CONSTRUCTION CONTRACT

INVITATION FOR BIDS

New York City
Department of
Environmental Protection
59-17 Junction Boulevard
Flushing, New York 11373

Lisa F. Garcia
Commissioner

Joseph Vaicels
Assistant Commissioner,
Agency Chief Contracting Officer

Volume 1 of 2: Bid Booklet
(with additional volumes of Contract Terms, Specifications and Drawings)

Contract: **GI-CONS-9**

Description: **Installation of Green Infrastructure at North and South Conduit**

AUGUST 2026

Rev. 2026-01

All documents related to this solicitation are contained within PASSPort, unless otherwise specified. Except for any paper forms of bid security, you must submit all responses electronically via the PASSPort system. If you require assistance submitting your response through PASSPort, please contact the MOCS Service Desk.

1. **Contents.** This competitive sealed bid contract solicitation package is comprised of the following:

   (1) **Volume 1 of 2** – this **Bid Booklet** containing the sections listed below:

   Section A. Notices to Bidders
   - Electronic Bidding Notice
   - Certification of Compliance with Iran Divestment Act
   - Apprenticeship Program Questionnaire
   - Temporary Access Form and Security Release Form
   - Whistleblower Notice
   - Other applicable notices

   Section B. Bid Forms
   Bid Sheet/Item Grid
   B1. Bidder's Affirmation
   B2. Intentionally Omitted
   B3. Financial Statement Requirement Information
   B4. Bidder's Declaration, Bid and Acknowledgment
   B5. Bidder's Minimum Qualifications

   Section C. Information for Bidders

   Section D. Not Applicable

   Section E. Bid Bond Form

   Section F. Equal Employment Opportunity – Executive Order No. 50 Employment Report

   Section G. Subcontractor Approval Information and Forms
   - Apprenticeship Program Questionnaire
   - Pre-Approval Statement for Prevailing Wage Contracts

   Section H. City M/WBE Program and Subcontractor Utilization Plan – Schedule B (only where Local Law 1 of 2013 requirements apply)

Section I.	Notice and Pre-Award Statement Form for Prevailing Wage Contracts
Section J.	Electronic Funds Transfer ("EFT") Information and Form

(2) **Volume 2 of 2** – **Contract Terms and Specifications** containing:

i. The New York City Standard Construction Contract
ii. Performance and Payment Bond forms
iii. Prevailing Wage Schedule(s)
iv. General Conditions and Schedule A (including Insurance Requirements)
v. Specifications

Please read the entire solicitation package. By submitting this bid, you acknowledge that you understand the requirements and the terms and conditions of this bid.

2. **Submission**. You must submit your bid **ELECTRONICALLY IN PASSPORT.** Please refer to the **Electronic Bidding Notice** in this Bid Booklet for information and instructions regarding bid submission, pre-bid conference and bid opening.

SECTION A

NOTICE TO BIDDERS

Please complete Bidder's Certificate of Compliance with Iran Divestment Act and Bidder's Identification of Subcontractors (if applicable) in PASSPort

ELECTRONIC BIDDING NOTICE

To: Plan holders for Contract: _____

From: Joseph Vaicels, Assistant Commissioner and Agency Chief Contracting Officer

Subject: **Notice to Bidders: Pre-Bid Conference**
Bid Response Date/Bid Opening Information

A Pre-Bid Conference will take place on _____ **at 10:00AM**.

All Bidders are invited to attend the Pre-Bid Conference via Microsoft Teams.

Microsoft Teams meeting
Join on your computer, mobile app or room device
Click here to join the meeting
Meeting ID: 210 940 420 44
Passcode: gohcUV
Download Teams | Join on the web
Or call in (audio only)
+1 347-921-5612,,774908269#

ELECTRONIC BIDDING (E-BIDDING) :

PAPER BID SUBMISSIONS ARE NOT ACCEPTABLE AND WILL BE DEEMED NON-RESPONSIVE.

FOR THE BID TO BE CONSIDERED RESPONSIVE, BEFORE 10AM ON RESPONSE DUE DATE, BIDDERS MUST SUBMIT THEIR BIDS ELECTRONICALLY AND PROVIDE BID SECURITY.

Bidders must complete the following steps in the Procurement and Sourcing Solutions Portal (PASSPort) to submit their bids:

1. Complete electronic bid submission in PASSPort by completing all required fields; and

2. Submit bid security (if required):
    a. If the bid security is in a form of a bid bond, bidders must include their bid bond with their electronic bid submission in PASSPort.
    b. If the bid security is in a form of a certified check, bidders must ensure submission of the certified check by either:

In Person Delivery: Bidders must contact XXXX@dep.nyc.gov and XXXX@dep.nyc.gov to arrange for in-person delivery to:

ELECTRONIC BIDDING NOTICE

NYC Dept. of Environmental Protection at:
59-17 Junction Blvd.
Flushing NY 11373

OR

Other Delivery Services: Bidders may use of any type of mail delivery service, including but not limited to, overnight delivery to the below address. Envelope must clearly state the following:

NYC Dept. of Environmental Protection
59-17 Junction Blvd., 3rd Floor Mail Room,
Flushing NY 11373.
Attention: ACCO Office
Contract#_____
Bid Response Date:_____
Contact Person:_____

Bidders are responsible for ensuring that their certified check is received by Agency Chief Contracting Office ("ACCO") before 10:00AM on the Bid Date.

Bid Opening Information: Bidders are welcome to attend the bid opening by way of Microsoft Teams at **2:00PM EST** on _____. To accommodate the entire bidding community, please limit to one Microsoft Teams entry per company. Should anyone require access to a computer terminal to view the bid opening, please contact XXXX@dep.nyc.gov at least 1 week prior to the bid opening.

Microsoft Teams meeting
Join on your computer, mobile app or room device
Click here to join the meeting
Meeting ID: 267 063 669 313
Passcode: EnZXTm
Download Teams | Join on the web
Or call in (audio only)
+1 347-921-5612,,81936356#

On the date of the bid opening, ACCO Personnel will open the Microsoft TEAMS portal at 1:45pm, to give bidders an opportunity to test their ability to log on. All bidders are strongly advised to log on to the Microsoft TEAMS portal before 2:00pm to avoid disrupting the bidding process (i.e.: the reading of the bids). The bid opening will be recorded. ACCO personnel will conduct the bid opening at 59-17 Junction Blvd, Flushing, NY 11373 and will announce each submitted bid. The apparent Low Bidder will be announced, and all bids will be posted online as soon as practicable at: https://www1.nyc.gov/site/dep/about/bid-results.page

All questions must be submitted in the "**Discussion with Buyer**" forum in **PASSPort**.



NOTICE TO BIDDERS

Please be advised that, The Iran Divestment Act of 2012 (effective April 12, 2012) is codified at State Finance Law("SFL") 165-a and General Municipal Law ("GML") $103-9. The Iran Divestment Act, with certain exceptions, prohibits the City from entering into contracts with persons engaged in investment activities in the energy sector of lran. To implement the law, each bidder or proposer is required to certify at the time it submits its bid or proposal that it is not on a list of entities engaged in investment activities in Iran created by the Commissioner of the NYS Office of General Services pursuant to the State Finance Law. If a bidder or proposer is on the list, an Agency will be able to award a contract to such a vendor only in situations where the vendor is taking steps to cease its investments in Iran or where the vendor is a necessary sole source.

Attached is a rider and a certification implementing the Iran Divestment Act. **ALL BIDDERS ARE REQUIRED TO SIGN THE BIDDER'S CERTIFICATION OF COMPLIANCE WITH IRAN DIVESTMENT ACT AND SUBMIT IT WITH THEIR BID IN PASSPORT.**

FAILURE TO SUBMIT THIS CERTIFICATION THE MAY RESULT IN A NON-RESPONSIVE DETERMINATION

IRAN DIVESTMENT ACT COMPLIANCE RIDER FOR
NEW YORK CITY CONTRACTORS

The Iran Divestment Act of 2012, effective as of April 12, 2012, is codified at State Finance Law ("SFL") §165-a and General Municipal Law ("GML") §103-g. The Iran Divestment Act, with certain exceptions, prohibits municipalities, including the City, from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Pursuant to the terms set forth in SFL §165-a and GML §103-g, a person engages in investment activities in the energy sector of Iran if:

(a) the person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or

(b) The person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created pursuant to paragraph (b) of subdivision three of Section 165-a of the State Finance Law and maintained by the Commissioner of the Office of General Services.

A bid or proposal shall not be considered for award nor shall any award be made where the bidder or proposer fails to submit a signed and verified bidder's certification.

Each bidder or proposer must certify that it is not on the list of entities engaged in investment activities in Iran created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law. In any case where the bidder or proposer cannot certify that they are not on such list, the bidder or proposer shall so state and shall furnish with the bid or proposal a signed statement which sets forth in detail the reasons why such statement cannot be made. The City of New York may award a bid to a bidder who cannot make the certification on a case by case basis if:

(1) The investment activities in Iran were made before the effective date of this section (i.e., April 12, 2012), the investment activities in Iran have not been expanded or renewed after the effective date of this section and the person has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran: or

(2) The City makes a determination that the goods or services are necessary for the City to perform its functions and that, absent such an exemption, the City would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

NOTICE TO VENDORS

Please be advised that, pursuant to the authority granted to the City under Labor Law §816-b, the Department of Environmental Protection hereby requires that the contractor awarded a contract as a result of this solicitation, and any of its subcontractors with subcontracts worth two million dollars or over, have, prior to entering into such contract or subcontract, apprenticeship agreements appropriate for the type and scope of work to be performed that have been registered with, and approved by, the New York State Commissioner of Labor. In addition, the contractor and its subcontractors will be required to show that such apprenticeship program/s have successfully passed the two year Probation period following the initial registration date of such program/s with the New York State Department of Labor.

The failure to prove, upon request, that these requirements have been met shall result in the contract not being awarded to the contractor or the subcontractor not being approved.

Please be further advised that, pursuant to Labor Law §220, the allowable ratio of apprentices to journeypersons in any craft classification shall not be greater than the ratio permitted to the contractor as to its workforce on any job under the registered apprenticeship program.

May 21, 2015

APPRENTICESHIP PROGRAM QUESTIONNAIRE ("APQ")

Bidder Name: _____

Project ID Number: _____

The bidder MUST complete, sign and submit this Apprenticeship Program Questionnaire with its bid.

1. Does the bidder have any Apprenticeship Program agreement(s) appropriate for the type and scope of work to be performed? (Note: Participation may be by either direct sponsorship or through collective bargaining agreement(s).

_____YES _____NO

2. Has/have the bidder's Apprenticeship Program agreement(s) been registered with, and approved by the New York State Commissioner of Labor?

_____YES _____NO

3. Has/have the bidder's Apprenticeship Program successfully passed the two-year Probation period following its initial registration with the New York State Department of Labor?

_____YES _____NO

If the answers to Questions I, 2, and 3 are "Yes", the bidder shall, in the space below (and/or attached herewith where applicable), provide the contact information for such Apprenticeship Program(s) as well as information demonstrating that such Apprenticeship Program(s) have passed the two-year Probation period following its initial registration with the New York State Department of Labor. *(The bidder may attach additional pages if necessary.)*

- **Where the bidder directly sponsors any such Apprenticeship Program(s),** the bidder shall provide the following:
  - The trade classification(s) covered by such program(s), and the date(s) such program(s) was/were approved by the New York State Commissioner of Labor; and/or
  - A copy of a letter(s) from the New York State Department of Labor ("NYSDOL"), on NYSDOL's letterhead, executed by an official thereof, which verifies/verify the trade classification(s) covered by such program(s), and the date(s) such program(s) was/were approved by the New York State Commissioner of Labor and the Active status of such program(s).

- **Where the bidder participates in any such Apprenticeship Program(s) through its membership in an employer organization(s) that directly sponsors such program(s) or where the employer association(s) participates in such program(s) through collective bargaining,** the bidder shall provide the following:
  - The contact information for the employer organization(s), and the apprenticeable trade(s) covered pursuant to the bidder's affiliation therewith, and the date such program(s) was/were approved by the New York State Commissioner of Labor; or
  - A letter(s) from such employer organization(s), on letterhead of such organization(s), executed by an officer, delegate or official thereof, which verifies/verify the trade classification(s) covered by such program(s), and the date(s) such program(s) was/were approved by the New York State Commissioner of Labor, and that the bidder is both a member in good standing of the identified employer organization and is subject to the provisions of the Apprenticeship Program agreement(sl sponsored thereby.

APPRENTICESHIP PROGRAM QUESTIONNAIRE ("APQ")

Project ID Number: _____

- **Where the bidder participates in any such Apprenticeship Program(s) through collective bargaining agreements,** the bidder shall provide the following:

  - The contact information for such collective bargaining entity(ies) and the apprenticeable trade(s) covered pursuant to the bidder's affiliation therewith;
  - A letter(s) from such collective bargaining entity(ies), on letterhead of such entity(ies), executed by an officer, delegate or official thereof, which verifies/verify the bidder's status as a signatory/participant in good standing to such collective bargaining entity(ies) Apprenticeship Program agreement(s).

Bidder: _____

By: _____ Title_____
(Signature of Partner or Corporate Officer)

Date: _____

NOTICE TO BIDDERS

This is to inform you that due to heightened security, we require identification of all people attending the pre-bid site visit.

The pre-bid meeting will held on the date and at the location indicated on the *Electronic Bidding Notice*. After the meeting, there will be a site visit that requires clearance from the DEP Police. Each person interested in attending the site visit must mail or e-mail a completed *Temporary Access Form* to the Agency Contact person indicated on the *Electronic Bidding Notice* to be received by one week before the site visit. This form should be completed fully and have a copy of the persons identification scanned with the form. (Acceptable forms of identification are: Driver's license, or Passport. Include as the e-mail subject "DD/MM/YY, HH/MM AM, Site Visit for Contract XXXXX" and include a contact name and phone number. Be advised that only approved attendees will be admitted to the facility and attendance will be limited to a maximum of two (2) persons per company. Attendees must present government-issued photo identification to gain entry. Expired identification will not be accepted. Prospective bidders who have not been pre-screened before the visit must show up at the site 30 minutes prior to the scheduled meeting with the requested information. Bidders are encouraged to be prompt and are hereby notified that there will be no admittance any time after 30 minutes of the scheduled meeting has elapsed.

All attendees should have their own personnel safety equipment (hard hat, boots, etc.) to enter the site area. All attendees will remain with the group and in designated areas during the visit. Wandering round the site is not permitted. Cameras, videos and bags are not permitted on-site.

NYC Environmental Protection

Clear Form

DEP POLICE USE ONLY	
Access: ☐ **Approved** ☐ **Denied**	**Date/Time:**
Reviewing Officer: Initials:	**Badge #:**

TEMPORARY ACCESS FORM

Type of Access Requested. Select one:

☐ **DAY WORKER ACCESS -** For persons working on a day-to-day basis at a DEP facility and/or project site and who are not part of a contractor's regular staff. DEP Police will notify the employee, construction manager, and post officer if access is granted.

☐ **DAY TOUR ACCESS -** For persons attending tours of DEP critical infrastructure. DEP Police will notify the individual and sponsoring DEP entity if access is granted.

☐ **PRE-BID MEETING SITE ACCESS -** For prospective bidders attending pre-bid meetings at a DEP facility and/or project site. Any bidder who does not fax or e-mail this form to the appropriate DEP Project Manager at least one week prior to the scheduled visit will be required to bring the requested information to the site no less than 30 minutes prior to the scheduled meeting start time; there is no admittance of any bidder more than 30 minutes after the scheduled meeting start time.

☐ **DELIVERIES -** For persons delivering materials to a DEP site (other than UPS or FedEx).

SUBMIT FORM TO:	East of Hudson - Eastview Command Center T: (914) 593-7500 / F: (914) 345-1840 E: PoliceEastviewComm@dep.nyc.gov	West of Hudson - Ashokan Dispatch T: (845) 657-8433 / F: (845) 657-6145 E: Ashokancomm@dep.nyc.gov

This form expires fifteen (15) days from the date of submission. Access beyond that date requires official DEP-issued identification or submission of a new Temporary Access Form.

All fields are required. Please print clearly or type:	Today's Date:
Date(s) Access Requested: From:	To:
Site Location (name and/or address):	
Company or Group Affiliation Name:	
Security Point of Contact: Name:	
Security Point of Contact: Telephone #:	
Work to be Performed:	

Name: Last , First , M.I.	
Date of Birth (mm/dd/yyyy):	Social Security # (last 4 only):
Contact Telephone Number(s):	or
Driver License #:	, Issuing State
If no driver license, other form of government issued photo identification and number:	

I hereby affirm that the above information is true and that I agree to comply with all DEP policies and rules while I am on DEP property. I understand that 1) I must bring my identification to the site for physical inspection, 2) expired identification will not be accepted, and 3) providing false or misleading information or identification may result in criminal charges, denial of access to DEP sites and facilities, or rejection of any bid submitted by the applicant's company.

Signature

Place identification in this box if scanning or faxing this form.

NOTICE TO BIDDERS, PROPOSERS, CONTRACTORS, AND RENEWAL CONTRACTORS

This contract includes a provision concerning the protection of employees for whistleblowing activity, pursuant to New York City Local Law Nos. 30-2012 and 33-2012, effective October 18, 2012 and September 18, 2012, respectively. The provisions apply to contracts with a value in excess of $100,000.

Local Law No. 33-2012, the Whistleblower Protection Expansion Act ("WPEA"), prohibits a contractor or its subcontractor from taking an adverse personnel action against an employee or officer for whistleblower activity in connection with a City contract; requires that certain City contracts include a provision to that effect; and provides that a contractor or subcontractor may be subject to penalties and injunctive relief if a court finds that it retaliated in violation of the WPEA. The WPEA is codified at Section 12-113 of the New York City Administrative Code.

Local Law No. 30-2012 requires a contractor to prominently post information explaining how its employees can report allegations of fraud, false claims, criminality, or corruption in connection with a City contract to City officials and the rights and remedies afforded to employees for whistleblowing activity. Local Law No. 30-2012 is codified at Section 6-132 of the New York City Administrative Code.

REPORT

CORRUPTION, FRAUD, UNETHICAL CONDUCT

RELATING TO A NYC-FUNDED CONTRACT

OR PROJECT

CALL THE NYC DEPARTMENT OF INVESTIGATION

212-825-5959

DOI CAN ALSO BE REACHED BY MAIL OR IN PERSON AT:

New York City Department of Investigation (DOI)
80 Maiden Lane, 17th floor
New York, New York 10038
Attention: COMPLAINT BUREAU

OR FILE A COMPLAINT ON-LINE AT:
www.nyc.gov/doi

All communications are confidential

THE LAW PROTECTS EMPLOYEES OF
CITY CONTRACTORS WHO REPORT CORRUPTION

- Any employee of a City contractor, or subcontractor of the City, or a City contractor with a contract valued at more than $100,000 is protected under the law from retaliation by his or her employer if the employee reports wrongdoing related to the contract to the DOI.
- To be protected by this law, an employee must report to DOI – or to certain other specified government officials – information about fraud, false claims, corruption, criminality, conflict of interest, gross mismanagement, or abuse of authority relating to a City contract valued at more than $100,000.
- Any employee who makes such a report and who believes he or she has been dismissed, demoted, suspended, or otherwise subject to an adverse personnel action because of that report is entitled to bring a lawsuit against the contractor and recover damages

← Scan the QR Code at Left to File a Complaint

SECTION B

BID FORMS

Please Complete Bid Sheet/Item Grid and Bidder's Minimum Qualifications in PASSPort

BID SHEET

CONTRACT GI-CONS-9
GREEN INFRASTRUCTURE INSTALLATIONS AT NORTH AND SOUTH CONDUIT BOULEVARD MEDIANS IN QUEENS, NY

Instructions to bidders:

1. This bid sheet is for reference only. Please complete bid sheet in PASSPort and see Specification Section 01 27 00 – Measurement and Payment and Specification Sections referenced below for each bid item.

2. **NOTE: SELECT SPECIFICATIONS HAVE CONTRACT PAY ITEMS THAT ARE NOT USED UNDER THIS CONTRACT. CONTRACTOR IS TO REVIEW EACH SPECIFICATION CAREFULLY TO ENSURE ACCURATE BIDDING.**

Item No.	Description of Work	Specification Reference Section	Unit of Measure	Estimated Quantity	Unit Price	Total Amount
1	A-1: Sampling and Analyses, Unforeseen Hazardous Material Control and Handling, Transportation and Offsite Disposal of Regulated Contaminated Material	02 24 20 and 02 26 00	Allowance	N/A	N/A	$165,000.00
2	A-2: CCTV Inspection	33 01 30.41	Allowance	N/A	N/A	$30,000.00
3	LS-1: Mobilization	01 27 00	LUMP SUM	N/A	N/A	$
4	Maintenance and Protection of Traffic	01 55 26	LUMP SUM	N/A	N/A	$
5	Photographs	01 32 30	EACH	840	$	$
6	Videos	01 32 30	EACH	42	$	$
7	Temporary Construction Fence	01 56 00	LF	7660	$	$
8	Wooden Tree Guard	01 56 39	EACH	288	$	$
9	Silt Fence	01 57 13	LF	3730	$	$
10	Bioswale Protection Fence	01 57 13	LF	380	$	$
11	Stabilized Construction Entrance	01 57 13	SF	7200	$	$
12	Silt Sock	01 57 13	LF	130	$	$
13	Inlet Protection	01 57 23	EACH	84	$	$
14	Construction Sign	01 58 13	EACH	6	$	$
15	Remove Concrete Curb	02 41 10	CY	34	$	$
16	Remove Steel Faced Curb	02 41 10	LF	140	$	$
17	Remove and Reset Guard Rail	02 41 10	EACH	50	$	$

Item No.	Description of Work	Specification Reference Section	Unit of Measure	Estimated Quantity	Unit Price	Total Amount
18	Steel Reinforcing Bars	03 21 00	LB	1820	$	$
19	Concrete Sidewalk	03 30 00	SY	350	$	$
20	ADA Ramp	03 30 00	EACH	8	$	$
21	Flared End Section	03 30 00	EACH	15	$	$
22	Miscellaneous Concrete	03 30 00	CY	351	$	$
23	Surface Applied Detectable Warning Units	11 14 43	SF	100	$	$
24	Cutting and Offsetting House Service Water Connections (<3" Dia.)	22 10 00	EACH	16	$	$
25	Aggregate	31 05 16	CY	620	$	$
26	Washed Clean Aggregate	31 05 16	CY	1610	$	$
27	Excavation	31 23 16	CY	17100	$	$
28	Hand/Pneumatic Excavation	31 23 16	CY	1110	$	$
29	Off-Site Backfill	31 23 16	CY	8200	$	$
30	Rip Rap	31 35 10	CY	16	$	$
31	Asphalt Paving	32 12 16	SY	3440	$	$
32	Right of Way Traffic Painting	32 12 16	SF	5830	$	$
33	Steel Faced Curb	32 16 13	LF	160	$	$
34	Concrete Curb	32 16 13	CY	37	$	$
35	Rain Garden Soil	32 90 05	CY	1370	$	$
36	Seeding	32 92 19	SY	48770	$	$
37	Cleaning Stormwater Drainage Structures	33 01 30.41	EACH	6	$	$
38	Adjust Top of Utility Structure to Grade	33 01 30.81	EACH	7	$	$
39	Core Drill Manhole or Drainage Structure	33 01 30.81	EACH	6	$	$
40	Double Ring Infiltrometer Test	33 05 05.33	EACH	48	$	$
41	8" Diameter Ductile Iron Sewer or Water Pipe	33 05 19	LF	70	$	$
42	12" Diameter Ductile Iron Sewer or Water Pipe	33 05 19	LF	6470	$	$
43	16" Diameter Ductile Iron Sewer or Water Pipe	33 05 19	LF	1590	$	$
44	18" Diameter Ductile Iron Sewer or Water Pipe	33 05 19	LF	410	$	$
45	Cleanout - 8" Diameter	33 05 71	EACH	15	$	$
46	DEP Catch Basin	33 39 10	EACH	62	$	$

Item No.	Description of Work	Specification Reference Section	Unit of Measure	Estimated Quantity	Unit Price	Total Amount
47	Modified Curb Inlet Type A	33 39 10	EACH	8	$	$
48	12" PVC Drain Basin	33 39 10	EACH	1	$	$
49	Manhole	33 39 10	EACH	49	$	$
50	8" Diameter Perforated HDPE Pipe	33 42 11	LF	140	$	$
51	12" Diameter Perforated HDPE Pipe	33 42 11	LF	110	$	$
52	24" Diameter Perforated HDPE Pipe	33 42 11	LF	670	$	$
53	30" Diameter Perforated HDPE Pipe	33 42 11	LF	570	$	$
54	Geotextile - Drainage	33 44 31	SY	2110	$	$
55	Type 1: Outlet Control Structure with Ductile Iron Pipe and Cap	33 46 16	EACH	6	$	$
56	EP7 6.01.1 – Gas Main Crossing Sewer Up To 24" In Diameter *(Minimum price bid should not be less than $1,200 EA)*	02 43 10	EA	3	$	$
57	EP7 6.01.8 – Gas Services Crossing Trenches And/Or Excavations *(Minimum price bid should not be less than $465 EA)*	02 43 10	EA	14	$	$
58	EP7 6.02 – Extra Excavation For The Installation Of Catch Basin Sewer Drain Pipes With Gas Interferences *(Minimum price bid should not be less than $715 EA)*	02 43 10	EA	10	$	$
59	EP7 6.03 – Removal Of Abandoned Gas Facilities. All Sizes. *(Minimum price bid should not be less than $15/LF)*	02 43 10	LF	100	$	$
60	EP7 6.03.1 – Removal Of Abandoned Gas Facilities With Possible Coal Tar Wrap. All Sizes. (For National Grid Work Only) *(Minimum price bid should not be less than $25/LF)*	02 43 10	LF	300	$	$

Item No.	Description of Work	Specification Reference Section	Unit of Measure	Estimated Quantity	Unit Price	Total Amount
61	EP7 6.04 – Adjust Hardware To Grade Using Spacer Rings/Adaptors. (Street Repaving.) *(Minimum price bid should not be less than $35 EA)*	02 43 10	EA	14	$	$
62	EP7 6.05 – Adjust Hardware To Grade By Resetting. (Road Reconstruction.) *(Minimum price bid should not be less than $65 EA)*	02 43 10	EA	14	$	$
63	EP7 6.06 – Special Care Excavation And Backfilling *(Minimum price bid should not be less than $180/CY)*	02 43 10	CY	300	$	$
64	EP7 6.06A – Special Care Excavation And Backfilling For Transmission Mains (Transmission Main Is Described As Any Gas Main With A Maop Greater Than 124-Psig) *(Minimum price bid should not be less than $230/CY)*	02 43 10	CY	72	$	$
65	EP7 6.07 – Test Pits For Gas Facilities *(Minimum price bid should not be less than $100/CY)*	02 43 10	CY	40	$	$
66	EP7 6.09 – Trench Excavation And Backfill For Gas Mains And Services. Gas Installed By Others (For National Grid Work Only) *(Minimum price bid should not be less than $190/CY)*	02 43 10	CY	50	$	$
67	EP7 GCS-2WS – Gas Interferences and Accommodations	02 43 10	Allowance	N/A	N/A	$75,000.00

SECTION B
BID FORM

Contract Name and Number:_____

(*DEP Bureau to insert above information*)

SECTION B1
BIDDER AFFIRMATION

The undersigned bidder affirms and declares that said bidder is not in arrears to the City of New York upon debt, contract or taxes and is not a defaulter, as surety or otherwise, upon any obligation to the City of New York, and has not been declared not responsible, or disqualified from receiving public contracts, by any agency of the City of New York, nor is there any proceeding pending relating to the responsibility or qualification of the proposer or bidder to receive public contracts except _____.

Full name of bidder: _____

_____

Address: _____

_____

City _____ State _____ Zip Code _____

CHECK ONE BOX AND INCLUDE THE APPROPRIATE NUMBER:

A - ☐ Individual or Sole Proprietorship [1]

SOCIAL SECURITY NUMBER _ _ _ -_ _ -_ _ _ _

B - ☐ Partnership

TAXPAYER IDENTIFICATION NUMBER _ _ _ _ _ _ _ _ _

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1 Under the Federal Privacy Act, the furnishing of Social Security Numbers by bidders on City contracts is voluntary. Failure to provide a Social Security Number will not result in a bidder's disqualification. Social Security Numbers will be used to identify bidders, proposers or vendors to ensure their compliance with laws, to assist the City in enforcement of laws as well as to provide the City a means of identifying businesses which seek City contracts.

C - ☐ Corporation (if a corporation, place corporate seal below)

TAXPAYER IDENTIFICATION NUMBER _ _ _ _ _ _ _ _ _

D- ☐ Other (specify:_____)

TAXPAYER IDENTIFICATION NUMBER _ _ _ _ _ _ _ _ _

By: _____
Signature

_____
Title

Date: _____, 20 ___

Must be signed by an officer or duly authorized representative.

(If the bidder is a corporation, place the corporate seal here.)

NOTE ***If the bidder is a Joint Venture, each member of the Joint Venture must sign a separate Bidder Affirmation, Bid and Bid Acknowledgement.***

(No further text on this page)

SECTION B3
FINANCIAL STATEMENT REQUIREMENT

Contractors that do business with the City of New York Department of Environmental Protection ("DEP") are required to submit complete financial statements once a year. Preferably, DEP requests the corporation or firm's annual financial statement prepared by a certified public accountant; which should include, but not be limited to, a certified balance sheet, revenue and expense sheet, and fixed and capital assets. If DEP has no record of having received this bidder's current financial statement, a DEP representative will contact the bidder's representative who will be responsible for submitting this information within five days of being informed. Note that if your firm so requires, DEP will provide a financial form which can be used in lieu of a certified financial statement.

SECTION B4
BIDDER DECLARATION, BID AND ACKNOWLEDGMENT

The bidder named on the Cover Page and in SECTION B1, above, affirms and declares:

1. The person signing this bid (the "signatory") is of lawful age, and, if signing as an individual bidder, is the only one interested in this bid; if the signatory is signing as an officer, director, partner or member of a corporation, partnership, or other organization making this bid, no person, firm or corporation other than the bidder named above has any interest in this bid, or in the Contract proposed to be taken.

2. 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 knowledge and belief:

(a) 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 or potential competitor;

(b) 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 directly or indirectly to any other bidder or to any competitor or potential competitor prior to the bid opening; and

(c) No attempt has been made or will be made by the bidder to induce any other person, partnership, corporation or other entity to submit or not to submit a bid for the purpose of restricting competition.

3. That no councilmember or other officer or employee or person whose salary is payable in whole or in part from the City Treasury is directly or indirectly interested in this bid, or in the supplies, materials, equipment, work or labor to which it relates, or in any of the profits.

4. The bidder, as an individual, or as a member, partner, director, or officer of the bidder, if the same be a firm, partnership or corporation, executes this document expressly warranting and representing that, should this bid be accepted by the City, and the Contract awarded, the Contractor and its subcontractors engaged in the performance of the Contract:

(a) Will comply with the provisions of Section 6-108 of the Administrative Code of the City of New York (the "Administrative Code") and the non - discrimination provisions of Section 220a of the New York Labor Law as more expressly set forth in detail in the Contract form; and

(b) Will comply with the provisions of Section 6-109 of the Administrative Code in relation to minimum wages and other stipulations as more expressly set forth in detail in the Contract; and

(c) Have complied with the provisions of the aforesaid laws since their respective effective dates; and

(d) Will post notices to be furnished by the City, setting forth the requirements of the aforesaid laws in prominent and conspicuous places in each and every plant, factory, building, and structure where employees engaged in the performance of the Contract can readily view it, and will continue to keep such notices posted until the supplies, materials and equipment, or work, labor and services required to be furnished or rendered by the Contractor have been finally accepted by the City.

In the event of breach or violation of any of the foregoing, the bidder may be subject to damages, liquidated or otherwise, cancellation of the Contract and suspension as a bidder for a period of three years.

5. Employment Reports

(a) The bidder, as an individual, or as a member, partner, director, or officer of the bidder, if the same be a firm, partnership, corporation or other entity:

(i) represents that its attention has been specifically drawn to Executive Order No. 50 (1980) ("E.O.50"), on Equal Employment Compliance under the Contract, and subsequent amendments including Executive Order No. 108 (1986) ("E.O.108"); and

(ii) warrants that it will comply with such provisions and comparable provisions in the Contract (Article 36 of the Standard Construction Contract).

The apparent low bidder must submit the Employment Report (included in the Bid Booklet), if applicable, within five days after the bid opening.

(b) The bidder, as an individual, or as a member, partner, or officer of the bidder, if the same be a firm, partnership, corporation or other entity, executes this document expressly warranting that it will comply with any provision of this Invitation for Bids and of the Contract relating to employment practices and to the provision of records and access to the job site to the City as may be necessary to enable it to verify such compliance.

6. All materials, fixtures, supplies and equipment furnished under the Contract shall be new and unused, except as approved by the Agency or as specified, and of standard first-grade quality and of the best workmanship and design. The City of New York encourages use of recycled products where practicable.

7. The bidder has visited and examined the site of the work and has carefully examined the Contract in the form approved by the Corporation Counsel, and will execute the Contract and perform

all its items, covenants and conditions, and will provide, furnish and deliver all work, materials, supplies, tools and appliances for all labor and materials necessary or required for the work, all in strict conformity with the Contract, in accordance with the bid schedule of prices annexed hereto and the total bid price below.

☞ **The Bid Schedule of Prices follows this page (for LUMP SUM CONTRACTS there is no additional Bid Schedule of Prices.) The Bid Total and Signature Page follows.**

☞ **THE BID SHALL BE TYPEWRITTEN OR WRITTEN LEGIBLY IN INK. THE BID SHALL BE SIGNED IN INK. ERASURES OR ALTERATIONS SHALL BE INITIALED BY THE SIGNATORY IN INK.**

8. The Engineer's Estimate of Quantities on the Bid Schedule of Prices (if any) is approximate only and is not to be considered as a binding feature of the Contract. Bidders are required to submit their bids upon the following express conditions which apply to and become part of every bid received. Bidders must satisfy themselves as to the accuracy of any Engineer's Estimate and of their bid price by personal examination of the location of the proposed work and surroundings thereof, and by such other means as they may prefer, and shall not, at any time after submission of their bids, dispute or complain of such Engineer's Estimate of Quantities, nor assert that there was any misunderstanding in regard to quantity or kind of material to be furnished or work to be done. No error or misunderstanding of the bidder shall affect the validity of the bid made or the Contract entered into hereunder.

9. The bid prices given below are to be paid for the actual quantities of the several classes of work in the completed work or structure, and they cover the cost of all work, labor, material, tools, plant and appliances of every description necessary and required to complete the entire work, as specified, and the removal of debris, temporary work and appliances. Should the dimensions of any part of the work or the materials be less than those required by the plan, the actual quantities only will be allowed in measurement.

10. By signing this bid document, below, the bidder certifies the accuracy of the information provided on the Cover Page/Invitation for Bids Summary and in its bid, as well as the information to be provided in connection with the Financial Statement Requirement set forth in Section B3. In addition, by signing this bid below, the bidder acknowledges and agrees to the terms and conditions of the provisions enumerated below and that such provisions constitute material conditions of this Contract:

[IMPORTANT NOTE -- THESE ARE MANDATORY CHECK-OFF ITEMS – YOU MUST CHECK "YES" BELOW OR YOUR BID MAY BE REJECTED AS NON-RESPONSIVE]

(a) Article 69 of the Standard Construction Contract- MacBride Principles

☐ **YES** the bidder agrees to comply with the MacBride Principles

☐ **NO** the bidder does not agree to comply with the MacBride Principles

(b) Article 71 of the Standard Construction Contract - Tropical Hardwoods Law

☐ **YES** the bidder agrees to comply with the Tropical Hardwoods Law

☐ **NO** the bidder does not agree to comply with the Tropical Hardwoods Law

BID TOTAL AND SIGNATURE PAGE

THE TOTAL BID PRICE (total of all bid items) IS: $_____

Bid Total in Figures (dollars and cents)

Full Name of Bidder (Company): _____

Address: _____

By (Name of Duly Authorized Representative): _____

Title of Duly Authorized Representative: _____

_____

Signature of Duly Authorized Representative

[if bidder is a corporation,
place corporate seal here]

BIDDER'S ACKNOWLEDGMENT

State of _____ , County of _____ss:

On this ..... day of ....., ...,before me personally came ......, who, being by me duly sworn, did depose and say that she/he is the..... of.....; that she/he is duly authorized to execute the foregoing bid on behalf of said corporation, partnership, or firm; and that the several matters stated in the bid are in all respects true.

_____

Notary Public

***Note**: If the bidder is a Joint Venture, each member of the Joint Venture must sign a separate bid Total and Signature Page and Bidder Affirmation.*

SECTION B5
BIDDERS MINIMUM QUALIFICATIONS

Introduction:

Due to the special nature of the Work required for the Project, the Bidder shall be required to submit, with its Bid, sufficient evidence, including completion of the Bidder's Minimum Qualifications Requirements Statement Form (attached), that it satisfies all of the following minimum qualification criteria ("Minimum Qualifications").

Minimum Qualifications:

1. The Bidder must have prior experience on at least three (3) Projects, each substantially completed within the last ten (10) years, and with a minimum three (3) years of experience performing similar work (in scope and magnitude) as described in this Contract.

2. In the event that the Bidder is an entity which was formed within five (5) years prior to the Bid Opening, NYCDEP may, in determining compliance with the Minimum Qualifications, consider prior projects completed by principals(s) of the Bidder while such principal was affiliated with another entity, subject to the following conditions:

2.A If the Bidder is relying on the prior experience of only one (1) of its principals, such principal must hold an ownership interest of 51% or greater in the entity submitting the Bid.

2.B If the Bidder is relying on the prior experience of more than one of its principals, each such principal must hold an ownership interest of 20% or greater in the entity submitting the Bid, and all such principals must collectively hold an ownership interest of 51% or greater in the entity submitting the Bid.

2.C If the Bidder is relying on the prior experience of any of its principals, each such principal must:

i. Have held a significant management role in the prior entity which he/she was affiliated, and

ii. Have been a principal of the entity submitting the Bid for a period of at least six months prior to the submission of the Bid or from the inception of the entity submitting the Bid.

3. In the event that the Bidder is a joint venture, one of entities in the joint venture must meet the Minimum Qualifications and hold an ownership interest of 50% or greater in the entity submitting the Bid.

4. Additional Project-Specific Required Minimum Technical Qualifications (if needed):

NA

5. Failure of the Bidder to submit sufficient evidence that it satisfies the Minimum Qualifications may result in a determination that the Bidder is non-responsive pursuant to the PPB Rules.

6. NYCDEP may independently evaluate the Bidder's qualifications and experience and deem the Bidder qualified, even if the Bidder has technically failed (based on the aforementioned requirements) to submit sufficient evidence and/or complete the Minimum Qualifications Form(s), and as a result, is responsive to the Minimum Qualifications requirements of this Bid.

FORM TO FOLLOW

BIDDER'S MINIMUM QUALIFICATIONS STATEMENT FORM

GI-CONS-9 - Installation of Green Infrastructure at North and South Conduit

The Bidder must complete this form for each contract or project for which it will rely on to provide sufficient evidence of its prior contracting history to meet the Bidder Minimum Qualifications requirements specified above. Additional forms may be required to be completed and attached as part of the Bid in order to provide such evidence. All applicable fields of this form should be completed by the Bidder.

Contract/Project Name:	
Contract/Project Description:	
Contract/Project Value (Total Dollar Value): $	
Start Date:	Owner/Agency:
Completion Date:	Contact Name:
	Contact Title:
	Contact Email Address:
	Contact Telephone #:
Bidder's Role in Contract/Project:	

☐ If Bidder was a prime: ▪ Business name: ▪ Description/Nature of Work: ▪ Total Dollar Amount of Work: $	☐ If Bidder was a subcontractor: ▪ Business name: ▪ Description/Nature of Work: ▪ Total Dollar Amount of Work: $

☐ If Bidder was a joint venture: ▪ Business name: ▪ Description/Nature of Work: Total Dollar Amount of Work: $	☐ If principal of Bidder that completed work was a prime/subcontractor: ▪ Principal name: ▪ Prime/Sub Name: ▪ Description/Nature of Work: Total Dollar Amount of Work: $ ▪ Was principal lead Project Manager and/or principal with at least 25% ownership in entity which completed work? Yes ☐ No ☐ ▪ Does principal hold and maintain at least 51% ownership in entity submitting bid under this solicitation? Yes ☐ No ☐

Name: _____

Signature: _____

Date: _____

SECTION C:

Information for Bidders



CONSTRUCTION CONTRACT

INFORMATION FOR BIDDERS

(Rev. 12/2025)

59-17 Junction Boulevard, Flushing, New York 11373

TABLE OF CONTENTS

1. GENERAL INFORMATION 3
2. TIME AND PLACE FOR RECEIPT OF BIDS 3
3. DEFINITIONS 3
4. INVITATION FOR BID DOCUMENTS 4
5. PRE-BID CONFERENCES 4
6. AGENCY CONTACT 4
7. EXAMINATION OF PROPOSED CONTRACT 4
8. MODIFICATION OR WITHDRAWAL OF BIDS 5
9. ACKNOWLEDGMENT OF ADDENDA 5
10. BID SAMPLES AND DESCRIPTIVE LITERATURE 5
11. PROPRIETARY INFORMATION / TRADE SECRETS 5
12. BID EVALUATION AND AWARD: 6
13. MISTAKES IN BIDS 6
14. LOW TIE BIDS 7
15. REJECTION OF BIDS 8
16. RIGHT TO APPEAL DETERMINATIONS OF NON-RESPONSIVENESS OR NON-RESPONSIBILITY AND RIGHT TO PROTEST SOLICITATIONS AND AWARD 8
17. EQUAL EMPLOYMENT OPPORTUNITY 8
18. AUDIT BY THE COMPTROLLER 8
19. BID, PERFORMANCE, AND PAYMENT SECURITY 9
20. FAILURE TO EXECUTE CONTRACT AND FURNISH SECURITY 10
21. POWER OF ATTORNEY 11
22. BIDDER RESPONSIBILITY AND QUALIFICATIONS 11
23. EMPLOYMENT REPORTS (DEPARTMENT OF SMALL BUSINESS SERVICES) 11
24. LABOR LAW REQUIREMENTS 12
25. INSURANCE 12
26. LUMP SUM CONTRACTS 12
27. UNIT PRICE CONTRACTS 12
28. CITY'S LIMITED TAX EXEMPTION 13

29. LICENSES AND PERMITS 13
30. MULTIPLE PRIME CONTRACTORS 13
31. LOCALLY BASED ENTERPRISE REQUIREMENTS (LBE) 13
32. NO BLASTING 13
33. COMPTROLLER'S CERTIFICATE 13
34. CERTIFICATION BY NON-GOVERNMENTAL ENTITY OR MEMBERSHIP IN NON-GOVERMENTAL ORGANIZATION 14
35. PROMPT PAYMENT 14

1. GENERAL INFORMATION

(A) INVITATION FOR BIDS ("IFB") PACKAGE

Prospective bidders must examine the documents comprising this solicitation package carefully. Prospective bidders are directed to submit any questions or concerns through the "Discussion with Buyer" forum in the Procurement and Sourcing Solutions Portal ("PASSPort"). More information regarding PASSPort can be obtained on the Mayor's Office of Contract Services' website at:

https://www.nyc.gov/site/mocs/passport/about-passport.page

(B) DESCRIPTION AND LOCATION OF WORK

The description and location of the work for which bids are requested are specified in PASSPort.

(C) PROCUREMENT POLICY BOARD RULES

This IFB is subject to the Rules of the Procurement Policy Board of the City of New York ("PPB Rules"). In the event of a conflict between the PPB Rules and a provision of this IFB, the PPB Rules shall take precedence. A copy of the PPB Rules can be obtained on the City's website at: https://www.nyc.gov/assets/mocs/downloads/Regulations/PPB/PPBRules.pdf

(D) CONTRACTOR REGISTRATION REQUIREMENT

All bids and proposals for construction projects must include a copy of the bidder or proposer's certificate of registration with the New York State Department of Labor (DOL). This requirement stems from Section 220-i of the New York State Labor Law. Information on the DOL registration process and the portal to register can be found on the DOL's Contractor and Subcontractor website at: https://dol.ny.gov/contractor-and-subcontractor-landing.

(E) BID SUBMISSION REQUIREMENTS

Contents and Instructions herein indicates the documents and forms comprising this solicitation. Bidder is directed to the Contents and Instructions for submission requirements.

When requested to do so by DEP, the apparent low bidder must submit the Employment Report (described in Section 23, below).

Non - compliance with any of the above bid submission requirements may result in a rejection of the bid.

2. TIME AND PLACE FOR RECEIPT OF BIDS

Bids must be submitted electronically in PASSPort, on the date and time specified in PASSPort. Bids will be publicly opened and read aloud in the presence of the Commissioner, or his/her representatives. Bidder is directed to the *Electronic Bidding Notice* for further information.

3. DEFINITIONS

The definitions set forth in the PPB Rules shall apply to this IFB. Other capitalized terms used in this IFB

are used as defined in the New York City Standard Construction Contract, (the "Standard Construction Contract").

4. INVITATION FOR BID DOCUMENTS

(A) DOCUMENTS TO BE INCLUDED

Except for titles, subtitles, headings, running headlines, tables of contents and indices (all of which are printed herein merely for convenience), the contents of this IFB package, except for such portions thereof as may be specifically excluded, shall be deemed to be part of the Contract, including the bid documents as completed and submitted by the successful bidder. For further definition of the Contract Documents, see Article 1 of the Standard Construction Contract.

(B) GENERAL CONDITIONS AND SPECIFICATIONS.

For particulars as to this procurement, including quantity and quality of the purchase, extent of the work or labor to be performed, delivery and performance schedule, and any other special instructions, prospective bidders are referred to the General Conditions and Specification sections of the IFB, including Schedule A to the General Conditions, as well as the Contract Drawings. A copy of such documents can be obtained electronically through PASSPort.

5. PRE-BID CONFERENCES

A pre-bid conference may be held as set forth in PASSPort. Bidders are directed to the Contents and Instructions for further information. Nothing stated at the pre-bid conference shall change the terms and/or conditions of the IFB unless a change is made by written amendment as provided in Section 7, below, and in accordance with the PPB Rules. Such amendment would be contained in an Addendum to the IFB issued by DEP.

6. AGENCY CONTACT

The DEP Contact Person is specified in PASSPort. Bidders are directed to submit all questions to the "Discussion with Buyer" forum in PASSPort.

7. EXAMINATION OF PROPOSED CONTRACT

(A) REQUEST FOR INTERPRETATION OR CORRECTION BEFORE BIDDING

Prospective bidders must examine the IFB carefully and, before bidding, must request the ACCO in the "Discussion with Buyer" forum in PASSPort to issue an interpretation or correction of every ambiguity, inconsistency or error therein which should have been discovered by a reasonably prudent bidder. Such interpretation or correction as well as any additional Contract provisions the ACCO may decide to include will be issued in PASSPort by the ACCO as an addendum to the IFB. Upon such posting, such addendum shall become a part of the IFB and Contract Documents, and binding on all bidders.

(B) ONLY THE ACCO'S INTERPRETATION OR CORRECTION BINDING

Only the written interpretation or correction so given by the ACCO shall be binding, and prospective bidders are warned that no other officer, agent or employee of the City is authorized to give information concerning, or to explain or interpret, the IFB document.

(C) SUBCONTRACTOR SOLICITATION

Documents given to a prospective subcontractor for the purpose of soliciting the subcontractor's bid shall include the project name, the Contract number (if available), the contracting agency, and the project's location.

8. MODIFICATION OR WITHDRAWAL OF BIDS

The prices set forth in the bid cannot be revoked and shall be effective until the award of the Contract, except as follows:

(A) BEFORE BID OPENING

Bids may be modified or withdrawn in PASSPort before the time and date set for the bid opening. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

(B) AFTER BID OPENING

After bid opening, a bidder may not withdraw its bid within the first forty-five (45) days following the date on which bids were opened. Thereafter, a bidder may withdraw its bid only in writing received by DEP and in advance of award.

9. ACKNOWLEDGMENT OF ADDENDA

The receipt of any addenda to the Contract Documents shall be acknowledged by the bidder on or before the submission of the bid.

10. BID SAMPLES AND DESCRIPTIVE LITERATURE

Bid samples and descriptive literature shall not be submitted by the bidder, unless expressly requested elsewhere in the IFB or Contract Documents. Any unsolicited bid samples or descriptive literature that are submitted shall not be examined or tested and shall not be deemed to vary any of the provisions of this Contract. DEP may discard them, and they will not affect bid evaluation.

11. PROPRIETARY INFORMATION / TRADE SECRETS

The bidder shall clearly identify those portions of the bid which it deems to be confidential, proprietary information or trade secrets, and must provide justification as to why such materials should not be disclosed by the City. All materials the bidder desires to remain confidential shall be clearly indicated by stamping the pages on which such information appears, at the top and bottom thereof with the word

"Confidential." Such materials stamped "Confidential" must be easily separable from non-confidential sections of the bid.

All such materials stamped "Confidential" shall be reviewed by DEP and any decision not to honor a request for confidentiality shall be communicated in writing to the bidder. Prices, makes, and model or catalog numbers of the items offered, deliveries, and terms of payment shall be publicly available after bid opening regardless of any designation of confidentiality made by the bidder.

12. BID EVALUATION AND AWARD:

In accordance with the New York City Charter, the PPB Rules and the terms and conditions of this IFB, this Contract shall be awarded, if at all, to the lowest responsible bidder whose bid meets the requirements and evaluation criteria set forth in the IFB, and whose bid price is either the lowest responsive bid price, or if the IFB so states, the lowest evaluated responsive bid price. A bid may not be evaluated for any requirement or criterion that is not disclosed in the IFB.

(A) RESTRICTIONS

No negotiations with any bidder shall be allowed to take place except under circumstances and in the manner set forth in the PPB Rules and Section 12(B) of this Information For Bidders. Nothing in this Section shall be deemed to permit a Contract award to a bidder submitting a higher quality item than that designated in the IFB if that bid is not also the most favorable bid.

(B) NEGOTIATIONS WITH THE APPARENT LOWEST RESPONSIVE AND RESPONSIBLE BIDDER

Upon determination of the apparent lowest responsive and responsible bidder and prior to award, the ACCO may elect to open negotiations with such bidder in an effort to improve the bid to the City with respect to the price only. In the event the apparent lowest responsive and responsible bidder declines to negotiate, the ACCO may elect to either award the contract to the apparent lowest responsive and responsible bidder or may, upon written approval by the ACCO, reject all bids in accordance with the PPB Rules.

13. MISTAKES IN BIDS

(A) Mistakes Discovered **Before Bid Opening**:

A bidder may correct mistakes discovered before the time and date set for bid opening by withdrawing or correcting the bid as provided in Section 8(A), above.

(B) Mistakes Discovered **After Bid Opening:**

(i) Mistakes Where Intended Correct Bid is Evident

If the mistake and the intended correct bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended correct bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid

documents are typographical errors, errors in extending unit prices, transposition errors, and arithmetic errors.

(ii) Mistakes Where Intended Correct Bid is **Not Evident**

In accordance with General Municipal Law Section 103(11), mistakes may not be corrected after bid opening. Unless otherwise required by law, the sole remedy for a bid mistake discovered after bid opening shall be withdrawal of that bid, and return of the bid bond or other security, if any, to the bidder in accordance with this Section. Thereafter, DEP may, in its discretion, award the contract to the next lowest bidder or rebid the contract. Any amendment to or reformation of a bid or a contract to rectify such an error or mistake therein is strictly prohibited. Where a unilateral error or mistake is discovered in a low bid, such bid may be withdrawn upon written approval of the ACCO if the following conditions are met:

(a) the mistake is known or made known to DEP prior to the awarding of the contract or within three days after the opening of the bid, whichever period is shorter; and

(b) the price bid was based on an error of such magnitude that enforcement would be unconscionable; and

(c) the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error; and

(d) the error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work papers, documents, or materials used in the preparation of the bid sought to be withdrawn; and

(e) it is possible to place the City in the same condition that had existed prior to the receipt of the bid.

14. LOW TIE BIDS

(A) When two or more low responsive bids from responsible bidders are identical in price, meeting all the requirements and criteria set forth in the IFB, the ACCO will break the tie in the following manner and order of priority:

(i) Award to a certified New York City minority owned, or woman-owned business or emergency business entity bidder;
(ii) Award to a New York City bidder;

(iii) Award to a certified New York State small, minority, or woman-owned business bidder;
(iv) Award to a New York State bidder.

(B) If two or more bidders still remain equally eligible after application of paragraph (A) above, award shall be made by a drawing by lot limited to those bidders. The bidders involved shall be invited to attend the drawing. A witness shall be present to verify the drawing and shall certify the results on the bid tabulation sheet.

15. REJECTION OF BIDS

(A) Rejection of Individual Bids.

DEP may reject a bid if:

(i) The bidder fails to furnish any of the information required pursuant to Section 22 or 29 hereof; or if

(ii) The bidder is determined to be not responsible pursuant to the PPB Rules; or if

(iii) The bidder is determined to be non-responsive pursuant to the PPB Rules; or if

(iv) The bid, in the opinion of the ACCO, contains unbalanced bid prices and is thus non-responsive.

(B) REJECTION OF ALL BIDS.

The ACCO may reject all bids and may elect to re-solicit bids or by any other method authorized by the PPB Rules.

16. RIGHT TO APPEAL DETERMINATIONS OF NON-RESPONSIVENESS OR NON-RESPONSIBILITY AND RIGHT TO PROTEST SOLICITATIONS AND AWARD

The bidder has the right to appeal a determination of non-responsiveness or non- responsibility and any vendor has the right to protest a solicitation and award. For further information concerning these rights, the bidder is directed to the PPB Rules.

17. EQUAL EMPLOYMENT OPPORTUNITY

This IFB is subject to applicable provisions of federal, State, and local laws and executive orders requiring equal employment opportunity.

18. AUDIT BY THE COMPTROLLER

The New York City Comptroller is charged with the audit of City contracts. Any vendor who believes that there has been unfairness, favoritism, or impropriety in the bid process should inform the

Comptroller, Office of Contract Administration, One Centre Street, Room 835, New York, NY; telephone number (212) 669-2323.

19. BID, PERFORMANCE, AND PAYMENT SECURITY

(A) BID SECURITY.

The Mayor's Office of Contract Services or the ACCO may require the submission of bid security in an amount and type specified in Schedule A to the General Conditions. **If bid security is required on Schedule A, no bid will be considered which is not submitted pursuant to the submission requirements in the *Electronic Bidding Notice*. The bid security shall assure the City and DEP of the adherence of the bidder to its bid, and the execution of the Contract, in form included in this IFB, if its bid is accepted.** The bidder is advised that submission of a bid bond where the surety on such bond fails to meet the criteria set forth herein shall result in the rejection of the bid as non-responsive.

(i) If a bid bond is furnished to satisfy the bid security requirement, it shall be submitted in the form included herein, and pursuant to the submission procedures in the Contents and Instructions. The bid bond must be issued by a surety company that is authorized to do business in the State of New York. The bid bond shall insure the City of New York to the extent of not less than the amount stated in Schedule A.

(ii) If a bank certified check is submitted as bid security, it must be upon a state or national bank or a trust company or check of such bank or trust company signed by a duly authorized officer thereof, drawn to the City, which the Comptroller shall approve as of equal value with the sum required in Schedule A.

(iii) Bid security not submitted through PASSPort will be returned upon the submitting bidder's request.

(B) PERFORMANCE SECURITY.

The ACCO or the Mayor's Office of Contract Services may require performance security in the form set forth herein, in the amount specified in Schedule A. The performance security shall be delivered by the Contractor to the Contract Management Office *within ten days after the receipt of a Notice of Award*. If a Contractor fails to deliver the required performance security, the award shall be rescinded, its bid security shall be enforced and award of the Contract may be made to the next lowest responsive and responsible bidder or the Contract may be rebid.

(C) PAYMENT SECURITY.

Payment security is required in the amount specified in Schedule A. The payment security, in the form set forth herein, shall be delivered by the Contractor to DEP's Contract Management Office within ten days after the receipt of a Notice of Award. If a Contractor fails to deliver the required payment security, the award shall be rescinded, its bid security shall be enforced, and award of the Contract may be made to the next lowest responsive and responsible bidder, or the Contract may be rebid.

(D) ACCEPTABLE SECURITY.

(i) Acceptable security for bids, performance and payment shall be limited to:

(a) a one-time bond in a form satisfactory to the City (the bidder must use the forms included in this IFB and PASSPort); or

(b) a bank certified check or money order; or

(c) other financial instruments as determined by the Mayor's Office of Contract Services in consultation with the Comptroller.

(ii) When the successful bidder deposits obligations of The City of New York as performance and payment security, the Comptroller may sell and use the proceeds thereof for any purpose for which the principal or surety on such bond would be liable under the terms of the Contract. If the money is deposited with the Comptroller, the successful bidder shall not be entitled to receive interest on such money from the City.

(iii) Security provided in the form of bonds must be prepared on the form of bonds authorized by the City of New York. Forms for the bid, performance, and payment bonds are included in the IFB documents. Such bonds must have as surety thereunder such survey company or companies as are:

(a) Approved by the City of New York

(b) Authorized to do business in the State of New York

(c) Approved by the Department of the Treasury of the United States

(iv) Premiums for any required bonds must be included in the base bid.

20. FAILURE TO EXECUTE CONTRACT AND FURNISH SECURITY OR INSURANCE

In the event the successful bidder fails to execute the Contract and furnish the required security and insurance, or fails make any other submission required hereunder, within ten days after Notice of Award of the Contract, the bid security of the successful bidder, or so much thereof as shall be applicable to the amount of the award made, shall be retained by the City, and the successful bidder shall be liable for and hereby agrees to pay the City on demand the difference between the price bid and the price for which such Contract shall be subsequently relet, including the cost of such reletting less the amount of such bid security. No plea of mistake in such accepted bid shall be available to the bidder for the recovery of such bid security or as a defense to any action based upon such accepted bid. Further, should the bidder's failure to comply with this Section cause any funding agency, body or group (federal, State, City, public, private, etc.) to terminate, cancel or reduce the funding on this project, the bidder in such event shall be liable also to the City for the amount of actual funding withdrawn by such agency, body or other entity on this project less the amount of the forfeited bid security.

21. POWER OF ATTORNEY

Attorneys-in-fact who sign bid bonds or performance and payment bonds must file with each bond a certified copy of their power of attorney to sign said bonds.

22. BIDDER RESPONSIBILITY AND QUALIFICATIONS

Bidders must include in their bids, or upon demand by DEP, all information necessary for a determination of bidder responsibility, as set forth in this IFB.

(A) BIDDER'S RECORDS AND SWORN STATEMENTS.

DEP may require any bidder to furnish all books of account, records, vouchers, statements or other information concerning the bidder's financial status for examination as may be required by DEP to ascertain the bidder's responsibility and capability to perform the Contract. If required, a bidder must also submit a sworn statement setting forth such information as DEP may require concerning present and proposed plant and equipment, the personnel and qualifications of its working organizations, prior experience and performance record.

(B) ORAL EXAMINATION ON QUALIFICATIONS.

In addition thereto, and when directed by DEP, the bidder, or a responsible officer, agent, or employee of the bidder, must submit to an oral examination to be conducted by DEP in relation to its proposed tentative plan and schedule of operations, and such other matters as DEP may deem necessary in order to determine the bidder's ability and responsibility to perform the work in accordance with the Contract.

(C) FAILURE TO SUPPLY INFORMATION.

If the bidder fails or refuses to supply any of the documents or information set forth in this Section or fails to comply with any of the requirements hereof, DEP may reject its bid.

23. EMPLOYMENT REPORTS (DEPARTMENT OF SMALL BUSINESS SERVICES)

In accordance with New York City Executive Order No. 50 (1980) as modified by Executive Order No. 108 (1986), the filing of a complete Employment Report is a requirement of doing business with the City of New York for construction contractors with a contract valued at $1,000,000 or more and for subcontractors with construction subcontracts of $750,000 or more. The required forms and information are included in the bid booklet.

Prior to the award of a contract resulting from this IFB, the apparent successful bidder will be required to submit the following:

(A) Employment Report

(B) Subcontractor Employment Report (if subcontract is equal to or in excess of $750,000)

(C) Less than $750,000 Subcontractor Certificate (for subcontracts valued at less than $750,000)

In addition, if the apparent successful bidder will award a subcontract for non-construction services worth $100,000 or more, a Supply and Service Employment Report, available from the City Department of Small Business Services, must be provided.

24. LABOR LAW REQUIREMENTS

The successful bidder will be required to comply strictly with all federal, State, and local labor laws and regulations, including, but not limited, to providing on-the-job training opportunities and payment of prevailing wages and supplements as required by the New York State Labor Law Section 220. The successful bidder must post at the jobsite all signs and notices required by the Labor Law.

All requests for clarification of the classification of trades to be employed in the performance of the work under this Contract shall be to the "Discussion Forum" in PASSPort, at least 48 hours prior to the bid opening date.

In the event that a trade not listed in the classification of trades required to be used at the time of the award of the Contract is in fact employed during the performance of this Contract, the Contractor shall be required to obtain from the City Comptroller the prevailing wage rates and supplementary benefits for the trades used and to complete the performance of this Contract at the price at which the Contract was awarded.

25. INSURANCE

Bidders are advised that the insurance requirements contained herein are regarded as a material term of this Contract. The Contractor must procure and maintain the types and amounts of insurance specified in Schedule A, in accordance with Article 22 of the Standard Construction Contract.

Prior to execution of any Contract resulting from this solicitation, the successful bidder must submit proof of its commercial general liability, commercial automobile liability, workers' compensation, employer's liability and disability benefits coverage (pursuant to Section 57 and Section 220(8) of the New York State Workers' Compensation Law) to DEP.

ALL other required insurance documentation must be submitted prior to commencing the Work.

26. LUMP SUM CONTRACTS

Bids on lump sum contracts will be compared on the basis of the lump sum price bid, as adjusted for alternate prices bid, if any.

27. UNIT PRICE CONTRACTS

(A) COMPARISON OF BIDS

Bids on unit price contracts will be compared on the basis of a total estimated bid price, arrived at by taking the sum of the estimated quantities of each unit price item multiplied by the corresponding

unit price bid, and including any lump sum prices bid on designated items, in accordance with the Engineer's Estimate of Quantities set forth in the Bid Form.

(B) VARIATIONS FROM ENGINEER'S ESTIMATE

The total estimated bid price will be used solely to compare bids to determine the lowest bidder. DEP does not promise to pay the successful bidder this total estimated bid price, or to require any particular lump sum item or any of the unit price items. The terms and conditions applicable to overruns of unit price items are set forth in Article 26 of the Standard Construction Contract.

28. CITY'S LIMITED TAX EXEMPTION

Unless this Contract indicates otherwise, the City is exempt from the payment of federal, State and local taxes on tangible personal property sold to the City pursuant to the Contract. The bid price(s) must be exclusive of such taxes and shall be so construed. Bidders are referred to Article 62 of the Standard Construction Contract.

29. LICENSES AND PERMITS

At the time the bid is submitted, the bidder must have all licenses that are required by New York State and/or New York City, or any other authority with jurisdiction, for a contractor that will perform the type of work required by the Contract. The successful bidder will also be required to obtain all other necessary licenses and permits to perform the work, at its own expense.

30. MULTIPLE PRIME CONTRACTORS

If more than one prime Contractor will be involved on this project, all Contractors are required to examine the IFB packages for all other parts of the project.

31. LOCALLY BASED ENTERPRISE REQUIREMENTS (LBE)

This Contract is subject to the LBE requirements of New York City Administrative Code § 6-108.1 and the regulations promulgated thereunder, **unless** either: (a) the Subcontractor Utilization Plan (included in this IFB as Schedule B, if applicable) contains minority- and women- owned business enterprise ("M/WBE") requirements that the successful bidder must meet, or (b) New York State Revolving Fund M/WBE requirements apply, as indicated in PASSPort. The bidder is referred to the provisions set forth in Article 67 of the Standard Construction Contract for details of the LBE requirements.

32. NO BLASTING

Unless otherwise permitted in the Specifications or Contract Drawings, no blasting will be allowed under this Contract. The Contractor shall use line drilling or other acceptable methods.

33. COMPTROLLER'S CERTIFICATE

This Contract shall not be binding or of any force unless the Comptroller of the City shall endorse hereon

his/her certificate that there remains unexpended and unapplied, as provided in Section 6-101 of the Administrative Code of the City of New York, a balance of the appropriation of funds applicable thereto sufficient to pay the estimated expense of executing this Contract. This Contract shall continue in force only after annual appropriation of funds by the City of New York and certification as hereinabove set forth.

34. CERTIFICATION BY NON-GOVERNMENTAL ENTITY OR MEMBERSHIP IN NON-GOVERMENTAL ORGANIZATION

In the Specifications included in this Contract, wherever certification or training by a non- governmental entity, or membership in a non-governmental organization is required, this shall be deemed to require such certification, training or membership or possession of equivalent qualifications or characteristics as determined by the Engineer. The previous sentence shall not be construed to be a waiver of any legally required federal, State or local certification, training or licensing requirement, nor shall it apply where certification by the manufacturer of materials or equipment is called for.

35. PROMPT PAYMENT

The Prompt Payment provisions set forth in the PPB Rules are applicable to payments made under the Contract resulting from this solicitation. The provisions require the payment to contractors of interest on payments made after the required payment date except as set forth in the PPB Rules. The Contractor must submit a proper invoice to receive payment, except where the Contract provides that the Contractor will be paid at predetermined intervals without having to submit an invoice for each scheduled payment. Determinations of interest due will be made in accordance with the provisions of the PPB Rules.

END OF INFORMATION FOR BIDDERS

New Help Desk information:

Doing Business with the City of New York

To do business with the City of New York, organizations need to create a vendor account in the City's Payee Information Portal (PIP) (to get paid) and also in Procurement and Sourcing Solutions Portal (PASSPort) (for all other contracting actions, including completing vendor disclosures, finding and responding to contracting opportunities, signing the contract upon contract award, and much more). The Mayor's Office of Contract Services (MOCS) developed and maintains PASSPort.

Learn more about PASSPort and contracting with NYC – visit the MOCS website:
Getting Started: An Introduction to Doing Business with the City of New York

To view contracting opportunities, visit the PASSPort Public Portal.

Note: A PASSPort account is required to respond to solicitations (RFx). Organizations looking to respond to Health and Human Services (HHS) solicitations need to have an approved HHS Prequalification Application in PASSPort.

Need Help or Have a Question?

- For assistance with **PIP**, please refer to the PIP website.
- For **PASSPort** learning resources, visit MOCS Learning to Use PASSPort.

For technical assistance when using **PASSPort**, submit an inquiry to the MOCS Service Desk.

- For assistance regarding **solicitations (RFx),** reach out to the soliciting City Agency via the email address listed for the relevant RFx in PASSPort, or post a question via the Discussion Forum of the RFx.

Thank you for your continued partnership - looking forward to continued success in this next phase in Elevating Procurement!

SECTION D:

Not Applicable

SECTION E:

Bid Bond Form

BID BOND

KNOW ALL PERSONS BY THESE PRESENTS, That we,

_____

_____

hereinafter referred to as the "Principal", and _____

_____

hereinafter referred to as the "Surety" are held firmly bound to THE CITY OF NEW YORK, hereinafter referred to as the "CITY", or to its successors and assigns in the penal sum of:

_____ Dollars

($_____), lawful money of the United States, for the payment of which said sum of money well and truly to be made, we, and each of us bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal is about to submit (or has submitted) to the City the accompanying Bid, hereby made a part hereof, to enter into a Contract in writing for

_____

_____.

NOW, THEREFORE, the conditions of this obligation are such that, if the Principal shall not withdraw said Bid without the consent of the City for a period of forty-five (45) days after the opening of bids and in the event of acceptance of the Principal's Bid by the City, if the Principal shall:

(a) Within ten (10) days after notification by the City execute in quadruplicate and deliver to the City all the executed counterparts of the Contract in the form set forth in this Invitation For Bid, in accordance with the Bid as accepted, and

(b) Furnish a Performance Bond and separate Payment Bond, as may be required by the City for the faithful performance and proper fulfillment of such Contract, which bonds shall be satisfactory in all respects to the City and shall be executed by good and sufficient sureties, and

(c) In all respects perform the Contract created by the acceptance of said Bid as provided in the Information For Bidders, bound herewith and hereby made a part hereof, or if the City shall reject the aforesaid Bid, then this obligation shall be null and void; otherwise to remain in full force and effect.

BID BOND

In the event that the Bid of the Principal shall be accepted and the Contract be awarded to him/her the Surety hereunder agrees subject only to the payment by the Principal of the premium therefor, if requested by the City, to write the aforementioned Performance and Payment Bonds in the form set forth in this Invitation For Bid.

It is expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

There shall be no liability under this bond if, in the event of the acceptance of the Principal's Bid by the City either a Performance Bond or a Payment Bond, or both, shall not be required by the City on or before the thirtieth day after the date on which the City signs the Contract.

The Surety, for the value received, hereby stipulates and agrees that the obligations of the Surety and its bond shall in no way be impaired or affected by any postponements of the date upon which the City will receive or open bids, or by any extensions of the time within which the City may accept the Principal's Bid or by any waiver by the City of any of the requirements of the Information For Bidders, and the Surety hereby waives notice of any such postponements, extensions, or waivers.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals and such of them as are corporations have caused their corporate seals to be hereto affixed and their presents to be signed by their proper officers this_____day of _____,_____.

(SEAL) _____ (L.S.)
Principal
By:_____

(SEAL) _____
Surety
By:_____

The Acknowledgment, on the next page, shall be subscribed and sworn to before a Notary Public or Commissioner of Deeds

BID BOND

ACKNOWLEDGMENT OF PRINCIPAL - IF A CORPORATION

State of_____ County of _____ss:
On this _____ day of _____,____
before me personally appeared _____
to me known who, being by me (duly sworn) did depose and say that he/she resides at
_____
and that he/she is the_____ of _____
_____ __
the corporation described in and which executed the foregoing instrument; that he/she knows the seal of said corporation; that one of the seals affixed to said instrument is such seal, that it was so affixed by order of the directors of said corporation, and that he/she signed his/her name thereto by like order.

_____
Notary Public

ACKNOWLEDGMENT OF PRINCIPAL - IF A PARTNERSHIP

State of _____ County of _____ss:
On this _____ day of _____, ____
before me personally appeared _____
to me known and known to me to be one of the members of the firm of:
_____
described in and who executed the foregoing instrument and he/she acknowledged to me that he/she executed the same as and for the act and deed of said firm.

_____
Notary Public

ACKNOWLEDGMENT OF PRINCIPAL - IF AN INDIVIDUAL

State of _____ County of _____ss:
On this _____ day of _____,____
before me personally appeared _____
to me known and known to me to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed same.

_____
Notary Public

****

AFFIX ACKNOWLEDGMENTS AND JUSTIFICATIONS OF SURETIES

SECTION F:

Equal Employment Opportunity -
Executive Order No. 50 Employment Report

The City of New York
Department of Small Business Services
Division of Labor Services
Contract Compliance Unit
1 Liberty Plaza
New York, New York 10006
Phone: (212) 513–6323
Fax: (212) 618-8879

CONSTRUCTION EMPLOYMENT REPORT INSTRUCTIONS

WHO MUST FILE A CONSTRUCTION EMPLOYMENT REPORT

A Construction Employment Report (ER) must be filed if you meet the following conditions:

CONTRACT FUNDING SOURCE	CONTRACTOR	CONTRACT VALUE	SUBMISSION REQUIREMENT
Federal/Federally assisted	Prime and subcontractors	$10,000 or greater	Construction Employment Report
City and state funded	Prime contractor	$1,000,000 or greater	
	Subcontractor	$750,000 or greater	
		Less than $750,000	Less than $750,000 Certificate (City/State Only)

Prime Contractor:

- A general contractor or construction manager selected to perform work on a construction project funded (in whole or in part) by the federal government with a proposed contract value of $10,000 or more.
- A general contractor or construction manager selected to perform work on a construction project funded or assisted by the City of New York with a proposed contract value of $1,000,000 or more.

Subcontractor:

- A subcontractor selected to perform work on a construction project funded (in whole or in part) by the federal government with a proposed contract value of $10,000 or more.
- A subcontractor selected to perform work on a construction project funded or assisted by the City of New York with a proposed contract value of $750,000 or more.
- A subcontractor selected to perform work on a construction project funded or assisted by the City of New York with a proposed contract value of less than $750,000 must submit a “Less than $750,000” certificate.

WHERE TO FILE

Employment Reports must be filed with the City agency awarding the contract. If you are a contractor or subcontractor who will be working for a private developer in receipt of funding or assistance from the City, the ER must be filed with the City agency with jurisdiction over the developer's project.

DLS REVIEW PROCESS

In accordance with Executive Order 50 (EO 50), upon receipt by DLS of a completed ER, DLS conducts a review of the contractor's current employment policies, practices and procedures, as well as perform a statistical analysis of the contractor's workforce, if necessary. The process is as follows:

1. Within five (5) business days, DLS will review the ER for completeness and accuracy. If any information is omitted or incorrect, or if necessary documents are not submitted, the submission shall be deemed incomplete and DLS will inform the contractor. The substantive compliance review does not commence until the submission is complete. **An incomplete submission will delay the review process and may preclude or interrupt the contract approval.**

2. If the ER submission is complete, the compliance review will proceed, resulting in one of the following:

   Certificate of Approval
   The contractor is found to be in compliance with all applicable laws and regulations. The approval is valid for 36 months.

   Continued Approval Certificate
   The contractor has been issued a Certificate of Approval in the previous 36 months which is good for the applicable contract.

   Conditional Certificate of Approval
   The contractor is required to take corrective actions in order to be in compliance with EO 50. The contractor must meet the conditions within one month of the issue of the Conditional Certificate.

   Determination of Nonperformance
   The contractor has failed to take the required corrective actions stipulated in the Conditional Certificate. A determination of nonperformance may prevent a contractor from receiving an award of a contract.

HOW TO COMPLETE THE EMPLOYMENT REPORT

Contents

General Information
Part I: Contractor/Subcontractor Information
Part II: Employment Policies and Practices
Part III: Contract Bid Information and Projected and Current Workforce
Forms Signature Page

PART I: CONTRACTOR/SUBCONTRACTOR INFORMATION

Questions 7 – 11: Please provide the required contact information for your company. All contracts must have a designated Equal Employment Officer.

Question 12: If you are a subcontractor, you must state the name of the contractor for whom you are providing the construction services.

Question 13: Please provide the number of permanent employees in your company.

Question 14a-g: The Project Identification Number (PIN) and the Contract Registration ID Number (CT#) can be obtained from the City agency. Provide a description of the trade work you will perform on this project and the address where the work will be performed. Subcontractors can obtain this information from the contract they have with the prime contractor.

Questions 15 – 18: If your company has received a valid Certificate of Approval within the past 36 months, been audited by the United States Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), or if your company has submitted an ER for a different contract for which you have not yet received a compliance certificate, then you only need to complete and submit the following:

- General Information section
- Part I - Contractor/Subcontractor Information
- Form B - Projected Workforce
- Signature Page

If your company is currently waiting for an approval on another contract previously submitted, be certain to identify the date on which you submitted the completed Employment Report, the name of the City contracting agency with which the contract was made, and the name and telephone number of the person to whom the Employment Report was submitted.

If your company was issued a Conditional Certificate of Approval, all required corrective actions must have been taken or DLS will not issue a Continued Certificate.

Question 18: If the company was audited by the OFCCP, also provide the following:

- Identify the reviewing OFCCP office by its name and address
- If an unconditional certificate of compliance was issued by the OFCCP, attach a copy of the certificate in lieu of completing Parts II and III;
- Include copies of all corrective actions and documentation of OFCCP's performance; and • Provide a copy of all stated OFCCP findings.

Question 19: Please provide a copy of any Collective Bargaining Agreement(s) which is negotiated through an employer trade association on behalf of your organization or any of its affiliates.

PART II: EMPLOYMENT POLICIES AND PRACTICES

Remember to label all documents with the question number for which they are submitted.

Questions 20a – k: You must respond to the questions as to whether or not your firm has documents reflecting written policies, benefits and procedures. If so, then you must identify by name each document in which the policy(ies), procedure(s) and benefit(s) is located and submit copies of all of the document(s). If your firm follows unwritten practices or procedures, include an explanation of how they operate. Please submit the most current document(s), including all applicable amendments. Label each document and/or unwritten practice according to the question to which it corresponds (e.g. 20a, 20b, etc.)

Questions 21a – h: Inquires about the manner/methods by which you comply with the requirements of the Immigration Reform and Control Act of 1986 (IRCA).

Question 22: Inquires into where and how I-9 forms are maintained and stored.

Questions 23a – e: Inquires into whether or not there is a requirement that an applicant or employee be subjected to a medical examination at any given time. Copes of the

medical information questionnaire and instructions must be submitted with the Employment Report.

Question 24: Indicate the existence and location of all statements of your firm's Equal Employment Opportunity policy and attach a copy of each statement.

Question 25: Submit any current Affirmative Action Plan(s) created pursuant to Executive Order 11246.

Question 26: If your firm or collective bargaining agreement has an internal grievance procedure, indicate this and submit a copy of the policy and procedure. If unwritten, explain its nature and operation. Explain how your firm's procedure addresses EEO complaints.

Question 27: If your employees have used the procedure in the last three (3) years, please submit an explanation in the format indicated below:

1. Number of complaint(s)	2. Nature of the complaint(s)	3. Position(s) of the complainant(s)	4. Was an investigation conducted? Y/N	5. Current status of the disposition

Question 28: Indicate whether in the past three (3) years complaints have been filed with a court of law or administrative agency, naming your company as a defendant (or respondent) in a complaint alleging violation of any anti-discrimination or affirmative action laws. If yes, develop and submit a log to show, for each administrative/and or judicial action filed, the following information:

1. Name(s) of complainant(s)	2. Administrative agency or court in which action was filed	3. Nature of the complaint(s)	4. Current status	5. If not pending, the complaint's disposition

Question 29: Identify each job for which a physical qualification exists. Identify and explain the physical qualification(s) for each stated job. Submit job descriptions for each job and the reasons for the qualifications.

Question 30: Identify each job for which there exists any qualification related to age, race, color, national origin, sex, creed, disability, marital status, sexual orientation or citizenship status. Identify and explain the specific related qualification for each job stated. Submit job descriptions for each job and the reasons for the qualifications.

PART III: CONTRACT BID INFORMATION AND PROJECTED AND CURRENT WORKFORCE FORMS

FORM A: CONTRACT BID INFORMATION – USE OF SUBCONTRACTORS/TRADES

Your projections for the utilization of subcontractors on the proposed contract are to be provided in this section. A chart has been provided for the identification of subcontractors. Information is to be provided to the extent known at the time the ER is filed for review by DLS. If the subcontractor's name is unknown, then write "unknown". Under "ownership", enter the appropriate race/ethnic and gender code. If the contract is federally funded or assisted and the subcontractor is being utilized in accordance with applicable federal requirements with respect to Minority Business Enterprise or Woman Business Enterprise requirements, enter the appropriate

code. This will also apply to state funded contracts with similar requirements for minority and female owned businesses.

FORM B: PROJECTED WORKFORCE FOR WORK TO BE PERFORMED ON THIS PROJECT

For each trade to be engaged by your company for this project, enter the projected workforce for Males and Females by trade classification in the charts provided.

FORM C: CURRENT WORKFORCE FOR WORK TO BE PERFORMED ON THIS PROJECT

For each trade *currently* engaged by your company for all work performed in NYC, enter the current workforce for Males and Females by trade classification in the charts provided.

SIGNATURE PAGE

The signatory of this Employment Report and all other documents submitted to DLS must be an official authorized to enter into a binding legal agreement. The signature page must be completed in its entirety and notarized. Only original signatures will be accepted.

The City of New York Department of Small Business Services
Division of Labor Services Contract Compliance Unit
1 Liberty Plaza, New York, New York 10006
Phone: (212) 513 – 6323
Fax: (212) 618-8879

CONSTRUCTION EMPLOYMENT REPORT

GENERAL INFORMATION

1. Your contractual relationship in this contract is: Prime contractor____ Subcontractor____

1a. Are M/WBE goals attached to this project? Yes ____ No ____

2. Please check one of the following if your firm would like information on how to certify with the City of New York as a:

___Minority Owned Business Enterprise
___Women Owned Business Enterprise
___Disadvantaged Business Enterprise
___Locally Based Business Enterprise
___Emerging Business Enterprise

2a. If you are certified as an **MBE**, **WBE**, **LBE, EBE** or **DBE**, what city/state agency are you certified with? _____ Are you DBE certified? Yes ____ No ____

3. Please indicate if you would like assistance from SBS in identifying certified M/WBEs for contracting opportunities: Yes___ No___

4. Is this project subject to a project labor agreement? Yes ____ No ____

5. Are you a Union contractor? Yes ____ No ____ If yes, please list which local(s) you affiliated with _____

6. Are you a Veteran owned company? Yes ____ No ____

PART I: CONTRACTOR/SUBCONTRACTOR INFORMATION

7. _____
Employer Identification Number or Federal Tax I.D. Email Address

8. _____
Company Name

9. _____
Company Address and Zip Code

10. _____
Chief Operating Officer Telephone Number

11. _____
Designated Equal Opportunity Compliance Officer Telephone Number
(If same as Item #10, write "same")

12. _____
Name of Prime Contractor and Contact Person
(If same as Item #8, write "same")

13. Number of employees in your company: _____

14. Contract information:

(a) _____ (b) _____
Contracting Agency (City Agency) Contract Amount

(c) _____ (d) _____
Procurement Identification Number (PIN) Contract Registration Number (CT#)

(e) _____ (f) _____
Projected Commencement Date Projected Completion Date

(g) Description and location of proposed contract:

_____

_____

15. Has your firm been reviewed by the Division of Labor Services (DLS) within the past 36 months and issued a Certificate of Approval? Yes___ No___

If yes, attach a copy of certificate.

16. Has DLS within the past month reviewed an Employment Report submission for your company and issued a Conditional Certificate of Approval? Yes___ No___

If yes, attach a copy of certificate.

NOTE: DLS WILL NOT ISSUE A CONTINUED CERTIFICATE OF APPROVAL IN CONNECTION WITH THIS CONTRACT UNLESS THE REQUIRED CORRECTIVE ACTIONS IN PRIOR CONDITIONAL CERTIFICATES OF APPROVAL HAVE BEEN TAKEN.

17. Has an Employment Report already been submitted for a different contract (not covered by this Employment Report) for which you have not yet received compliance certificate?
Yes___ No___ If yes,

Date submitted: _____
Agency to which submitted: _____
Name of Agency Person: _____
Contract No: _____
Telephone: _____

18. Has your company in the past 36 months been audited by the United States Department of Labor, Office of Federal Contract Compliance Programs (OFCCP)? Yes___ No___

If yes,

(a) Name and address of OFCCP office.

_____

_____

(b) Was a Certificate of Equal Employment Compliance issued within the past 36 months? Yes___ No___

If yes, attach a copy of such certificate.

(c) Were any corrective actions required or agreed to? Yes___ No___

If yes, attach a copy of such requirements or agreements.

(d) Were any deficiencies found? Yes___ No___

If yes, attach a copy of such findings.

19. Is your company or its affiliates a member or members of an employers' trade association which is responsible for negotiating collective bargaining agreements (CBA) which affect construction site hiring? Yes___ No___

If yes, attach a list of such associations and all applicable CBA's.

PART II: DOCUMENTS REQUIRED

20. For the following policies or practices, attach the relevant documents (e.g., printed booklets, brochures, manuals, memoranda, etc.). If the policy(ies) are unwritten, attach a full explanation of the practices. See instructions.

_____ (a) Health benefit coverage/description(s) for all management, nonunion and union employees (whether company or union administered)

_____ (b) Disability, life, other insurance coverage/description

_____ (c) Employee Policy/Handbook

_____ (d) Personnel Policy/Manual

_____ (e) Supervisor's Policy/Manual

_____ (f) Pension plan or 401k coverage/description for all management, nonunion and union employees, whether company or union administered

_____ (g) Collective bargaining agreement(s).

_____ (h) Employment Application(s)

_____ (i) Employee evaluation policy/form(s).

_____ (j) Does your firm have medical and/or non-medical (i.e. education, military, personal, pregnancy, child care) leave policy?

___ (k) Sexual Harassment Policy

21. To comply with the Immigration Reform and Control Act of 1986 when and of whom does your firm require the completion of an I-9 Form?

(a) Prior to job offer	Yes___ No___
(b) After a conditional job offer	Yes___ No___
(c) After a job offer	Yes___ No___
(d) Within the first three days on the job	Yes___ No___
(e) To some applicants	Yes___ No___
(f) To all applicants	Yes___ No___
(g) To some employees	Yes___ No___
(h) To all employees	Yes___ No___

22. Explain where and how completed I-9 Forms, with their supportive documentation, are maintained and made accessible.

_____
_____

23. Does your firm or any of its collective bargaining agreements require job applicants to take a medical examination? Yes___ No___

If yes, is the medical examination given:

(a) Prior to a job offer	Yes___ No___
(b) After a conditional job offer	Yes___ No___
(c) After a job offer	Yes___ No___
(d) To all applicants	Yes___ No___
(e) Only to some applicants	Yes___ No___

If yes, list for which applicants below and attach copies of all medical examination or questionnaire forms and instructions utilized for these examinations.

_____
_____

24. Do you have a written equal employment opportunity (EEO) policy? Yes___ No___

If yes, list the document(s) and page number(s) where these written policies are located.

_____
_____

25. Does the company have a current affirmative action plan(s) (AAP)
_____Minorities and Women
_____Individuals with handicaps
_____Other. Please specify _____

26. Does your firm or collective bargaining agreement(s) have an internal grievance procedure with respect to EEO complaints? Yes___ No___

If yes, please attach a copy of this policy.

If no, attach a report detailing your firm's unwritten procedure for handling EEO complaints.

27. Has any employee, within the past three years, filed a complaint pursuant to an internal grievance procedure or with any official of your firm with respect to equal employment opportunity? Yes___ No___

If yes, attach an internal complaint log. See instructions.

28. Has your firm, within the past three years, been named as a defendant (or respondent) in any administrative or judicial action where the complainant (plaintiff) alleged violation of any anti-discrimination or affirmative action laws? Yes___ No___

If yes, attach a log. See instructions.

29. Are there any jobs for which there are physical qualifications? Yes___ No___

If yes, list the job(s), submit a job description and state the reason(s) for the qualification(s).

___

___

30. Are there any jobs for which there are age, race, color, national origin, sex, creed, disability, marital status, sexual orientation, or citizenship qualifications? Yes___ No___

If yes, list the job(s), submit a job description and state the reason(s) for the qualification(s).

___

___

SIGNATURE PAGE

I, (print name of authorized official signing)_____ hereby certify that the information submitted herewith is true and complete to the best of my knowledge and belief and submitted with the understanding that compliance with New York City's equal employment requirements, as contained in Chapter 56 of the City Charter, Executive Order No. 50 (1980), as amended, and the implementing Rules and Regulations, is a contractual obligation. I also agree on behalf of the company to submit a certified copy of payroll records to the Division of Labor Services on a monthly basis.

_____
Contractor's Name

_____
Name of person who prepared this Employment Report Title

_____
Name of official authorized to sign on behalf of the contractor Title

_____
Telephone Number

_____
Signature of authorized official Date

If contractors are found to be underutilizing minorities and females in any given trade based on Chapter 56 Section 3H, the Division of Labor Services reserves the right to request the contractor's workforce data and to implement an employment program.

Contractors who fail to comply with the above mentioned requirements or are found to be in noncompliance may be subject to the withholding of final payment.

Willful or fraudulent falsifications of any data or information submitted herewith may result in the termination of the contract between the City and the bidder or contractor and in disapproval of future contracts for a period of up to five years. Further, such falsification may result in civil and/and or criminal prosecution.

To the extent permitted by law and consistent with the proper discharge of DLS' responsibilities under Charter Chapter 56 of the City Charter and Executive Order No. 50 (1980) and the implementing Rules and Regulations, all information provided by a contractor to DLS shall be confidential.

Only original signatures accepted.

Sworn to before me this _____ day of _____ 20 _____

_____
Notary Public Authorized Signature Date

FORM A. CONTRACT BID INFORMATION: USE OF SUBCONTRACTORS/TRADES

1. Do you plan to subcontractor work on this contract? Yes___ No___

2. If yes, complete the chart below.

NOTE: All proposed subcontractors with a subcontract in excess of $750,000 must complete an Employment Report for review and approval before the contract may be awarded and work commences.

SUBCONTRACTOR'S NAME*	OWNERSHIP (ENTER APPROPRIATE CODE LETTERS BELOW)	WORK TO BE PERFORMED BY SUBCONTRACTOR	TRADE PROJECTED FOR USE BY SUBCONTRACTOR	PROJECTED DOLLAR VALUE OF SUBCONTRACT

***If subcontractor is presently unknown, please enter the trade (craft name).**

OWNERSHIP CODES
- W: White
- B: Black
- H: Hispanic
- A: Asian
- N: Native American
- F: Female

FORM B: PROJECTED WORKFORCE

TRADE CLASSIFICATION CODES

(J) Journeylevel Workers (A) Apprentice
(H) Helper (TRN) Trainee
(TOT) Total by Column

For each trade to be engaged by your company for this project, enter the projected workforce for Males and Females by trade classification on the charts below.

Trade:

_____

Union Affiliation, if applicable

_____

Total (Col. #1-10):

_____

Total Minority, Male & Female (Col. #2,3,4,5,7,8,9, & 10):

_____

Total Female (Col. #6 – 10):

_____

	MALES					FEMALES				
	(1) White Non Hisp.	(2) Black Non Hisp.	(3) Hisp.	(4) Asian	(5) Native Amer.	(6) White Non Hisp.	(7) Black Non Hisp.	(8) Hisp.	(9) Asian	(10) Native Amer.
J										
H										
A										
TRN										
TOT		T								

What are the recruitment sources for you projected hires (i.e., unions, government employment office, job tap center, community outreach)?

_____

_____

FORM B: PROJECTED WORKFORCE

Trade: _____

Union Affiliation, if applicable _____

Total (Col. #1-10): _____

Total Minority, Male & Female (Col. #2,3,4,5,7,8,9, & 10): _____

Total Female (Col. #6 – 10): _____

	MALES					FEMALES				
	(1) White Non Hisp.	(2) Black Non Hisp.	(3) Hisp.	(4) Asian	(5) Native Amer.	(6) White Non Hisp.	(7) Black Non Hisp.	(8) Hisp.	(9) Asian	(10) Native Amer.
J										
H										
A										
TRN										
TOT		T								

What are the recruitment sources for you projected hires (i.e., unions, government employment office, job tap center, community outreach)?

_____

_____

FORM C: CURRENT WORKFORCE

TRADE CLASSIFICATION CODES

(J) Journeylevel Workers (A) Apprentice
(H) Helper (TRN) Trainee
(TOT) Total by Column

For each trade currently engaged by your company for all work performed in New York City, enter the current workforce for Males and Females by trade classification on the charts below.

Trade: _____

Union Affiliation, if applicable _____

Total (Col. #1-10): _____

Total Minority, Male & Female (Col. #2,3,4,5,7,8,9, & 10): _____

Total Female (Col. #6 – 10): _____

	MALES					FEMALES				
	(1) White Non Hisp.	(2) Black Non Hisp.	(3) Hisp.	(4) Asian	(5) Native Amer.	(6) White Non Hisp.	(7) Black Non Hisp.	(8) Hisp.	(9) Asian	(10) Native Amer.
J										
H										
A										
TRN										
TOT		T								

What are the recruitment sources for you projected hires (i.e., unions, government employment office, job tap center, community outreach)?

_____

_____

SECTION G:

Subcontractor Approval Information and Forms

NOTICE TO VENDORS

Please be advised that, pursuant to the authority granted to the City under Labor Law §816-b, the Department of Environmental Protection hereby requires that the contractor awarded a contract as a result of this solicitation, and any of its subcontractors with subcontracts worth two million dollars or over, have, prior to entering into such contract or subcontract, apprenticeship agreements appropriate for the type and scope of work to be performed that have been registered with, and approved by, the New York State Commissioner of Labor. In addition, the contractor and its subcontractors will be required to show that such apprenticeship program/s have successfully passed the two year Probation period following the initial registration date of such program/s with the New York State Department of Labor.

The failure to prove, upon request, that these requirements have been met shall result in the contract not being awarded to the contractor or the subcontractor not being approved.

Please be further advised that, pursuant to Labor Law §220, the allowable ratio of apprentices to journeypersons in any craft classification shall not be greater than the ratio permitted to the contractor as to its workforce on any job under the registered apprenticeship program.

May 21, 2015

APPRENTICESHIP PROGRAM QUESTIONNAIRE ("APQ")

Bidder Name: _____

Project ID Number: _____

The bidder MUST complete, sign and submit this Apprenticeship Program Questionnaire with its bid.

1. Does the bidder have any Apprenticeship Program agreement(s) appropriate for the type and scope of work to be performed? (Note: Participation may be by either direct sponsorship or through collective bargaining agreement(s).

_____YES _____NO

2. Has/have the bidder's Apprenticeship Program agreement(s) been registered with, and approved by the New York State Commissioner of Labor?

_____YES _____NO

3. Has/have the bidder's Apprenticeship Program successfully passed the two-year Probation period following its initial registration with the New York State Department of Labor?

_____YES _____NO

If the answers to Questions I, 2, and 3 are "Yes", the bidder shall, in the space below (and/or attached herewith where applicable), provide the contact information for such Apprenticeship Program(s) as well as information demonstrating that such Apprenticeship Program(s) have passed the two-year Probation period following its initial registration with the New York State Department of Labor. *(The bidder may attach additional pages if necessary.)*

- **Where the bidder directly sponsors any such Apprenticeship Program(s),** the bidder shall provide the following:
  - The trade classification(s) covered by such program(s), and the date(s) such program(s) was/were approved by the New York State Commissioner of Labor; and/or
  - A copy of a letter(s) from the New York State Department of Labor ("NYSDOL"), on NYSDOL's letterhead, executed by an official thereof, which verifies/verify the trade classification(s) covered by such program(s), and the date(s) such program(s) was/were approved by the New York State Commissioner of Labor and the Active status of such program(s).

- **Where the bidder participates in any such Apprenticeship Program(s) through its membership in an employer organization(s) that directly sponsors such program(s) or where the employer association(s) participates in such program(s) through collective bargaining,** the bidder shall provide the following:
  - The contact information for the employer organization(s), and the apprenticeable trade(s) covered pursuant to the bidder's affiliation therewith, and the date such program(s) was/were approved by the New York State Commissioner of Labor; or
  - A letter(s) from such employer organization(s), on letterhead of such organization(s), executed by an officer, delegate or official thereof, which verifies/verify the trade classification(s) covered by such program(s), and the date(s) such program(s) was/were approved by the New York State Commissioner of Labor, and that the bidder is both a member in good standing of the identified employer organization and is subject to the provisions of the Apprenticeship Program agreement(sl sponsored thereby.

APPRENTICESHIP PROGRAM QUESTIONNAIRE ("APQ")

Project ID Number: _____

- **Where the bidder participates in any such Apprenticeship Program(s) through collective bargaining agreements,** the bidder shall provide the following:

  - The contact information for such collective bargaining entity(ies) and the apprenticeable trade(s) covered pursuant to the bidder's affiliation therewith;
  - A letter(s) from such collective bargaining entity(ies), on letterhead of such entity(ies), executed by an officer, delegate or official thereof, which verifies/verify the bidder's status as a signatory/participant in good standing to such collective bargaining entity(ies) Apprenticeship Program agreement(s).

Bidder: _____

By: _____ Title_____
(Signature of Partner or Corporate Officer)

Date: _____

Subcontractor Pre-Approval Statement – **Prevailing Wage Contracts**

Agency: _____

Prime Contractor: _____

Subcontractor: _____

Contract #: _____

On behalf of the subcontractor and contract shown above, I affirm that I have reviewed the following information with the prime contractor:

- The work to be done or the trades that will be employed on the subcontract;
- The Comptroller's prevailing wage schedules for each trade;
- The requirement to pay the prevailing wage and supplement rates in effect at the time the work is done, and the dates of likely changes in such rates (July 1 and January 1);
- The registration, ratio and payment guidelines for apprentices, and whether their use is optional or required under this contract;
- The requirement to use City-approved certified payroll forms, the need to fill those forms out completely, and to submit such original payrolls within thirty (30) days of issuance of the first payroll and every thirty (30) days thereafter;
- The requirement to use standard sign-in and sign-out logs or an agency-approved electronic or biometric system, and that such logs must be submitted to the resident engineer or agency representative daily;
- The requirement that all workers on job sites shall wear laminated photo identification badges;
- The prohibition on cash payments to workers and subcontractors; all workers must be paid by check or direct deposit weekly (bi-weekly, where permitted by law [certain non-construction workers only]), and that for contracts over $1,000,000 and subcontracts over $750,000 such checks must be generated by either a payroll service or an agency-approved automated system; and

I further affirm that the subcontractor will comply with these and all other relevant requirements of the New York State Labor Law and City of New York laws and regulations concerning payment of prevailing wages and supplements.

Subcontractor Signature: _____ Date: _____

Printed Name: _____

Position: _____

Prime Contractor Witness: _____ Date: _____

Printed Name: _____

Rev 5/14

Printed on paper containing 30% post-consumer material.

SECTION H



NOTICE REGARDING APPLICABILITY OF LOCALLY BASED ENTERPRISE ("LBE") REQUIREMENTS

LOCALLY BASED ENTERPRISE PROGRAM
SCHEDULE FOR PARTICIPATION BY LOCALLY BASED ENTERPRISES (LBE)

BID PRICE $ _____ * TOTAL SUBCONTRACT AMOUNT $ _____

% OF PRIME CONTRACT _____

CONTRACT # _____ ** TOTAL LBE SUBCONTRACT AMOUNT $ _____

CONTRACTOR _____ % OF PRIME CONTRACT _____

CONTRACTOR'S SIGNATURE	PRINT NAME	TITLE	DATE	NYC APPROVAL DATE

NAME OF LBE	ADDRESS (INCLUDE ZIP)	WORK TO BE DONE BY LBE	SCHEDULE OF WORK		$ PRICE
			START	FINISH	
					**Total

LBE-A1

* If all work is to be done by the prime contractor, please note it on this form and sign it.
** These totals should be equal.

Contract Number _____

LBE CONTRACTOR PARTICIPATION LETTER OF VERIFICATION

TO: _____
(Name of Prime Contractor)

The undersigned intends to perform work in connection with the above project as (check one):

____ an LBE individual
____ an LBE partnership
____ an LBE corporation
____ an LBE joint venture

The above LBE status is (a) confirmed on the following Locally Based Enterprise Listing dated _____ or (b) is requested by the submission of the attached "Certification Schedule A".

The undersigned is prepared to perform the following described work in connection with the above project, (specify in detail particular work items or parts thereof to be performed).

_____

_____

_____

_____

at the following price: _____

As the Prime Contractor, you have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

ITEMS	COMMENCEMENT	COMPLETION

The undersigned will enter into a formal agreement for the above work with you conditioned upon your execution of a contract with the _____.
(Agency)

Date _____

_____
(Name of LBE Contractor)

_____
(Signature of LBE)

LBE CONTRACTOR PARTICIPATION
LETTER OF COMPLIANCE

Contract Compliance Division
NYC Department of Environmental Protection
59-17 Junction Boulevard - 17th Floor
Corona, New York 11368

RE: Project No. _____

Description: _____

_____

_____

Our bid indicates that the value of the subcontract work will be _____ percentage of the entire contract and _____ percentage of the contract value will be subcontracted to Locally Based Enterprises.

We have submitted documentation pursuant to the LBE rules, Section 7d. demonstrating our good faith efforts to achieve the LBE percentage, but will achieve the total percentage only after award of the contract.

We recognize that achieving the LBE percentage is a condition of our contract and we will comply with Local Law Nº 49 (1984) and the rules implementing it.

Very truly yours,

_____

Contractor Signature

NOTICE TO ALL PROSPECTIVE CONTRACTORS

PARTICIPATION BY MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES IN CITY PROCUREMENT

ARTICLE I. M/WBE PROGRAM

Section 6-129 of the Administrative Code of the City of New York ("Section 6-129") establishes the program for participation in City procurement ("M/WBE Program") by minority-owned business enterprises ("MBEs") and women-owned business enterprises ("WBEs"), certified in accordance with Section 1304 of the New York City Charter. As stated in Section 6-129, the intent of the program is to address the impact of discrimination on the City's procurement process, and to promote the public interest in avoiding fraud and favoritism in the procurement process, increasing competition for City business, and lowering contract costs. The contract provisions contained herein are pursuant to Section 6-129, and the rules of the Department of Small Business Services ("DSBS") promulgated thereunder.

If this Contract is subject to the M/WBE Program established by Section 6-129, the specific requirements of MBE and/or WBE participation for this Contract are set forth in Schedule B of the Contract (entitled the "M/WBE Utilization Plan") and are detailed below. Contracts solicited through the Procurement and Sourcing Solutions Portal (PASSPort) will contain a Schedule B in the format outlined in the Schedule B – M/WBE Utilization Plan & PASSPort rider. The provisions of this notice will apply to contracts subject to the M/WBE Program established by Section 6-129 regardless of solicitation source.

The Contractor must comply with all applicable MBE and WBE requirements for this Contract.

All provisions of Section 6-129 are hereby incorporated in the Contract by reference and all terms used herein that are not defined herein shall have the meanings given such terms in Section 6-129.

References to MBEs or WBEs shall also include such businesses certified pursuant to the executive law where credit is required by section 311 of the New York City Charter or other provision of law.

Article I, Part A, below, sets forth provisions related to the participation goals for construction, standard and professional services contracts.

Article I, Part B, below, sets forth miscellaneous provisions related to the M/WBE Program.

PART A

PARTICIPATION GOALS FOR CONSTRUCTION, STANDARD AND PROFESSIONAL SERVICES CONTRACTS OR TASK ORDERS

1. The **MBE and/or WBE Participation Goals** established for this Contract or Task Orders issued pursuant to this Contract, ("**Participation Goals**"), as applicable, are set forth on Schedule B, Part 1 to this Contract (see Page 1, Line 1 Total Participation Goals) or will be set forth on Schedule B, Part 1 to Task Orders issued pursuant to this Contract, as applicable.

The **Participation Goals** represent a percentage of the total dollar value of the Contract or Task Order, as applicable, that may be achieved by awarding subcontracts to firms certified with DSBS as MBEs and/or WBEs, and/or by crediting the participation of prime contractors and/or qualified joint ventures as provided in Section 3 below, unless the goals have been waived or modified by Agency in accordance with Section 6-129 and Part A, Sections 10 and 11 below, respectively.

2. If **Participation Goals** have been established for this Contract or Task Orders issued pursuant to this Contract, Contractor agrees or shall agree as a material term of the Contract that Contractor shall be subject to the **Participation Goals**, unless the goals are waived or modified by Agency in accordance with Section 6-129 and Part A, Sections 10 and 11 below, respectively.

3. If **Participation Goals** have been established for this Contract or Task Order issued pursuant to this Contract, a Contractor that is an MBE and/or WBE shall be permitted to count its own participation toward fulfillment of the relevant **Participation Goal**, provided that in accordance with Section 6-129 the value of Contractor's participation shall be determined by subtracting from the total value of the Contract or Task Order, as applicable, any amounts that the Contractor pays to direct subcontractors (as defined in Section 6-129(c)(13)), and provided further that a Contractor that is certified as both an MBE and a WBE may count its own participation either toward the goal for MBEs or the goal for WBEs, but not both.

A Contractor that is a qualified joint venture (as defined in Section 6-129(c)(30)) shall be permitted to count a percentage of its own participation toward fulfillment of the relevant **Participation Goal**. In accordance with Section 6-129, the value of Contractor's participation shall be determined by subtracting from the total value of the Contract or Task Order, as applicable, any amounts that Contractor pays to direct subcontractors, and then multiplying the remainder by the percentage to be applied to total profit to determine the amount to which an MBE or WBE is entitled pursuant to the joint venture agreement, provided that where a participant in a joint venture is certified as both an MBE and a WBE, such amount shall be counted either toward the goal for MBEs or the goal for WBEs, but not both.

4. A. If **Participation Goals** have been established for this Contract, a prospective contractor shall be required to submit with its bid or proposal, as applicable, a completed Schedule B, M/WBE Utilization Plan, Part 2 (see Pages1-2) indicating: (a) whether the contractor is an MBE or WBE, or qualified joint venture; (b) the percentage of work it intends to award to direct subcontractors; (c) in cases where the contractor intends to award direct subcontracts, a description of the type and dollar value of work designated for participation by

MBEs and/or WBEs, and the time frames in which such work is scheduled to begin and end; as well as the name, addresses, and telephone numbers of the M/WBE subcontractors if required by the solicitation; and (d) the prospective contractor's required certification and affirmations. In the event that this M/WBE Utilization Plan indicates that the bidder or proposer, as applicable, does not intend to meet the **Participation Goals**, the bid or proposal, as applicable, shall be deemed non-responsive, unless Agency has granted the bidder or proposer, as applicable, a pre-award waiver of the **Participation Goals** in accordance with Section 6-129 and Part A, Section 10 below.

B. (i) If this Contract is for a master services agreement or other requirements type contract that will result in the issuance of Task Orders that will be individually registered ("Master Services Agreement") and is subject to M/WBE **Participation Goals**, a prospective contractor shall be required to submit with its bid or proposal, as applicable, a completed Schedule B, M/WBE Participation Requirements for Master Services Agreements That Will Require Individually Registered Task Orders, Part 2 (page 2) indicating the prospective contractor's certification and required affirmations to make all reasonable good faith efforts to meet participation goals established on each individual Task Order issued pursuant to this Contract, or if a partial waiver is obtained or such goals are modified by the Agency, to meet the modified **Participation Goals** by soliciting and obtaining the participation of certified MBE and/or WBE firms. In the event that the Schedule B indicates that the bidder or proposer, as applicable, does not intend to meet the **Participation Goals** that may be established on Task Orders issued pursuant to this Contract, the bid or proposal, as applicable, shall be deemed non-responsive.

(ii) **Participation Goals** on a Master Services Agreement will be established for individual Task Orders issued after the Master Services Agreement is awarded. If **Participation Goals** have been established on a Task Order, a contractor shall be required to submit a Schedule B – M/WBE Utilization Plan For Independently Registered Task Orders That Are Issued Pursuant to Master Services Agreements, Part 2 (see Pages 1-2) indicating: (a) whether the contractor is an MBE or WBE, or qualified joint venture; (b) the percentage of work it intends to award to direct subcontractors; (c) in cases where the contractor intends to award direct subcontracts, a description of the type and dollar value of work designated for participation by MBEs and/or WBEs, and the time frames in which such work is scheduled to begin and end; as well as the name, addresses, and telephone numbers of the M/WBE subcontractors if required by the solicitation; and (d) the prospective contractor's required certification and affirmations. The contractor must engage in good faith efforts to meet the **Participation Goals** as established for the Task Order unless Agency has granted the contractor a pre-award waiver of the **Participation Goals** in accordance with Section 6-129 and Part A, Section 10 below.

C. THE BIDDER/PROPOSER MUST COMPLETE THE SCHEDULE B INCLUDED HEREIN (SCHEDULE B, PART 2). A SCHEDULE B SUBMITTED BY THE BIDDER/PROPOSER WHICH DOES NOT INCLUDE THE VENDOR CERTIFICATION AND REQUIRED AFFIRMATIONS WILL BE DEEMED TO BE NON-RESPONSIVE, UNLESS A FULL WAIVER OF THE PARTICIPATION GOALS IS GRANTED (SCHEDULE B, PART 3). IN THE EVENT THAT THE CITY DETERMINES THAT THE BIDDER/PROPOSER HAS SUBMITTED A SCHEDULE B WHERE THE VENDOR CERTIFICATION AND REQUIRED AFFIRMATIONS ARE COMPLETED BUT OTHER ASPECTS OF THE SCHEDULE B ARE NOT COMPLETE, OR CONTAIN A COPY OR COMPUTATION ERROR THAT IS AT ODDS WITH THE

VENDOR CERTIFICATION AND AFFIRMATIONS, THE BIDDER/PROPOSER WILL BE NOTIFIED BY THE AGENCY AND WILL BE GIVEN FOUR (4) CALENDAR DAYS FROM RECEIPT OF NOTIFICATION TO CURE THE SPECIFIED DEFICIENCIES AND RETURN A COMPLETED SCHEDULE B TO THE AGENCY. FAILURE TO DO SO WILL RESULT IN A DETERMINATION THAT THE BID/PROPOSAL IS NON-RESPONSIVE. RECEIPT OF NOTIFICATION IS DEFINED AS THE DATE NOTICE IS E-MAILED OR FAXED (IF THE BIDDER/PROPOSER HAS PROVIDED AN E-MAIL ADDRESS OR FAX NUMBER), OR NO LATER THAN FIVE (5) CALENDAR DAYS FROM THE DATE OF MAILING OR UPON DELIVERY, IF DELIVERED.

5. Where an **M/WBE** Utilization Plan has been submitted, the Contractor shall, within 30 days of issuance by Agency of a notice to proceed, submit a list of proposed persons or entities to which it intends to award subcontracts within the subsequent 12 months. In the case of multi-year contracts, such list shall also be submitted every year thereafter. The Agency may also require the Contractor to report periodically about the contracts awarded by its direct subcontractors to indirect subcontractors (as defined in Section 6-129(c)(22)). **PLEASE NOTE: If this Contract is a public works project subject to GML §101(5) (i.e., a contract valued at or below $3M for projects in New York City) or if the Contract is subject to a project labor agreement in accordance with Labor Law §222, and the bidder is required to identify at the time of bid submission its intended subcontractors for the Wicks trades (plumbing and gas fitting; steam heating, hot water heating, ventilating and air conditioning (HVAC); and electric wiring), the Contractor must identify all those to which it intends to award construction subcontracts for any portion of the Wicks trade work at the time of bid submission, regardless of what point in the life of the contract such subcontracts will occur. In identifying intended subcontractors in the bid submission, bidders may satisfy any Participation Goals established for this Contract by proposing one or more subcontractors that are MBEs and/or WBEs for any portion of the Wicks trade work.** In the event that the Contractor's selection of a subcontractor is disapproved, the Contractor shall have a reasonable time to propose alternate subcontractors.

6. MBE and WBE firms must be certified by DSBS in order for the Contractor to credit such firms' participation toward the attainment of the **Participation Goals**. Such certification must occur prior to the firms' commencement of work. A list of city-certified MBE and WBE firms may be obtained from the DSBS website at www.nyc.gov/buycertified, by emailing DSBS at buyer@sbs.nyc.gov, by calling (212) 513-6451, or by visiting or writing DSBS at One Liberty Plaza, New York, New York, 10006, 11th floor. Eligible firms that have not yet been certified may contact DSBS in order to seek certification by visiting www.nyc.gov/getcertified, emailing MWBE@sbs.nyc.gov, or calling the DSBS certification helpline at (212) 513-6311. A firm that is certified as both an MBE and a WBE may be counted either toward the goal for MBEs or the goal for WBEs, but not both. No credit shall be given for participation by a graduate MBE or graduate WBE, as defined in Section 6-129(c)(20).

7. Where an **M/WBE** Utilization Plan has been submitted, the Contractor shall, with each voucher for payment, and/or periodically as Agency may require, submit statements, certified under penalty of perjury, which shall include, but not be limited to,: the total amount the Contractor paid to its direct subcontractors, and, where applicable pursuant to Section 6-129(j), the total amount direct subcontractors paid to indirect subcontractors; the names, addresses and contact numbers of each MBE or WBE hired as a subcontractor by the Contractor, and, where

applicable, hired by any of the Contractor's direct subcontractors; and the dates and amounts paid to each MBE or WBE. The Contractor shall also submit, along with its voucher for final payment: the total amount it paid to subcontractors, and, where applicable pursuant to Section 6-129(j), the total amount its direct subcontractors paid directly to their indirect subcontractors; and a final list, certified under penalty of perjury, which shall include the name, address and contact information of each subcontractor that is an MBE or WBE, the work performed by, and the dates and amounts paid to each.

8. If payments made to, or work performed by, MBEs or WBEs are less than the amount specified in the Contractor's **M/WBE** Utilization Plan, Agency shall take appropriate action, in accordance with Section 6-129 and Article II below, unless the Contractor has obtained a modification of its **M/WBE** Utilization Plan in accordance with Section 6-129 and Part A, Section 11 below.

9. Where an **M/WBE** Utilization Plan has been submitted, and the Contractor requests a change order the value of which exceeds the greater of 10 percent of the Contract or Task Order, as applicable, or $500,000, Agency shall review the scope of work for the Contract or Task Order, as applicable, and the scale and types of work involved in the change order, and determine whether the **Participation Goals** should be modified.

10. Pre-award waiver of **the Participation Goals**. (a) A bidder or proposer, or contractor with respect to a Task Order, may seek a pre-award full or partial waiver of the Participation Goals in accordance with Section 6-129, which requests that Agency change one or more **Participation Goals** on the grounds that the **Participation Goals** are unreasonable in light of the availability of certified firms to perform the services required, or by demonstrating that it has legitimate business reasons for proposing a lower level of subcontracting in its M/WBE Utilization Plan.

(b) To apply for a full or partial waiver of the **Participation Goals**, a bidder, proposer, or contractor, as applicable, must complete Part 3 of Schedule B **and submit such request no later than seven (7) calendar days prior to the date and time the bids, proposals, or Task Orders are due, in writing to the Agency Contact Person listed in Schedule B, Part 1**. **Full or partial waiver requests that are received later than seven (7) calendar days prior to the date and time the bids, proposals, or Task Orders are due may be rejected as untimely**. Bidders, proposers, or contractors, as applicable, who have submitted timely requests will receive an Agency response by no later than two (2) calendar days prior to the due date for bids, proposals, or Task Orders; provided, however, that if that date would fall on a weekend or holiday, an Agency response will be provided by close-of-business on the business day before such weekend or holiday date.

(c) If the Agency determines that the **Participation Goals** are unreasonable in light of the availability of certified firms to perform the services required, it shall revise the solicitation and extend the deadline for bids and proposals, or revise the Task Order, as applicable.

(d) Agency may grant a full or partial waiver of the **Participation Goals** to a bidder, proposer or contractor, as applicable, who demonstrates—before submission of the bid, proposal or Task Order, as applicable—that it has legitimate business reasons for proposing the level of

subcontracting in its **M/WBE** Utilization Plan. In making its determination, Agency shall consider factors that shall include, but not be limited to, whether the bidder, proposer or contractor, as applicable, has the capacity and the bona fide intention to perform the Contract without any subcontracting, or to perform the Contract without awarding the amount of subcontracts represented by the **Participation Goals**. In making such determination, Agency may consider whether the **M/WBE** Utilization Plan is consistent with past subcontracting practices of the bidder, proposer or contractor, as applicable, whether the bidder, proposer or contractor, as applicable, has made efforts to form a joint venture with a certified firm, and whether the bidder, proposer, or contractor, as applicable, has made good faith efforts to identify other portions of the Contract that it intends to subcontract.

11. Modification of **M/WBE** Utilization Plan. (a) A Contractor may request a modification of its **M/WBE** Utilization Plan after award of this Contract. **PLEASE NOTE: If this Contract is a public works project subject to GML §101(5) (i.e., a contract valued at or below $3M for projects in New York City) or if the Contract is subject to a project labor agreement in accordance with Labor Law §222, and the bidder is required to identify at the time of bid submission its intended subcontractors for the Wicks trades (plumbing and gas fitting; steam heating, hot water heating, ventilating and air conditioning (HVAC); and electric wiring), the Contractor may request a Modification of its M/WBE Utilization Plan as part of its bid submission.** The Agency may grant a request for Modification of a Contractor's **M/WBE** Utilization Plan if it determines that the Contractor has established, with appropriate documentary and other evidence, that it made reasonable, good faith efforts to meet the **Participation Goals**. In making such determination, Agency shall consider evidence of the following efforts, as applicable, along with any other relevant factors:

(i) The Contractor advertised opportunities to participate in the Contract, where appropriate, in general circulation media, trade and professional association publications and small business media, and publications of minority and women's business organizations;

(ii) The Contractor provided notice of specific opportunities to participate in the Contract, in a timely manner, to minority and women's business organizations;

(iii) The Contractor sent written notices, by certified mail or facsimile, in a timely manner, to advise MBEs or WBEs that their interest in the Contract was solicited;

(iv) The Contractor made efforts to identify portions of the work that could be substituted for portions originally designated for participation by MBEs and/or WBEs in the **M/WBE** Utilization Plan, and for which the Contractor claims an inability to retain MBEs or WBEs;

(v) The Contractor held meetings with MBEs and/or WBEs prior to the date their bids or proposals were due, for the purpose of explaining in detail the scope and requirements of the work for which their bids or proposals were solicited;

(vi) The Contractor made efforts to negotiate with MBEs and/or WBEs as relevant to perform specific subcontracts, or act as suppliers or service providers;

(vii) Timely written requests for assistance made by the Contractor to Agency's M/WBE liaison officer and to DSBS;

(viii) Description of how recommendations made by DSBS and Agency were acted upon and an explanation of why action upon such recommendations did not lead to the desired level of participation of MBEs and/or WBEs.

Agency's M/WBE officer shall provide written notice to the Contractor of the determination.

(b) The Agency may modify the **Participation Goals** when the scope of the work has been changed by the Agency in a manner that affects the scale and types of work that the Contractor indicated in its **M/WBE Utilization Plan** would be awarded to subcontractors.

12. If the Contractor was required to identify in its bid or proposal the MBEs and/or WBEs they intended to use in connection with the performance of the Contract or Task Order, substitutions to the identified firms may only be made with the approval of the Agency, which shall only be given when the Contractor has proposed to use a firm that would satisfy the **Participation Goals** to the same extent as the firm previously identified, unless the Agency determines that the Contractor has established, with appropriate documentary and other evidence, that it made reasonable, good faith efforts. In making such determination, the Agency shall require evidence of the efforts listed in Section 11(a) above, as applicable, along with any other relevant factors.

13. If this Contract is for an indefinite quantity of construction, standard or professional services or is a requirements type contract and the Contractor has submitted an **M/WBE** Utilization Plan and has committed to subcontract work to MBEs and/or WBEs in order to meet the **Participation Goals**, the Contractor will not be deemed in violation of the M/WBE Program requirements for this Contract with regard to any work which was intended to be subcontracted to an MBE and/or WBE to the extent that the Agency has determined that such work is not needed.

14. If **Participation Goals** have been established for this Contract or a Task Order issued pursuant to this Contract, at least once annually during the term of the Contract or Task Order, as applicable, Agency shall review the Contractor's progress toward attainment of its **M/WBE** Utilization Plan, including but not limited to, by reviewing the percentage of work the Contractor has actually awarded to MBE and/or WBE subcontractors and the payments the Contractor made to such subcontractors.

15. If **Participation Goals** have been established for this Contract or a Task Order issued pursuant to this Contract, Agency shall evaluate and assess the Contractor's performance in meeting those goals, and such evaluation and assessment shall become part of the Contractor's overall contract performance evaluation.

PART B

MISCELLANEOUS

1. The Contractor shall take notice that, if this solicitation requires the establishment of a **M/WBE** Utilization Plan, the resulting contract may be audited by DSBS to determine compliance with Section 6-129. See §6-129(e)(10). Furthermore, such resulting contract may also be examined by the City's Comptroller to assess compliance with the **M/WBE** Utilization Plan.

2. Pursuant to DSBS rules, construction contracts that include a requirement for a **M/WBE** Utilization Plan shall not be subject to the law governing Locally Based Enterprises set forth in Section 6-108.1 of the Administrative Code of the City of New York.

3. DSBS is available to assist contractors and potential contractors in determining the availability of MBEs and/or WBEs to participate as subcontractors, and in identifying opportunities that are appropriate for participation by MBEs and/or WBEs in contracts.

4. Prospective contractors are encouraged to enter into qualified joint venture agreements with MBEs and/or WBEs as defined by Section 6-129(c)(30).

5. By submitting a bid or proposal the Contractor hereby acknowledges its understanding of the M/WBE Program requirements set forth herein and the pertinent provisions of Section 6-129, and any rules promulgated thereunder, and if awarded this Contract, the Contractor hereby agrees to comply with the M/WBE Program requirements of this Contract and pertinent provisions of Section 6-129, and any rules promulgated thereunder, all of which shall be deemed to be material terms of this Contract. The Contractor hereby agrees to make all reasonable, good faith efforts to solicit and obtain the participation of MBEs and/or WBEs to meet the required **Participation Goals**.

ARTICLE II. ENFORCEMENT

1. If Agency determines that a bidder or proposer, as applicable, has, in relation to this procurement, violated Section 6-129 or the DSBS rules promulgated pursuant to Section 6-129, Agency may disqualify such bidder or proposer, as applicable, from competing for this Contract and the Agency may revoke such bidder's or proposer's prequalification status, if applicable.

2. Whenever Agency believes that the Contractor or a subcontractor is not in compliance with Section 6-129 or the DSBS rules promulgated pursuant to Section 6-129, or any provision of this Contract that implements Section 6-129, including, but not limited to any **M/WBE** Utilization Plan, Agency shall send a written notice to the Contractor describing the alleged noncompliance and offering the Contractor an opportunity to be heard. Agency shall then conduct an investigation to determine whether such Contractor or subcontractor is in compliance.

3. In the event that the Contractor has been found to have violated Section 6-129, the DSBS rules promulgated pursuant to Section 6-129, or any provision of this Contract that implements

Section 6-129, including, but not limited to, any **M/WBE** Utilization Plan, Agency may determine that one of the following actions should be taken:

(a) entering into an agreement with the Contractor allowing the Contractor to cure the violation;

(b) revoking the Contractor's pre-qualification to bid or make proposals for future contracts;

(c) making a finding that the Contractor is in default of the Contract;

(d) terminating the Contract;

(e) declaring the Contractor to be in breach of Contract;

(f) withholding payment or reimbursement;

(g) determining not to renew the Contract;

(h) assessing actual and consequential damages;

(i) assessing liquidated damages or reducing fees, provided that liquidated damages may be based on amounts representing costs of delays in carrying out the purposes of the M/WBE Program, or in meeting the purposes of the Contract, the costs of meeting utilization goals through additional procurements, the administrative costs of investigation and enforcement, or other factors set forth in the Contract;

(j) exercising rights under the Contract to procure goods, services or construction from another contractor and charge the cost of such contract to the Contractor that has been found to be in noncompliance; or

(k) taking any other appropriate remedy.

4. If an **M/WBE** Utilization Plan has been submitted, and pursuant to this Article II, Section 3, the Contractor has been found to have failed to fulfill its **Participation Goals** contained in its **M/WBE** Utilization Plan or the **Participation Goals** as modified by Agency pursuant to Article I, Part A, Section 11, Agency may assess liquidated damages in the amount of ten percent (10%) of the difference between the dollar amount of work required to be awarded to MBE and/or WBE firms to meet the **Participation Goals** and the dollar amount the Contractor actually awarded and paid, and/or credited, to MBE and/or WBE firms. In view of the difficulty of accurately ascertaining the loss which the City will suffer by reason of Contractor's failure to meet the **Participation Goals**, the foregoing amount is hereby fixed and agreed as the liquidated damages that the City will suffer by reason of such failure, and not as a penalty. Agency may deduct and retain out of any monies which may become due under this Contract the amount of any such liquidated damages; and in case the amount which may become due under this Contract shall be less than the amount of liquidated damages suffered by the City, the Contractor shall be liable to pay the difference.

5. Whenever Agency has reason to believe that an MBE and/or WBE is not qualified for certification, or is participating in a contract in a manner that does not serve a commercially useful function (as defined in Section 6-129(c)(8)), or has violated any provision of Section 6-129, Agency shall notify the Commissioner of DSBS who shall determine whether the certification of such business enterprise should be revoked.

6. Statements made in any instrument submitted to Agency pursuant to Section 6-129 shall be submitted under penalty of perjury and any false or misleading statement or omission shall be grounds for the application of any applicable criminal and/or civil penalties for perjury. The making of a false or fraudulent statement by an MBE and/or WBE in any instrument submitted pursuant to Section 6-129 shall, in addition, be grounds for revocation of its certification.

7. The Contractor's record in implementing its **M/WBE** Utilization Plan shall be a factor in the evaluation of its performance. Whenever Agency determines that a Contractor's compliance with an **M/WBE** Utilization Plan has been unsatisfactory, Agency shall, after consultation with the City Chief Procurement Officer, file an advice of caution form for inclusion in VENDEX as caution data.

SCHEDULE B – M/WBE Utilization Plan & PASSPort

PASSPort
Procurement and Sourcing Solutions Portal

Modified July 2022

The M/WBE Requirements tab along with the information provided in the Subcontractors and Joint Ventures tab of the RFx encompasses a Prime Vendor's M/WBE Utilization Plan.

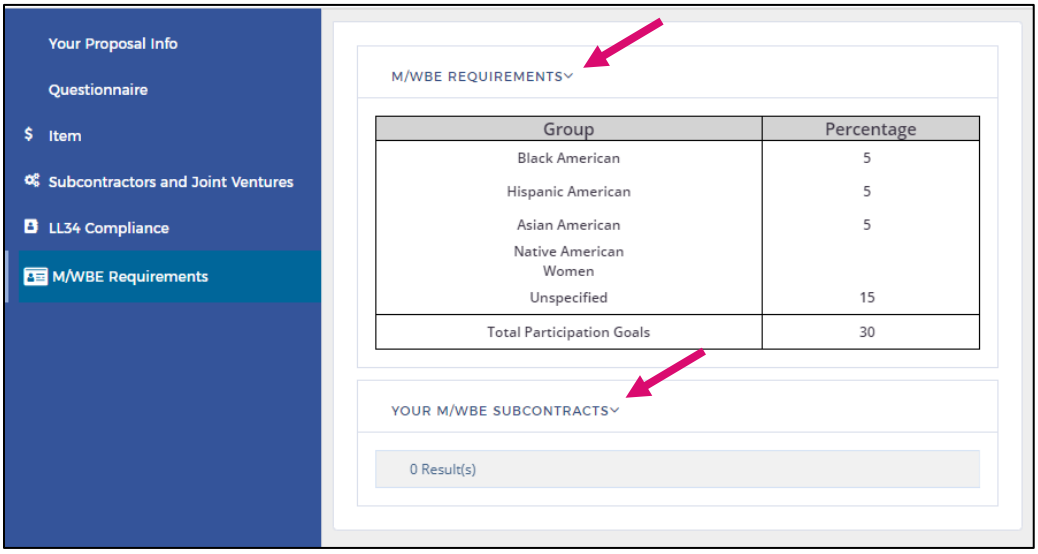
Part 1: M/WBE Participation Goals

The M/WBE Participation Goals are found in the M/WBE Requirements tab of your RFx (Solicitation) response in PASSPort. Please follow the instructions below to **review** an RFx's M/WBE Participation Goals in PASSPort. Please refer to the Local Law 1 Notice to All Prospective Contractors for additional information about the M/WBE program related to this solicitation.

1. Log in to PASSPort and click the **pencil icon** to access the RFx.

2. Click the **Manage Responses** tab of the RFx and click the **pencil icon** to access your in progress response.

3. Click the **M/WBE Requirements** tab. The M/WBE Requirements section will outline the goals for the RFx. The Your M/WBE Subcontracts section will list all subcontracting work that you've identified for certified M/WBEs. (Please see Part 2 for instructions on how to add subcontracting information in PASSPort.)



NYC Mayor's Office of Contract Services

Part 2: M/WBE Participation Plan

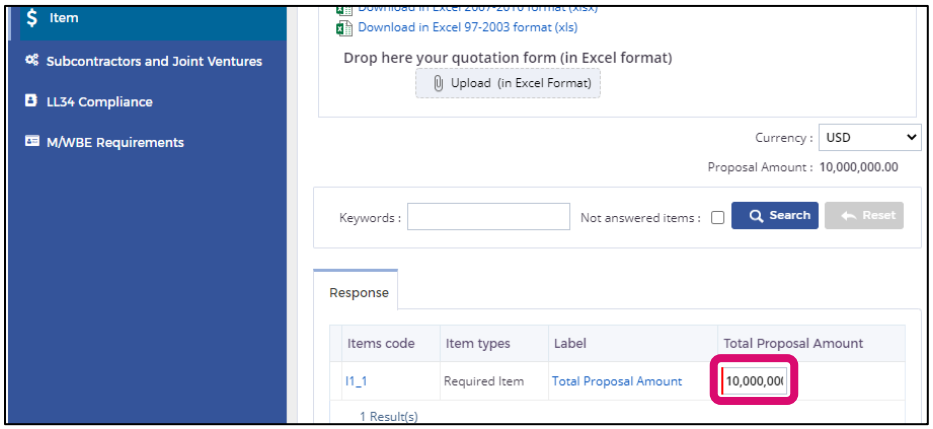
The M/WBE Participation Goals are found in both the M/WBE Requirements tab and the Subcontractors and Joint Ventures tab of your RFx (Solicitation) response in PASSPort. Please follow the instructions below to review an RFx's M/WBE Participation Goals and **enter** information in PASSPort to meet these goals. Please refer to the Local Law 1 Notice to All Prospective Contractors for additional information about the M/WBE program related to this solicitation.

1. Log in to PASSPort and click the **pencil icon** to access the RFx.

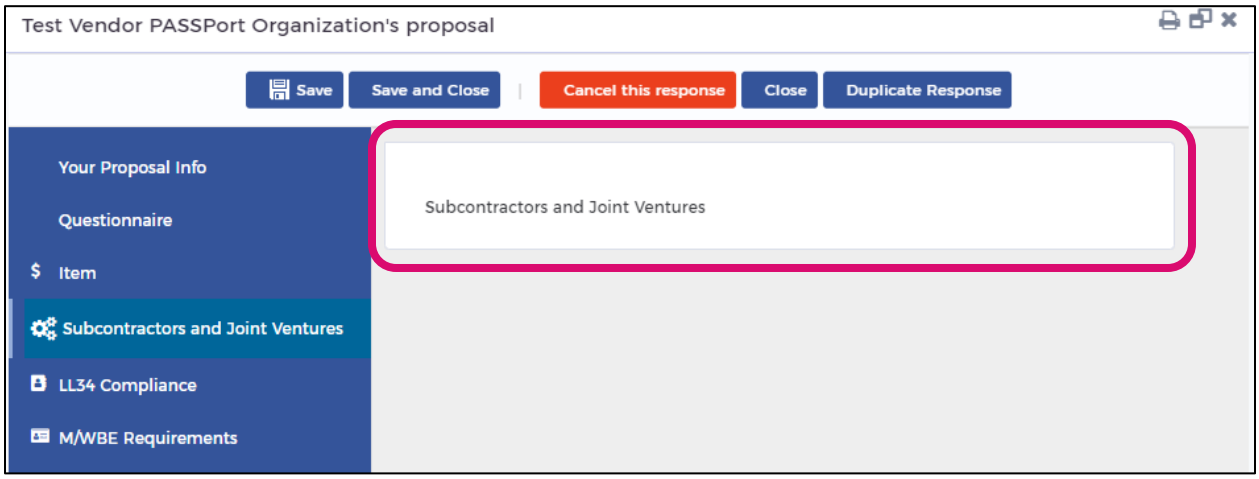
2. Click the **Manage Responses** tab of the RFx and click the **pencil icon** to access your in progress response.

3. Complete all the required sections in the Your Proposal Info, Questionnaire, Item, LL34 Compliance (if required) and all other relevant tabs in your Response.

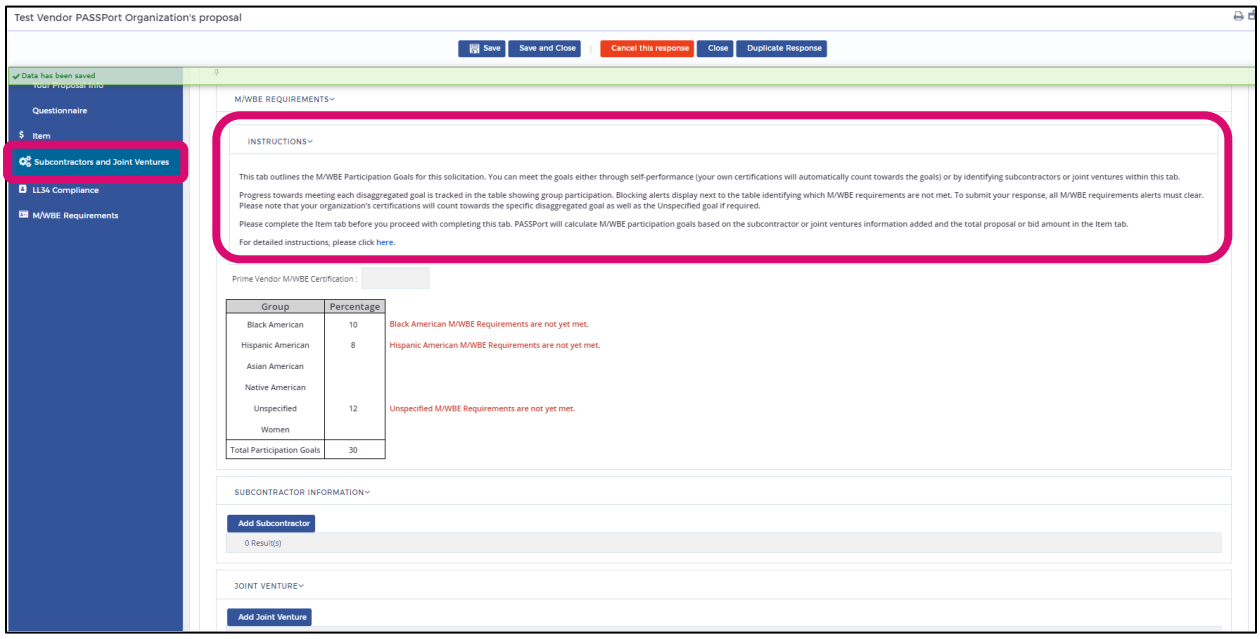
4. Be sure to complete the **Item** tab before the Subcontractors and Joint Ventures tab. Enter the **Proposal Amount** (or Bid Amount) and click **Save**.



5. To identify your M/WBE subcontractors and joint ventures, click the **Subcontractors and Joint Ventures** tab and click the white box with the Subcontractors and Joint Venture text.

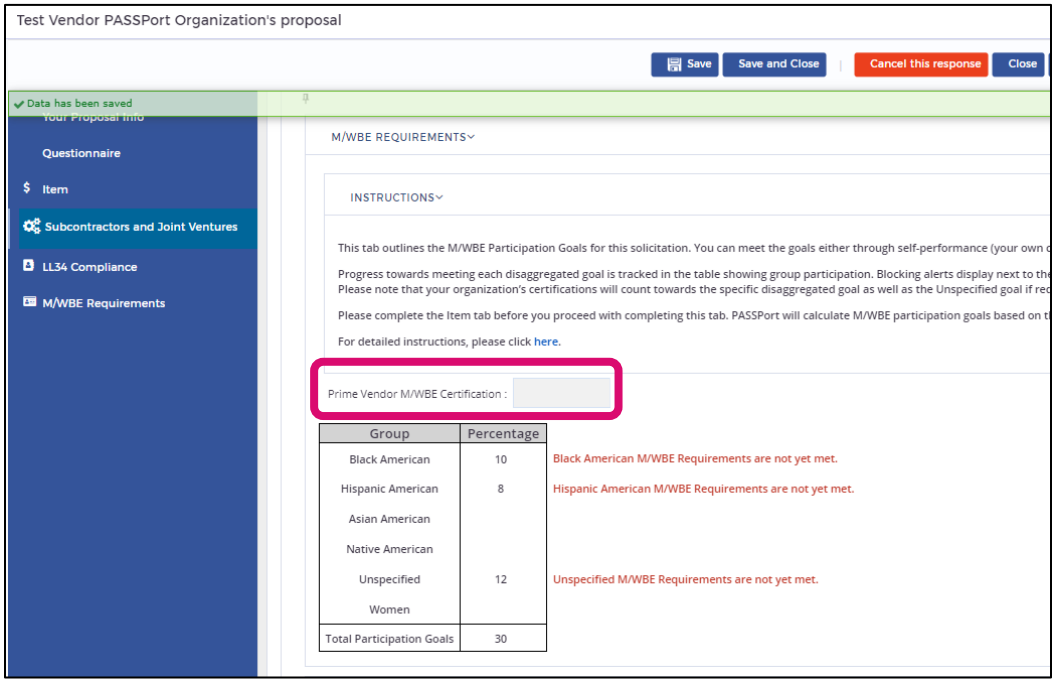


6. Read the instructions in the M/WBE Requirements section of this tab.

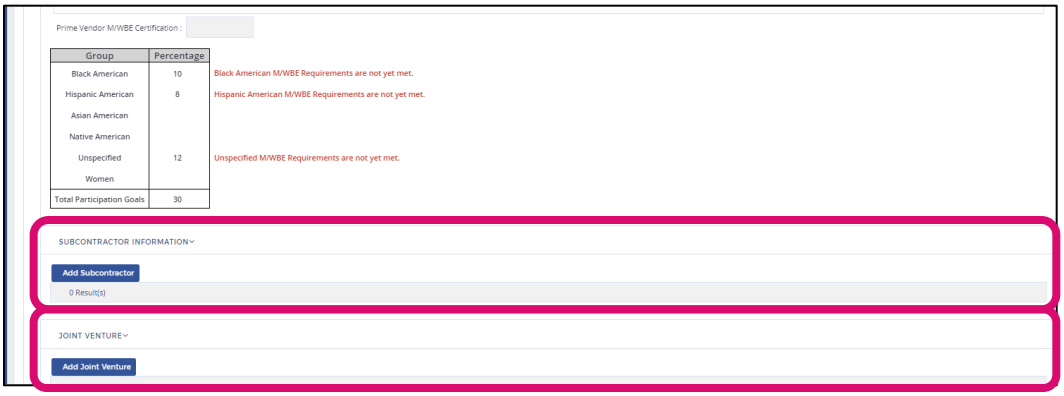


7. Your own organization's M/WBE certifications count towards the Total Participation Goals and automatically display in the field directly below the Instructions labeled as **Prime Vendor M/WBE Certification**. Any M/WBE participation goals that remain unmet are highlighted with red text alerts displaying to the right of the M/WBE Participation Goals table.

   In this example, the Prime Vendor does not have any M/WBE Certifications displaying (the field is blank) and thus still needs to meet the requirements as indicated.



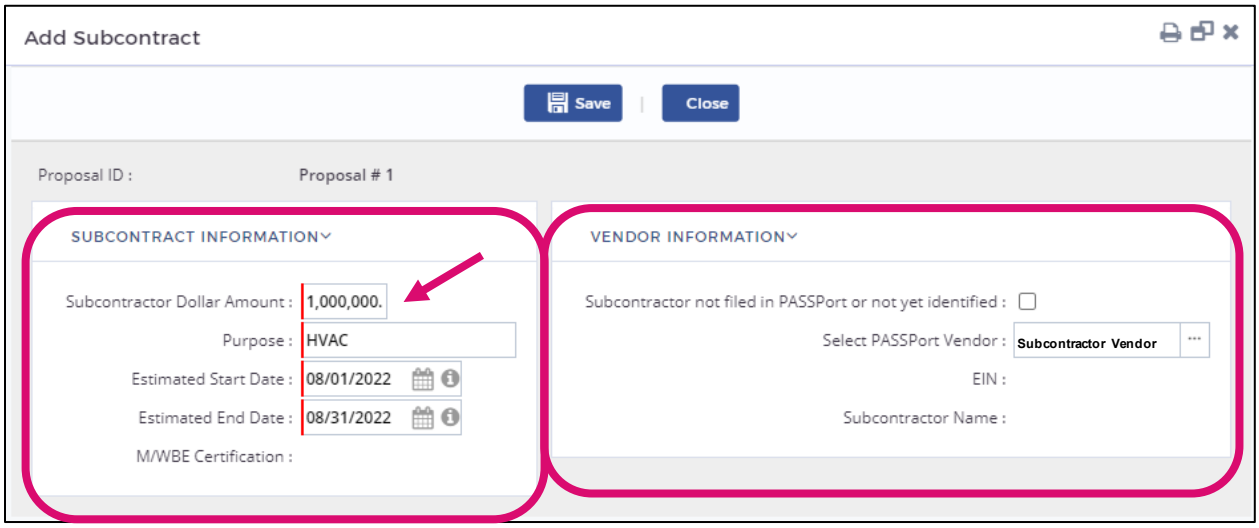
8. Any participation goal(s) your organization cannot meet through its own certification(s), must be met by identifying subcontractors and/or joint ventures with the required certifications in the **Subcontractor Information** and **Joint Venture** sections of the Subcontractors and Joint Ventures tab.



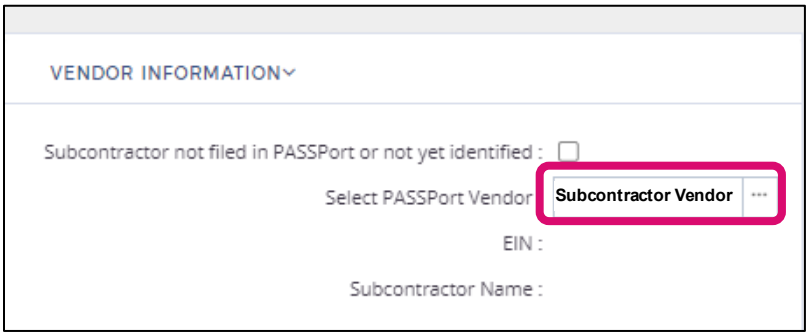
9. To add a subcontractor, click the **Add Subcontractor** button.

10. In the Add Subcontract window, complete all the fields in both the **Subcontract Information** and **Vendor Information** sections.
    Note, the **Subcontractor Dollar Amount** value entered will be calculated against the total Proposal Amount in the Item tab to determine the percentage towards your M/WBE Goal Participation for this RFx.

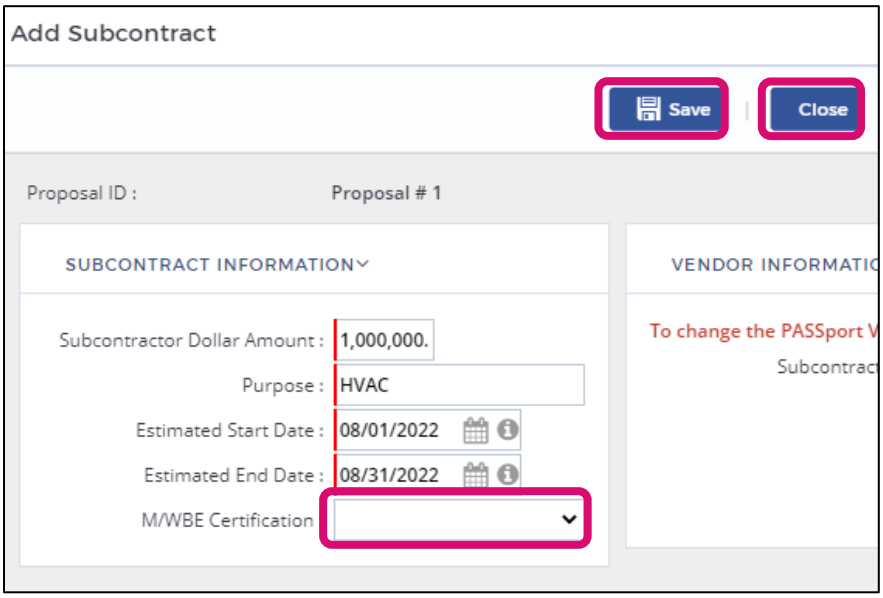
    In this example, $1 million is allocated to the **Subcontractor Dollar Amount** which is 10% of the Proposal Amount (in the Item tab) and can count towards a Participation Goal if the subcontractor is M/WBE Certified in one of the specified goals.



11. To identify a specific M/WBE certified PASSPort Vendor, type the subcontracting vendor name in the **Select PASSPort Vendor** field or click the ellipsis to search for and select the vendor. Click **Save**.



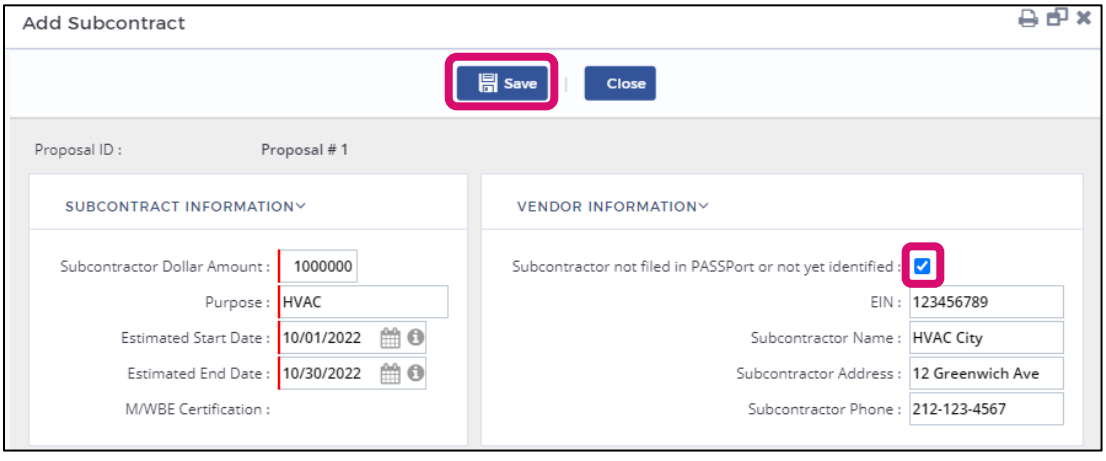
12. Choose the relevant **M/WBE Certification** from the drop-down in the Subcontract Information section of the Add Subcontract screen. Click **Save** and then click **Close** to return to the Subcontractors and Joint Ventures tab.



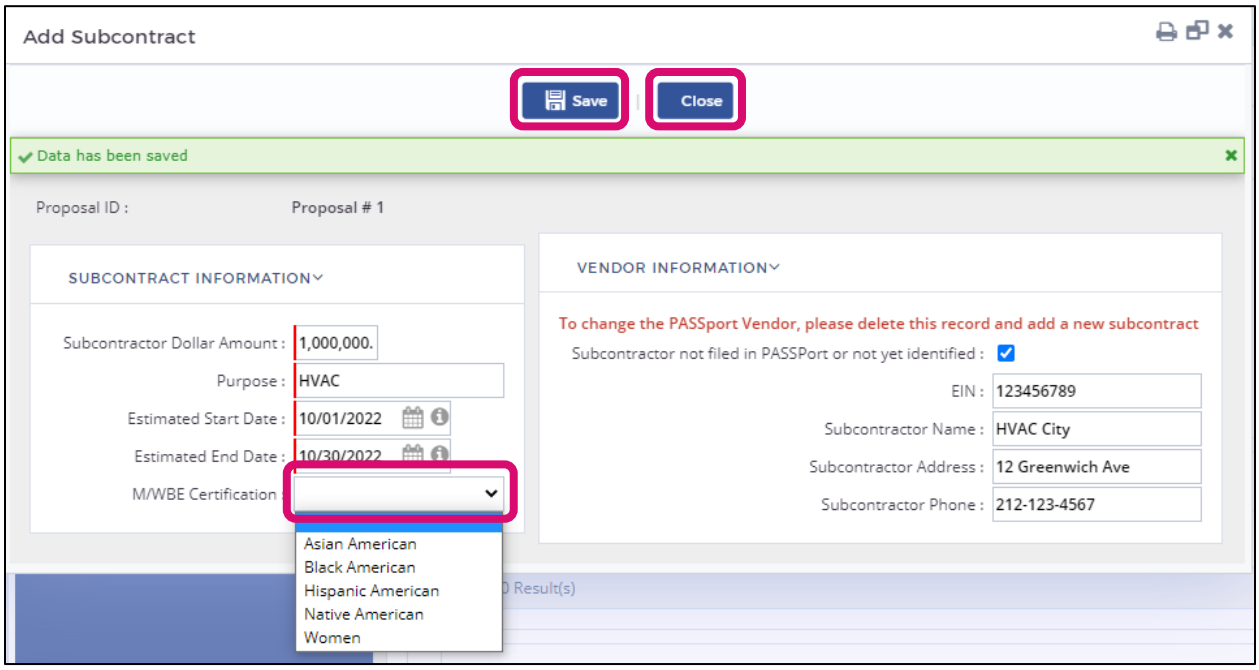
13. If the **Subcontractor is not Filed in PASSPort or not yet identified** (to be determined), click the corresponding checkbox in the Add Subcontract pop-up window. Be sure to complete all relevant fields in each section and click **Save**. The example below reflects scenarios 1 or 2.

    Scenarios to click this checkbox:

    1: If the subcontractor has a PASSPort account, but their PASSPort Vendor Status is not Filed.
    2: If the subcontractor does not have a PASSPort account.
    3: A specific subcontractor was not yet identified by your organization, and this serves as a placeholder to meet a specific participation goal.

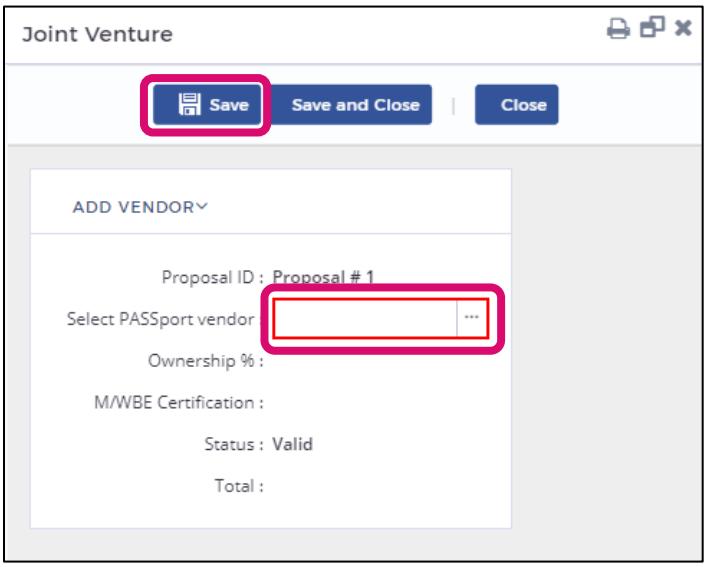


14. Choose the applicable **M/WBE Certification** from the drop-down to meet the corresponding Participation Goal for the subcontractor. Click **Save** and then **Close** to return to the Subcontractors and Joint Ventures tab.

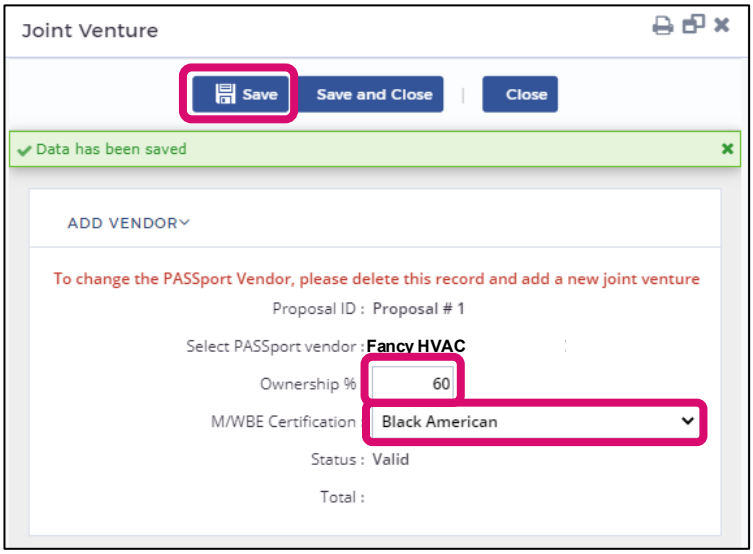


15. If you are submitting on behalf of a joint venture, click **Add Joint Venture** in the Subcontractors and Joint Ventures tab.

16. To identify a specific M/WBE certified PASSPort Vendor, type the vendor name of the joint venture partner entity in the **Select PASSPort Vendor** field or click the **ellipsis** to search for and select the vendor. Click **Save**.

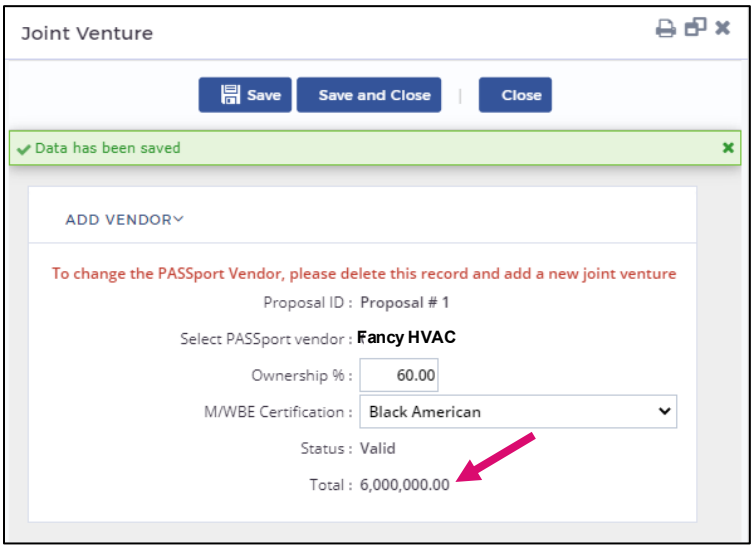


17. Complete the **remaining fields** in the Add Vendor section of the Joint Venture pop-up and click **Save**.

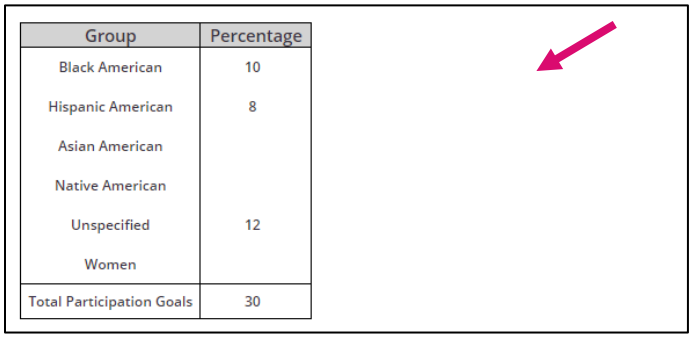


18. PASSPort automatically populates the **Total** amount covered by the joint venture based on the Ownership % entered compared to the Proposal Amount (see Item tab).

    In this example, the joint venture partner entity selected has 60% ownership which calculates here to equal $6 million in total of the full $10 million Proposal Amount.



19. Once participation goals are met and all alerts are addressed, the alerts will disappear from the tab.



Group	Percentage
Black American	10
Hispanic American	8
Asian American	
Native American	
Unspecified	12
Women	
Total Participation Goals	30

For vendors with **multiple M/WBE certifications,** please note that only one certification can be entered at a time. To add an additional certification, please repeat the Add Subcontractor or Add Joint Venture steps to meet additional participation goals.

If any information entered requires updating in an added Subcontractor or Joint Venture record, delete the record by clicking the **trash icon** and add it again with the updated information.

Part 3: Submitting a Request for Waiver of M/WBE Participation Requirement

Please review the instructions to submit a request for waiver of the M/WBE participation requirement. A copy of the blank form (3 pages) can be found at the end of this document with the linked Vendor Contract History Excel template on the first page of the form.

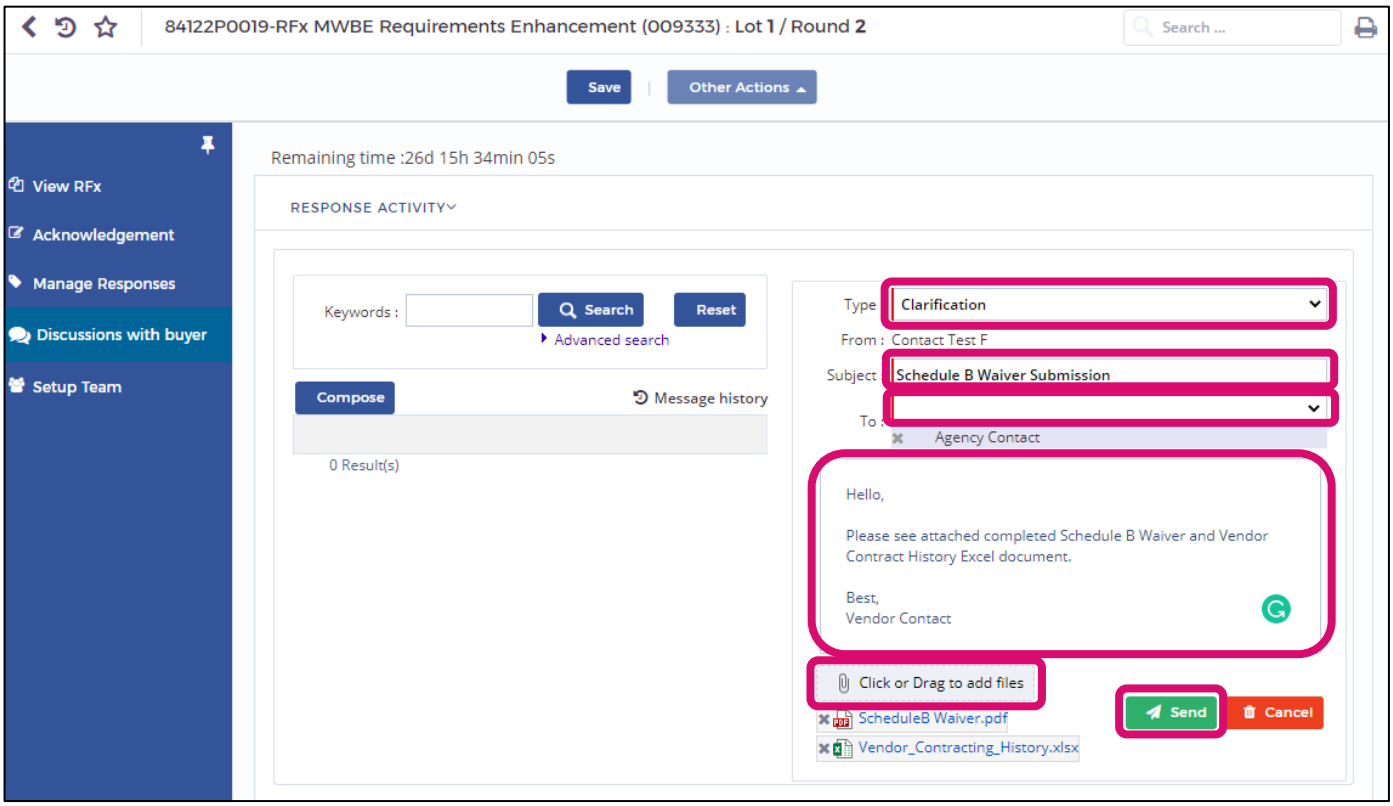
Follow these steps to submit a Waiver Request to the Agency:

1. Log in to PASSPort and click the **pencil icon** to access the RFx.
2. From the View RFx tab, download the Schedule B form and complete Part 3.
3. Navigate to the **Discussion with Buyer** tab and click the Compose button to start a draft message to the Agency.

Note: Be sure to Acknowledge the RFx prior to completing step 9.

4. Click the **Type** drop-down and select **Clarification**.
5. Type a subject in the **Subject** field such as “Schedule B Waiver Submission”.
6. Select Agency Contact from the **To** field drop-down.
7. Type your message in the **text area**.
8. Attach the completed Schedule B – Part 3 form and the completed Vendor Contract History Excel document by clicking the **Click or Drag to add files** button.

9. Click the **Send** button to submit your message and its attachments to the Agency Contact.
10. The Agency will review the waiver and the result of the Agency's waiver determination will be reflected in PASSPort in both the M/WBE Requirements tab and the Subcontractor and Joint Ventures tab of your RFx response. For additional information, refer to **the Local Law 1 Notice to All Prospective Contractors**.



Mayor's Office of Contract Services

SCHEDULE B – Part 3

Request for Waiver of M/WBE Participation Requirement

Contract Overview

Tax ID#_____ FMS Vendor ID#_____

Business Name_____ Contact Name_____

Email_____ Telephone_____

Contracting Agency_____

PASSPort PIN#_____ Bid/Proposal Due Date_____

M/WBE Participation Goals for Services

Defined by AGENCY in bid/ solicitation documents

Percent of the total contract value to be subcontracted to M/WBE vendors for services and/or credited to an M/WBE Qualified Joint Venture.

Unspecified _____ %

Black American _____ %

Hispanic American _____ %

Native American _____ %

Asian American _____ %

Women _____ %

Total Participation Goals _____ %

Proposed by VENDOR seeking waiver

Percent of the total contract value anticipated in good faith by the bidder/ proposer to be subcontracted to M/WBE businesses for services. Or if M/WBE Qualified Joint Venture, percent of total contract value anticipated to be credited to M/WBE vendor(s).

Unspecified _____ %

Black American _____ %

Hispanic American _____ %

Native American _____ %

Asian American _____ %

Women _____ %

Total Participation Goals _____ %

Basis for Waiver Request: Check appropriate box & explain in detail below (attach additional pages if needed)

☐ Vendor does not subcontract services, and has the capacity and good faith intention to perform all such work itself with its own employees.

☐ Vendor subcontracts some of this type of work but at a lower % than bid/solicitation describes, and has the capacity and good faith intention to do so on this contract. Identify your subcontracting plan in the vendor certification section below.

☐ Vendor has other legitimate business reasons for proposing the M/WBE Participation Goal requested here. Explain under separate cover.

Vendor Contract History

Using the linked Excel template, list all contracts (for City and Non-City work) performed within the last 3 years and provide the requested information for each contract.

From the list of all contracts, provide reference information below for the 5 most relevant contracts in size, scale and scope (performed for New York City or any other entity) to the bid or proposal for which you are submitting this waiver request. Provide the requested information for each subcontract awarded during the life of the listed reference contract.

Please make sure to highlight the 5 reference contracts provided below among the comprehensive list of all your contract awards within the attached Excel template.

Reference 1

Agency/Organization_____ Contract #_____

Reference Contact_____ Telephone_____ Email_____

Contract Start Date _____ Contract End Date_____ Total Contract Value $_____

Prime Contract description

Did the vendor perform as a Prime Contractor or as a Subcontractor? ☐ Prime Contractor ☐ Subcontractor

Was the Prime Contract subject to any Goals? ☐ City M/WBE Goals ☐ State Goals ☐ Federal Goals ☐ No Applicable Goals

Did the Prime Contractor meet Goal requirements? ☐ Yes ☐ No ☐ N/A

If the Prime Contractor did not meet Goal requirements or contract is still ongoing, please explain

If you performed as the Prime Contractor, please provide a description and value of all work subcontracted to other vendors.

_____ $_____

_____ $_____

_____ $_____

_____ $_____

_____ $_____

_____ $_____

_____ $_____

_____ $_____

Percentage of total contract value subcontracted to other vendors _____ %

If you performed as the Subcontractor, please provide a description and value of work areas you self-performed.

_____ $_____

For information or assistance, please contact your contracting City Agency

Reference 2

Agency/Organization _____ Contract # _____

Reference Contact _____ Telephone _____ Email _____

Contract Start Date _____ Contract End Date _____ Total Contract Value $ _____

Prime Contract description

Did the vendor perform as a Prime Contractor or as a Subcontractor? ☐ Prime Contractor ☐ Subcontractor

Was the Prime Contract subject to any Goals? ☐ City M/WBE Goals ☐ State Goals ☐ Federal Goals ☐ No Applicable Goals

Did the Prime Contractor meet Goal requirements? ☐ Yes ☐ No ☐ N/A

If the Prime Contractor did not meet Goal requirements or contract is still ongoing, please explain

If you performed as the Prime Contractor, please provide a description and value of all work subcontracted to other vendors.

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

Percentage of total contract value subcontracted to other vendors _____ %

If you performed as the Subcontractor, please provide a description and value of work areas you self-performed.

_____ $ _____

Reference 3

Agency/Organization _____ Contract # _____

Reference Contact _____ Telephone _____ Email _____

Contract Start Date _____ Contract End Date _____ Total Contract Value $ _____

Prime Contract description

Did the vendor perform as a Prime Contractor or as a Subcontractor? ☐ Prime Contractor ☐ Subcontractor

Was the Prime Contract subject to any Goals? ☐ City M/WBE Goals ☐ State Goals ☐ Federal Goals ☐ No Applicable Goals

Did the Prime Contractor meet Goal requirements? ☐ Yes ☐ No ☐ N/A

If the Prime Contractor did not meet Goal requirements or contract is still ongoing, please explain

If you performed as the Prime Contractor, please provide a description and value of all work subcontracted to other vendors.

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

Percentage of total contract value subcontracted to other vendors _____ %

If you performed as the Subcontractor, please provide a description and value of work areas you self-performed.

_____ $ _____

Reference 4

Agency/Organization _____ Contract # _____

Reference Contact _____ Telephone _____ Email _____

Contract Start Date _____ Contract End Date _____ Total Contract Value $ _____

Prime Contract description

Did the vendor perform as a Prime Contractor or as a Subcontractor? ☐ Prime Contractor ☐ Subcontractor

Was the Prime Contract subject to any Goals? ☐ City M/WBE Goals ☐ State Goals ☐ Federal Goals ☐ No Applicable Goals

Did the Prime Contractor meet Goal requirements? ☐ Yes ☐ No ☐ N/A

If the Prime Contractor did not meet Goal requirements or contract is still ongoing, please explain

If you performed as the Prime Contractor, please provide a description and value of all work subcontracted to other vendors.

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

Percentage of total contract value subcontracted to other vendors _____ %

If you performed as the Subcontractor, please provide a description and value of work areas you self-performed.

_____ $ _____

Reference 5

Agency/Organization _____ Contract # _____

Reference Contact _____ Telephone _____ Email _____

Contract Start Date _____ Contract End Date _____ Total Contract Value $ _____

Prime Contract description

Did the vendor perform as a Prime Contractor or as a Subcontractor? ☐ Prime Contractor ☐ Subcontractor

Was the Prime Contract subject to any Goals? ☐ City M/WBE Goals ☐ State Goals ☐ Federal Goals ☐ No Applicable Goals

Did the Prime Contractor meet Goal requirements? ☐ Yes ☐ No ☐ N/A

If the Prime Contractor did not meet Goal requirements or contract is still ongoing, please explain

If you performed as the Prime Contractor, please provide a description and value of all work subcontracted to other vendors.

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

Percentage of total contract value subcontracted to other vendors _____ %

If you performed as the Subcontractor, please provide a description and value of work areas you self-performed.

_____ $ _____

Vendor Certification

Identify/list all the work areas you intend on subcontracting on the current anticipated contract for which you are submitting this waiver request.

I hereby affirm that the information supplied in support of this waiver request is true and correct, and that this request is made in good faith. I further affirm that the work that I did not list as work that will be subcontracted on this contract for which I am submitting this waiver request is work that I have performed on past contracts and will not subcontract if awarded this contract.

Signature _____ Date _____

Print Name _____ Title _____

☐ Partial Waiver Approved with Revised Participation Goals

Unspecified ____ %

Black American ____ %

Hispanic American ____ %

Native American ____ %

Asian American ____ %

Women ____ %

Total Revised Goals ____ %

Approvals (for Agency completion only)

ACCO Signature _____ Date _____

CCPO Signature _____ Date _____

Waiver Determination

☐ Full Waiver Approved

☐ Waiver Denied

SECTION I:

Notice and Pre-Award Statement Form for Prevailing Wage Contracts

Prime Contractor Pre-Award Statement – **Prevailing Wage Contracts**

Agency: _____

Prime Contractor: _____

Contract #: _____

On behalf of the prime contractor and contract shown above, I affirm that I have reviewed the following information with the contracting agency:

- The work to be done or the trades that will be employed on the contract;
- The Comptroller's prevailing wage schedules for each trade;
- The requirement to pay the prevailing wage and supplement rates in effect at the time the work is done, and the dates of likely changes in such rates (July 1 and January 1);
- The requirement for written agreements with all subcontractors, which include prevailing wage and supplement requirements;
- The registration, ratio and payment guidelines for apprentices, and whether their use is optional or required under this contract;
- The requirement to use City-approved certified payroll forms, the need to fill those forms out completely, and to submit such original payrolls within thirty (30) days of issuance of the first payroll and every thirty (30) days thereafter;
- The requirement to use standard sign-in and sign-out logs or an agency-approved electronic or biometric system, and that such logs must be submitted to the resident engineer or agency representative daily;
- The requirement that all workers on job sites shall wear laminated photo identification badges;
- The prohibition on cash payments to workers and subcontractors; all workers must be paid by check or direct deposit weekly (bi-weekly, where permitted by law [certain non-construction workers only]), and that for contracts over $1,000,000 and subcontracts over $750,000 such checks must be generated by either a payroll service or an agency-approved automated system; and
- That the prime contractor shall be liable to the City for the cost of enforcement in the event the prime contractor or any subcontractor is found in violation of these requirements.

I further affirm that the prime contractor will comply with these and all other relevant requirements of the New York State Labor Law and City of New York laws and regulations concerning payment of prevailing wages and supplements, and that violation of such laws may subject the prime contractor to various administrative, civil and criminal penalties.

Prime Contractor Signature: _____ Date: _____

Printed Name: _____

Position: _____

Agency Witness: _____ Date: _____

Printed Name: _____

Rev 5/14

Printed on paper containing 30% post-consumer material.

Environmental Protection

SPECIAL NOTICE

NEW YORK STATE LABOR LAW WAGE REQUIREMENTS

This contract is subject to New York State Labor Law Section 220 which requires that construction workers on the site be paid prevailing wages and supplements.

Contractor is reminded that all wage provisions of this contract will be enforced strictly, and failure to comply will be considered when evaluating performance. Noncompliance may result in the contractor being debarred by the City from future contracts. Complaints filed with the Comptroller may result in decisions which may debar a contractor from bidding contracts with any state governmental entity and other political subdivisions.

Contractor is expected to submit accurate payroll reports and other required documents and verify attendance and job classification being utilized in compliance with the law, contract provisions and agency procedures. Also see **Information for Bidders** and **Contract** for additional information on prevailing wage requirements.

Notes:
1. If this Contract is subject to a Project Labor Agreement (PLA), refer to the PLA language in the Contract Documents as to how it impacts the Prevailing Wage Rate conditions (i.e. overtime, holidays, etc.).

2. If this Contract is funded under the New York State Revolving Loan Program (SRF), it shall be subject to the prevailing wages under NYS Labor Law Section 220 and the prevailing wages under United States Davis-Bacon Act. If there is a conflict between the wage rate set forth by the Davis Bacon Act or the wage rate established pursuant to §220 of the NYS Labor Law, the contractor shall pay the higher rate.

VERIFICATION OF PAYMENT TO SUBCONTRACTOR(S)
(TO BE ATTACHED TO EACH REQUEST FOR PAYMENT)

IN ACCORDANCE WITH **ARTICLES 17.11 AND 43.5,** OF THE CONTRACT, IT IS HEREBY CERTIFIED THAT THE FOLLOWING IS A TRUE, ACCURATE AND COMPLETE REPRESENTATION OF THE SUBCONTRACTOR WORK UNDER THIS CONTRACT, THAT PAYMENT TO SUBCONTRACTOR(S) FOR PRIOR WORK HAS BEEN MADE, AND THAT PAYMENT TO SUBCONTRACTOR(S) FOR WORK PERFORMED PURSUANT TO THIS PAYMENT REQUEST SHALL BE PAID TO THE NAMED SUBCONTRACTOR(S) NOT LATER THAN 7 DAYS AFTER PAYMENT HAS BEEN RECEIVED BY THE CONTRACTOR. IF THERE ARE NO PERFORMANCE AND PAYMENT BONDS FOR THIS CONTRACT, SEE ARTICLE 17.12 OF THE CONTRACT.

DEP CONTRACT DESIGNATION: _____ **REGISTRATION NUMBER**_____

PARTIAL PAYMENT NUMBER: _____

PAYMENT FOR WORK FROM: _____ **THROUGH** _____

NAME OF SUBCONTRACTOR, SUPPLIER OR SERVICE PROVIDER	VALUE OF SUBCONTRACT $	AMOUNT PREVIOUSLY PAID TO SUBCONTRACTOR FOR WORK IN PRIOR PAYMENT REQUESTS	AMOUNT INCLUDING RETAINAGE TO BE PAID FOR WORK INCLUDED IN THIS PAYMENT REQUEST

_____ _____
CONTRACTOR PERCENT WORK COMPLETED

_____ _____
PRINT NAME OF REPRESENTATIVE TITLE

_____ _____
AUTHORIZED SIGNATURE DATE

H 88 25 m 112407(70)

Certificate of Contractor to the Comptroller or Financial Officer of The City of New York

Under the provisions of Section 220-a of the Labor Law of the State of New York, and the terms and conditions of Contract.....with the Department of Environmental Protection of The City of New York, the undersigned CONTRACTOR hereby certifies to the Comptroller and the Director of Finance of The City of New York that the following is a true and correct statement of the amounts now due from the said CONTRACTOR to laborers for daily or weekly wages on account of labor performed upon the work under the aforementioned Contract, and for material and/or supplies delivered for use on the work, and for which payment is due, to wit:

NAMES	AMOUNTS DUE FOR LABOR	AMOUNTS DUE FOR MATERIALS & SUPPLIES

(**Note**: If no money is due to any laborers, state above *"None due to laborers."* If no money is due to other persons for material and/or supplies delivered for use on the work, state above *"None due to materialmen and supply men."*)

That the following is a true and correct list of all subcontractors who have employed laborers and/or used materials and/or supplies for work performed under said contract:

NAMES OF SUBCONTRACTORS	WORK SUBCONTRACTED

(I) or (we) have complied with all provisions of Section 220 of the New York State Labor Law. (**Note**: If no subcontractors are employed, state above *"None"*)

.....
Contractor

By.....
President

STATE OF NEW YORK,
} ss:
COUNTY OF.....

....., deposes and says that he/she is the
(name)
.....of
(title)
.....
(firm's name)

the CONTRACTOR named herein, and who executed the foregoing, that he/she has read the foregoing statement subscribed by him/her, and knows the comments thereof, and that the same is true of his/her own knowledge and is executed under the provisions of Section 220-a of the Labor Law of the State of NewYork, and the terms and conditions of Contract.....with the Department of Environmental Protection of The City of New York.

.....
President

Sworn/Affirmed to before me this .....day of.....,.....

.....Notary Public, County of_____

Note: A County Clerk's notarial certificate must accompany this document if it is executed outside the State of New York.

Certificate of Subcontractor to the Comptroller or Financial Officer of The City of New York

Under the provisions of Section 220-a of the Labor Law of the State of New York, and the terms and conditions of Contract.....with the Department of Environmental Protection of The City of New York, the undersigned CONTRACTOR hereby certifies to the Comptroller and the Director of Finance of The City of New York that the following is a true and correct statement of the amounts now due from the said CONTRACTOR to laborers for daily or weekly wages on account of labor performed upon the work under the aforementioned Contract, and for material and/or supplies delivered for use on the work, and for which payment is due, to wit:

NAMES	AMOUNTS DUE FOR LABOR	AMOUNTS DUE FOR MATERIALS & SUPPLIES

(**Note**: If no money is due to any laborers, state above *"None due to laborers."* If no money is due to other persons for material and/or supplies delivered for use on the work, state above *"None due to materialmen and supply men."*)

That the following is a true and correct list of all subcontractors who have employed laborers and/or used materials and/or supplies for work performed under said contract:

NAMES OF SUBCONTRACTORS	WORK SUBCONTRACTED

(I) or (we) have complied with all provisions of Section 220 of the New York State Labor Law. (**Note**: If no subcontractors are employed, state above *"None"*)

.....
Contractor

By.....
President

STATE OF NEW YORK,
} ss:
COUNTY OF.....

....., deposes and says that he/she is the
(name)
.....of
(title)
.....
(firm's name)

the CONTRACTOR named herein, and who executed the foregoing, that he/she has read the foregoing statement subscribed by him/her, and knows the comments thereof, and that the same is true of his/her own knowledge and is executed under the provisions of Section 220-a of the Labor Law of the State of NewYork, and the terms and conditions of Contract.....with the Department of Environmental Protection of The City of New York.

.....
President

Sworn/Affirmed to before me this .....day of.....

.....Notary Public, County of_____

Note: A County Clerk's notarial certificate must accompany this document if it is executed outside the State of New York.

SECTION J:

Electronic Funds Transfer ("EFT") Information and Form;

EFT/Direct Deposit Quick Start Guide

EFT/Direct Deposit Quick Start Guide

Vendors who want to direct NYC payments from FMS to a single bank account can enroll in EFT/Direct Deposit using the Payee Information Portal (PIP)

This guide provides the steps to set up a single bank account for vendor payments to be made with Electronic Funds Transfer (EFT)/Direct Deposit from the New York City Financial Management System (FMS). The EFT/Direct Deposit enrollment is done online at www.nyc.gov/PIP.

- If you already have a PIP User ID and password, you can login to PIP and proceed to add or change your bank account information.
- If you are a **new** vendor doing business with the City of New York, you can create a new PIP account and vendor code, and then add your bank account information for EFT immediately.

NOTE – Contact the City of New York's Department of Finance (DOF) directly at VendorEFT@Finance.nyc.gov instead of using the PIP EFT enrollment features if:

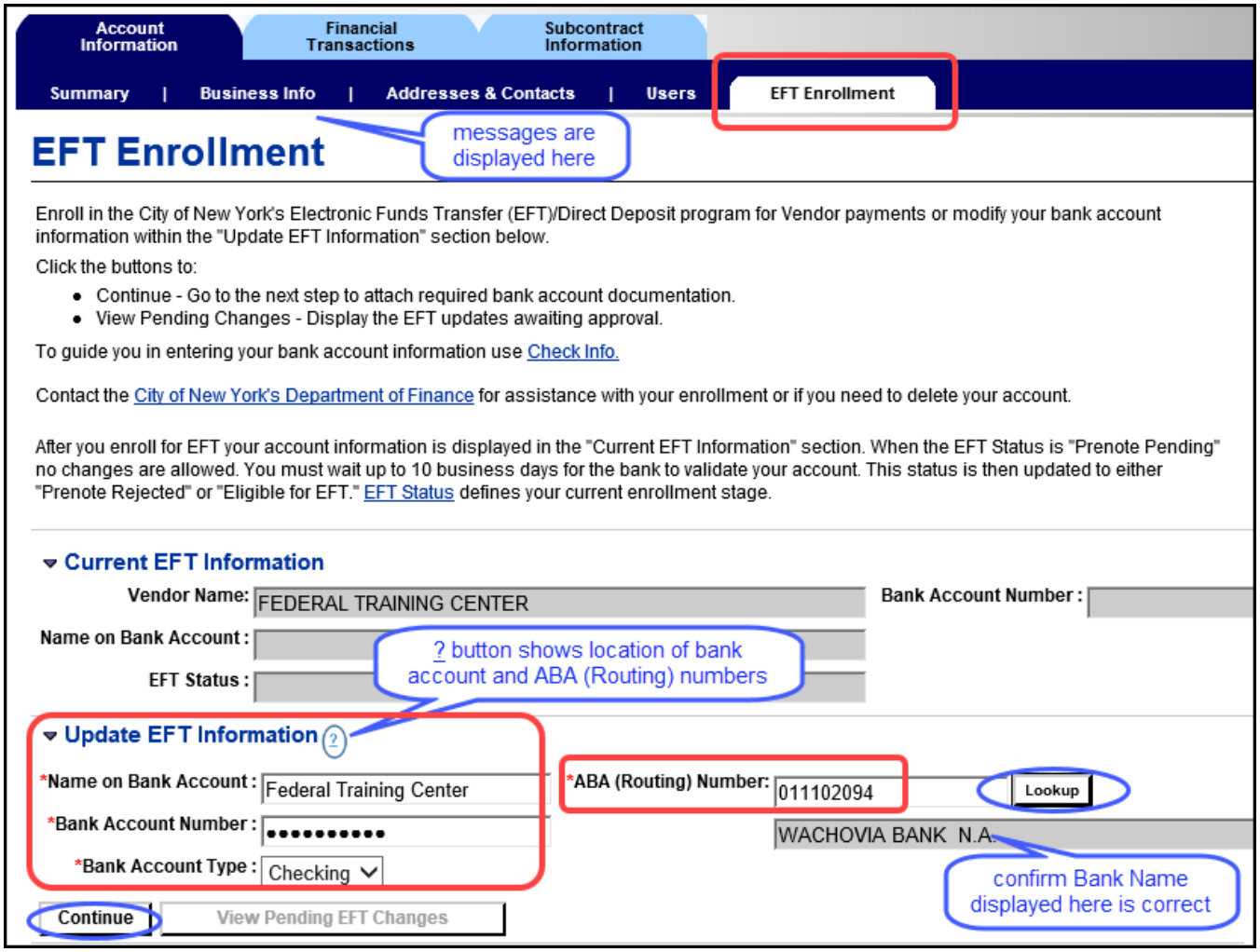
- **you have multiple bank accounts to be enrolled**
- **you want to delete the EFT bank account**
- **your business is a non-US business entity (foreign vendors)**

For enrollment you need the following information, preferably from one of your checks:

- Name on your Bank Account
- ABA (Routing) Number
- Your Bank Account Number and Type (checking or savings)
- At least one of the following documents, in electronic file format on your computer, to attach to the PIP enrollment submission.
  - Copy of voided check imprinted with vendor name
  - Current bank statement
  - Letter from your bank

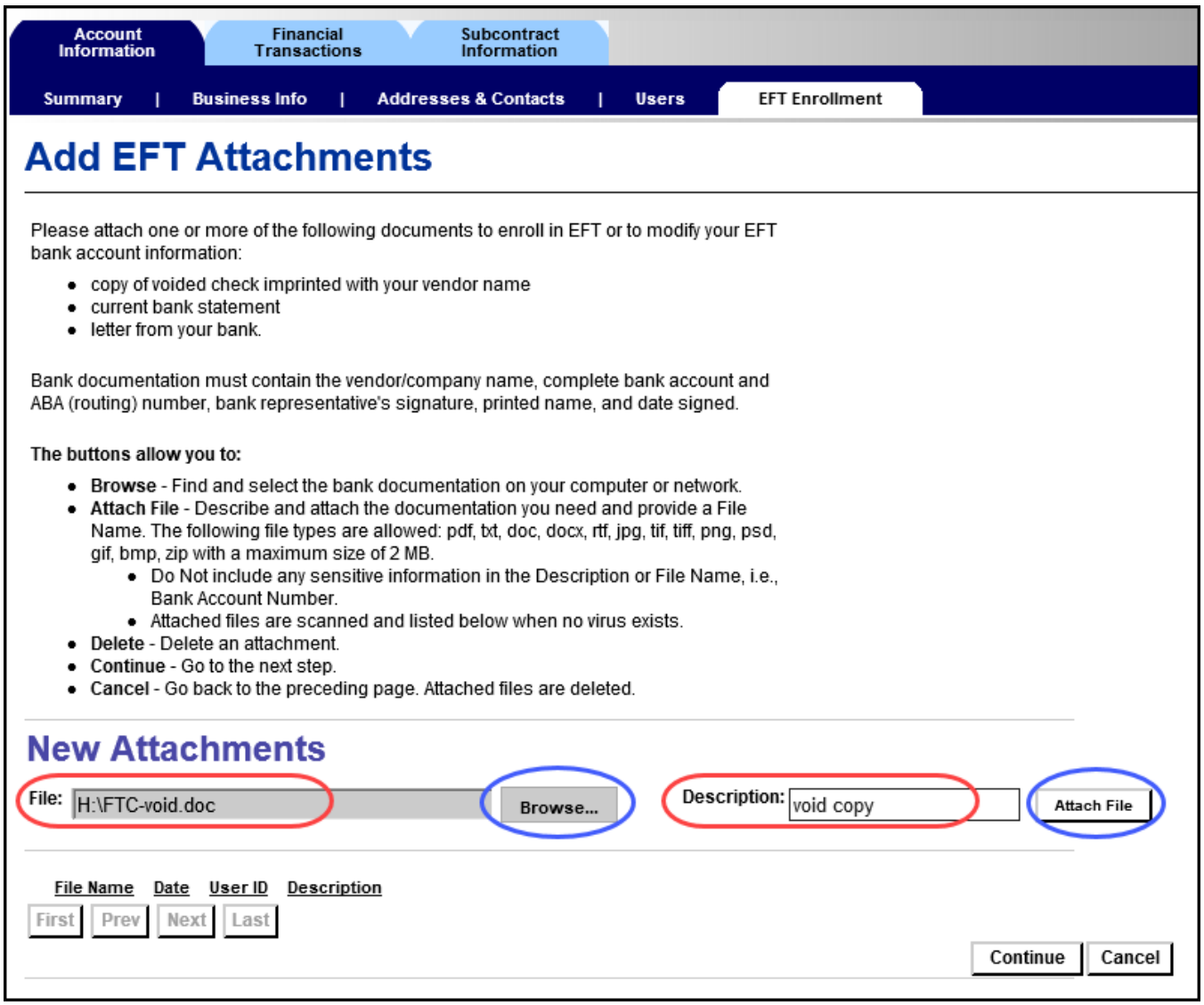
NOTE - The following attachment file types are allowed: pdf, txt, doc, docx, rtf, jpg, tif, tiff, png, psd, gif, bmp, and zip, with a maximum size of 2 MB each file. The File Name can contain the dash or underscore, but should not contain other special characters. Do not include any sensitive information in the Description or File Name, i.e., Bank Account Number.

1. Open the PIP home page, www.nyc.gov/pip and login.
2. Go to the ***EFT Enrollment*** tab.



In the **<u>Update EFT Information</u>** section near the bottom of the screen:

3. Enter *Name on Bank Account*, as it appears on your check or statement.
4. Enter the *Bank Account Number*, as printed on your check or statement.
5. Select the *Bank Account Type* from the drop down list, Checking or Savings.
6. Enter the *ABA (Routing) Number*, as printed on your check.
7. Click the ***Lookup*** button to display the bank name below your entry.
8. Confirm the *bank name* is correct. NOTE: If the bank name isn't displayed, a message at the top of the page explains the error. Verify your entry against your check.
9. Click the ***Continue*** button to attach your documentation.

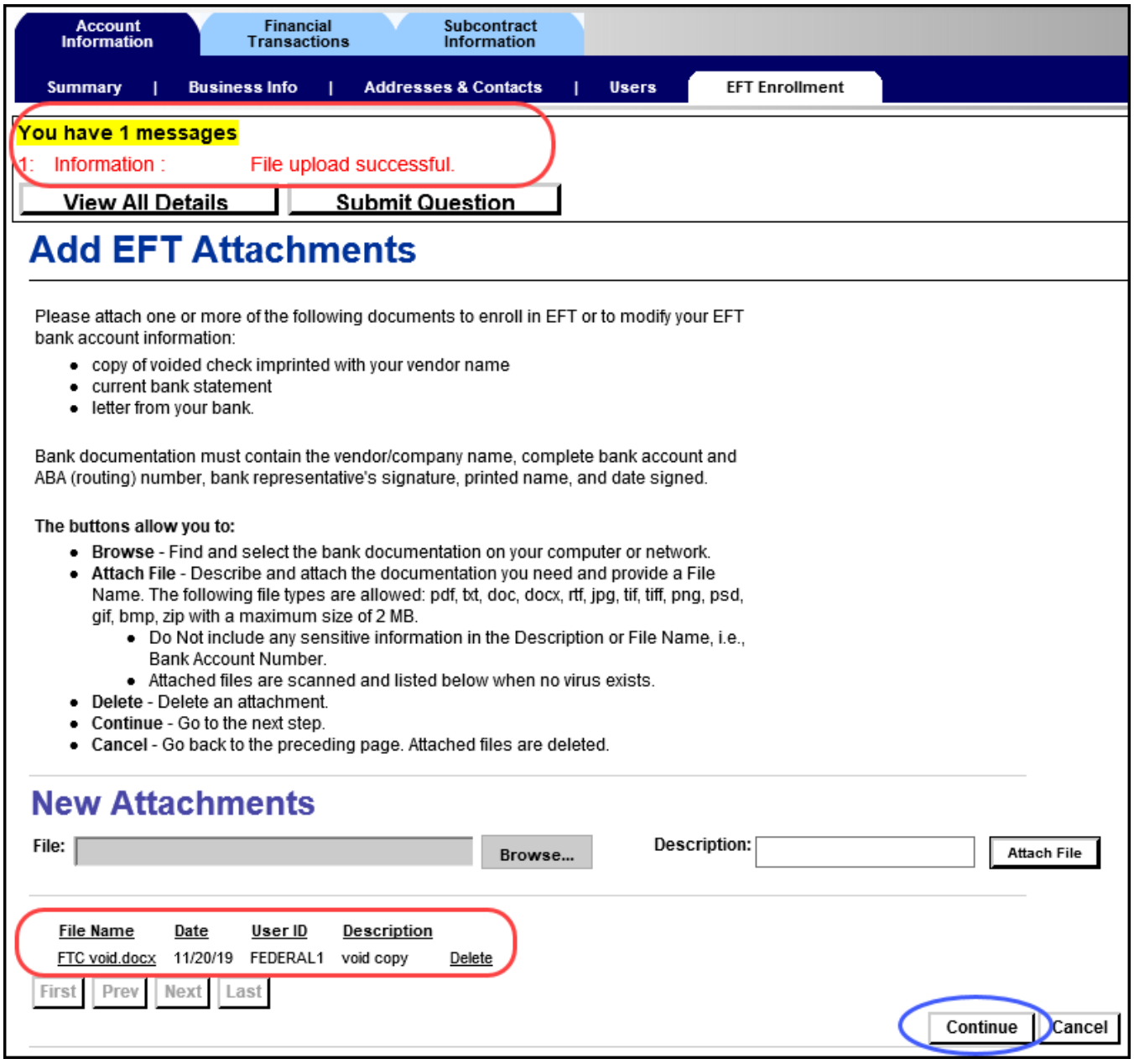


1. Click the ***Browse*** button to find your bank documentation on your computer.
2. When the **Choose File to Upload** window opens, find the file you need to attach and select it. The selected file name displays in the **File:** box next to the Browse button.
3. You have an option to enter a *Description* of the file.
4. Click the ***Attach File*** button.

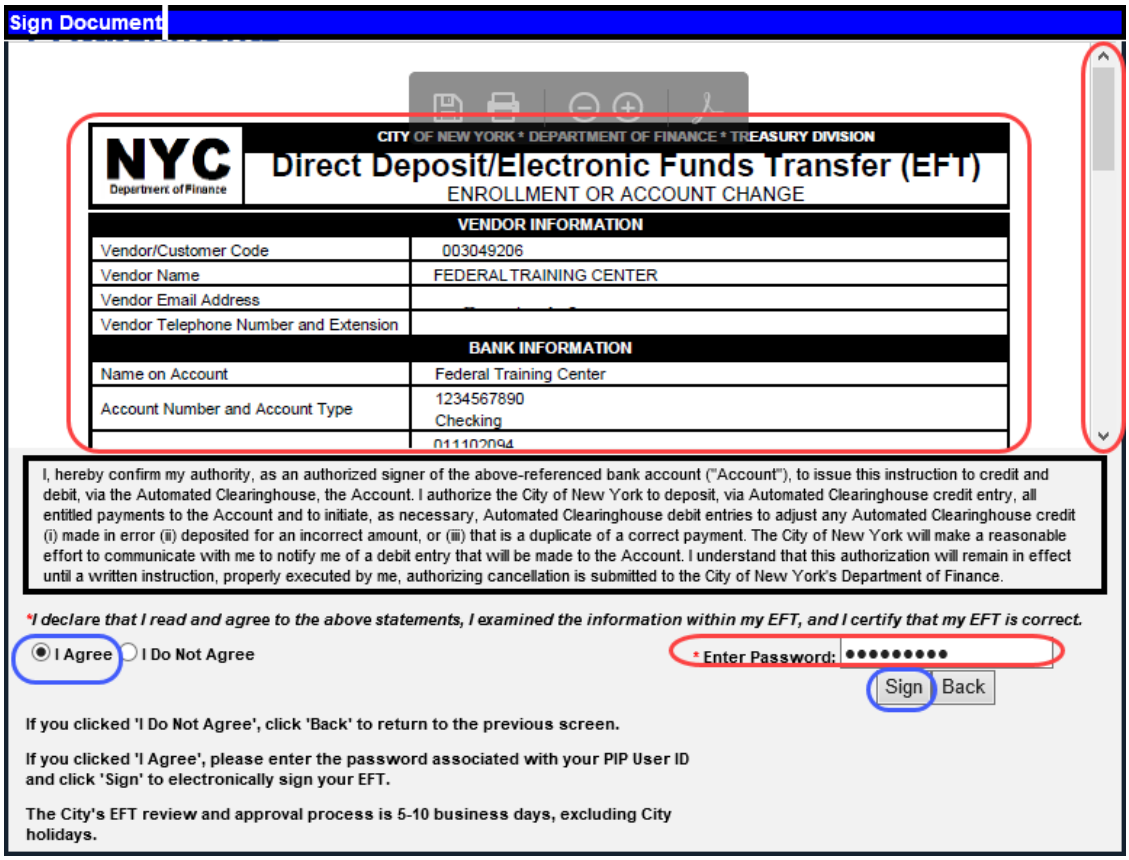
A message at the top of the page indicates that your file uploaded successfully. The file you attach successfully is displayed below. If it doesn't upload, the message will contain the explanation.

Files must be attached one at a time to be scanned for viruses; there is no limit to the number. If you have another file to attach, repeat steps 1-4 above.

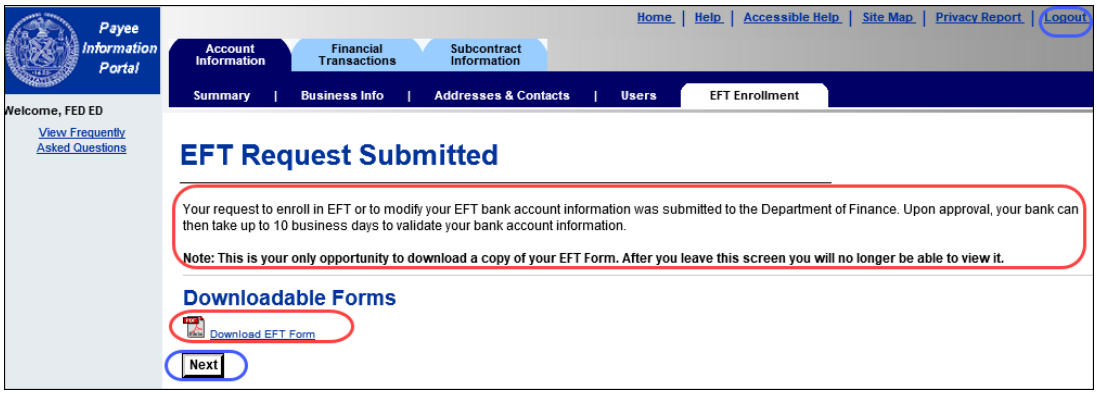
5. Click the ***Continue*** button to review and electronically sign the Direct Deposit/Electronic Funds Transfer (EFT) form.



A form is displayed with the bank information you entered. Carefully review it for accuracy.



1. Select ***I agree*** on the form after reviewing the information and reading the terms.
2. *Enter your PIP Password* to electronically sign the form.
3. Click the ***Sign*** button to submit the form.



1. Click the ***Download EFT Form*** link to save and print the electronically signed EFT Form.
   NOTE: After you leave this page, you will no longer be able to view or save the form.

You have completed the EFT request process. Next steps are DOF review and bank validation.

2. Click the ***Next*** button if you see a need to update the EFT request on the same business day as submitted, or click ***Logout***.

Next Steps: You will receive an email from DOF (VendorEFT@Finance.nyc.gov) confirming the EFT enrollment form receipt. DOF reviews your EFT information to approve or reject it. You will receive a second email from DOF when the review is completed. If the EFT form is rejected, the explanation is included, and you can login to PIP again to submit correct information in the EFT Enrollment page, or contact DOF directly at VendorEFT@Finance.nyc.gov.

NOTE: You can see your submitted bank information (View Pending EFT Changes) until DOF completes their review, but can ONLY update the bank information on the same business day it was submitted.

1. From the **EFT Enrollment** page, click the **View Pending Changes** button to view or update information.



On the **View Pending EFT Changes** page, you will see the entries you submitted.

2. Click the ***Update EFT Pending Changes*** button to make changes and re-submit.
   NOTE: the *Update EFT Pending Changes* button is disabled the day after you submit your EFT request.
3. If no changes are needed, go **Back** or ***Logout***.

BANK VALIDATION: When DOF approves your application, it is routed to your bank for validation, which can take up to 10 business days. You can check the progress in the PIP Account Summary page, or EFT Enrollment page, *Current EFT Information* section, ***EFT Status*** as follows:

- *Prenote Pending* – Vendor EFT Enrollment information is awaiting bank account validation.
- *Prenote Rejected* – The bank rejected your Vendor EFT enrollment application.
- *Eligible for EFT* – Payments will be made via EFT.
- *Not Eligible for EFT* – The bank rejected a City of New York payment to your bank account. You can check with your bank to see why it was rejected.
- *EFT Hold* – The City of New York placed a hold on your EFT enrollment.

If you have any questions about your EFT account, contact DOF directly at VendorEFT@Finance.nyc.gov.

NEW YORK CITY
ENVIRONMENTAL PROTECTION

INVITATION FOR BIDS

FOR FURNISHING ALL
LABOR AND MATERIAL NECESSARY
AND REQUIRED FOR:

GI-CONS-9

Installation of Green Infrastructure at North and South Conduit

Vol 1 OF 2: BID BOOKLET

(with additional volumes of Contract Terms, Specifications and Drawings)

AUGUST 2026