Letting and identify each Work code (i.e., NYSDOT Specification Section) for which a quote was received. All Bidders are required to provide the requested information with their bid submission. Failure to submit the requested

INSTRUCTIONS:

- 1) From the "Bidders List" tab (in this Excel spreadsheet) select the name of each DBE and Non-DBE Subcontractor that provided you a quote prior to letting and the associated work code(s) (i.e., NYSDOT Specification section) for the quotes received from each Subcontractor. If you received a quote from a Subcontractor that is not listed in the drop-down menu, provide the information by email to
- 2) Save the file so that you can attach it with your bid.
- 3) In BidX (i.e., Project Bids), go to the "Bidders List" tab to attach the completed Bidders List Excel file for the
- 4) Click "Browse" to locate the saved "Bidders List" Excel file.
- 5) Click "Preview" to ensure you are submitting the correct file.
- 6) Click the checkbox "I verify the attached file is correct" or click checkbox "No Subcontractors provided quotes on this contract". Note: only one box can be checked.
- 7) Click "Save" to save the information.