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| New York State Department of Taxation and Finance Logo |
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**Request for Proposals**

**24-100**

**Real Property Appraisal Services**

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**Schedule of Events**

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| --- | --- |
| Issuance of RFP | February 11, 2025 |
| Deadline for Filing Offerer Understanding of, and Compliance with, Procurement Lobbying Guidelines Form (**Attachment 2**) | February 25, 2025 |
| Deadline for Submission of Questions | February 25, 2025 |
| Department Response to Bidder Questions | March 4, 2025 |
| Proposals Due | March 28, 2025By 2:00 PM ET |
| Notification of Intent to Award | April 28, 2025 |
| Deadline for Contract Signature | May 12, 2025 |
| Anticipated Contract Approval | July 2025 |
| Anticipated Final Appraisal Report Due | 15 Months after Contract Approval |

**Preface**

## Procurement Lobbying – Offerer Understanding of, and Compliance with, Procurement Lobbying Guidelines

New York State (“NYS”) Finance Law § 139-j(6)(b) requires that the Department of Taxation and Finance (“Department” or “DTF”) seek written affirmation from all Offerers as to the Offerer’s understanding of, and agreement to comply with, the DTF procedures relating to permissible contacts during a Government Procurement. Information related to the Procurement Lobbying Law and DTF guidelines can be found on the Department’s website at: <http://www.tax.ny.gov/about/procure>.

All inquiries concerning this solicitation must be addressed to one of the following designated contacts:

|  |
| --- |
| DESIGNATED CONTACTS FOR INQUIRIES AND SUBMISSIONS |
| NYS Department of Taxation and Finance Bureau of Fiscal Services, Procurement Unit Designated Contacts:Daniel BifaniKevin BrownellYafei CaoAmber AlexanderRFP-related questions and inquiries must be submitted via email at BFS.Contracts@tax.ny.gov or via fax to 518-435-8413. **No other method of inquiries will be accepted.** **Administrative issues pertaining to sending/receiving email through the designated mailbox may be reported to one of the designated contacts listed above at 518-530-4484.****Procurement Website:** <https://www.tax.ny.gov/about/procure/current-bid-opportunities.htm> |

Contacting individuals other than the designated contacts listed above may result in the disqualification of the Bidder’s Proposal – please refer to the Procurement Lobbying Law and the guidelines posted on the Department’s procurement website at: <http://www.tax.ny.gov/about/procure>, and additional requirements in **Section 9. Administrative Requirements**.

Offerers are requested to sign and submit **Attachment 2 – Offerer Understanding of, and Compliance with, Procurement Lobbying Guidelines** by the date and time specified in the Schedule of Events. This may be submitted in conjunction with Bidder questions.

## Proposal Questions/Inquiries

Prospective Bidders have one opportunity to submit written questions and requests for clarification regarding this Request for Proposals (RFP). All questions regarding this RFP must be submitted via email (preferred) or fax and be received by the date and time specified in the Schedule of Events. Questions should reference the relevant page and Section of the RFP and must be directed to the designated contacts identified herein.

Email: bfs.contracts@tax.ny.gov

Fax: 518-435-8413

Questions submitted by Bidders should be in a Word document in the following format:

| **#** | **RFP Section** | **RFP Page #** | **Vendor Name** | **Question** |
| --- | --- | --- | --- | --- |
| 1 |  |  |  |  |
| 2 |  |  |  |  |

All clarifications and exceptions, including those relating to the terms and conditions of the RFP, are to be resolved prior to the submission of a Proposal by utilizing the Question and Answer period. Also, during the Question and Answer period, Bidders should bring forward terms and conditions in the RFP and **Exhibit A – Preliminary Base Contract** that would prohibit a Bidder from bidding. All objections, proposed changes, and/or additions to the terms and conditions (Bidder-Proposed Change(s)) relating to Preliminary Base Contract language in **Exhibit A** must be submitted with the Proposal. The Bidder entering into an Agreement with the State is expected to comply with all the terms and conditions contained herein.

## RFP Amendments/Announcements

All amendments, clarifications and any announcements related to this RFP will be posted on the Department’s Procurement website at: <http://www.tax.ny.gov/about/procure>.

It is the responsibility of the Bidder to check the website for any amendments, clarifications or updates. All applicable amendment information must be incorporated into the Bidder’s Proposal. Failure to include this information in your Proposal may result in the Bidder’s Proposal being deemed non-responsive.

## Response to Bidder Questions and Requests for Clarification

The Department will provide a written response to all substantive questions and requests for clarification. Responses to Bidder questions and requests for clarifications will be posted on the Department’s Procurement website at: <http://www.tax.ny.gov/about/procure>.

## Submission of Proposals

The Bidder must submit their Proposal as instructed in **Section 10. Proposal Content and Submission Requirements**. Proposals will be evaluated in accordance with the scoring criteria set forth in **Section 11.3**. **Proposal Ranking, Contract Award, and Point Distribution**.

## Contract Signing

**The Bidder must agree to sign a contract within fifteen (15) days of Notification of Intent to Award. If the Bidder fails to do so, the State reserves the right to begin negotiations with the next highest ranked Bidder.**

The **Preliminary Base Contract** is attached hereto as **Exhibit A**. Bidders should review **Exhibit A** and must be willing to enter into an Agreement **substantially in accordance** with the terms of **Exhibit A.**

Bidders may propose language amending **Exhibit A** that does not materially change the requirements of the RFP. All objections, proposed changes, and/or additions to the terms and conditions (“Bidder-Proposed Changes”) of **Exhibit A** must be identified in the Bidder’s Proposal. Therefore, if there are specific terms a Bidder wishes to be considered for inclusion in the final Base Contract, they **must** be submitted in response to **Section 9.2.18 Bidder-Proposed Changes to Preliminary Base Contract Terms**.

**Note: The Department is under no obligation to include in the final Agreement any Bidder-Proposed Changes, or to negotiate from, any Bidder-supplied documents. The Department reserves the right to require a Bidder to withdraw any and all such proposed terms or documents or parts thereof, as necessary.**

## Contract Term

The Department will award one (1) Contract to the successful Bidder. The Contract will become valid and effective only upon its approval by both the Attorney General (AG) and the Office of the State Comptroller (OSC). Upon receiving the last such approval, the Contract term will commence and shall terminate upon completion and receipt of all required documents and other required services, including testimony, and upon the conclusion of the pending tax certiorari proceedings; or in three (3) years, whichever is later.

***[Remainder of Page Intentionally Left Blank]***

**RFP Key Points**

1. **Read the RFP in its entirety.** Note key items such as critical dates, Services required, and Proposal submission requirements.
2. **RFP Glossary of Terms.** Definitions for certain terms in this document can be found in **Appendix C. RFP Glossary**.
3. **Note the name, address, phone numbers and email address of the designated contacts.** These are the only individuals that you are permitted to contact regarding this RFP.
4. **Review the DTF website prior to submission of a Proposal.** Only the DTF website will contain all amendments and/or addenda to the RFP, including responses to written questions. It is the Bidder’s responsibility to check the Department’s website periodically for any updates. Note that all applicable amendments and/or addenda information must be incorporated into the Bidder’s Proposal. Failure to include such information may result in disqualification or a reduced technical score.
5. **Take advantage of the question and answer period.** Submit your questions by one of the methods identified by the date listed in the Schedule of Events. Responses and copies of the questions will be posted on the Department’s Procurement website at: <http://www.tax.ny.gov/about/procure>.
6. **Provide complete answers/descriptions.** To ensure you are not disqualified from Proposal evaluation, thoroughly read all RFP requirements and provide complete responses. Use **all** forms provided to submit your response. Vague or incomplete responses to requirements may result in a disqualification or a reduced technical score.
7. **Review the RFP document and your Proposal.** Make sure all requirements are addressed and all copies, including electronic copies, are identical and complete.
8. **Package your Proposal as required in the RFP.** Make sure your Proposal conforms to the packaging requirements. Proposals not packaged accordingly may be deemed non-responsive.
9. **Submit your Proposal on time.** Except as specified in **Section 9.1.16**, Proposals received after the date and time in the Schedule of Events will not be considered for award and may be returned, unopened, to the sender.

# Introduction

## Purpose

The New York State Department of Taxation and Finance (DTF or the Department) is soliciting Proposals from qualified vendors to provide real property appraisal services specific to special franchise properties for the purpose of defending a judicial challenge to property full values in New York State.

## New York State Department of Taxation and Finance Background

The Department of Taxation and Finance (DTF) collects tax revenue and provides associated services in support of certain New York State government operations. In fulfilling its responsibilities, the Department collects and accounts for $108.6 billion in State taxes and about $47.9 billion in local taxes; administers 34 State and 15 local taxes, including New York City and City of Yonkers income taxes, as well as the Metropolitan Commuter Transportation Mobility Tax; and processes about 27 million returns. The Department also manages the State Treasury, which provides investment and cash management services to various State agencies and public benefit corporations, and acts on the Tax Commissioner's behalf as joint custodian of the State's General Checking Account. On June 6, 2010, the Department statutorily merged with the former Office of Real Property Services (ORPS) in order to realize significant savings and efficiencies, as well as enhance the State's oversight of local property tax administration.

# Scope of Services

Article 6 of the Real Property Tax Law (“RPTL”) requires the New York State Department of Taxation and Finance (“the Department” or “DTF”) to determine the assessed value of special franchise property throughout New York State and defend the valuation of that property when challenged in administrative and judicial proceedings. Special franchise property is valued using the Reproduction Cost New Less Depreciation (“RCNLD”) method of valuation. Although it is the Department that determines the assessed value of that property, it is the local assessing unit that enters the final assessment on the local assessment roll and levies real property tax based upon the assessment. The judicial review of real property valuation, including special franchise property, requires litigants to submit appraisal reports prepared by certified licensed appraisers.

The expert appraiser will need to review and analyze the original cost data for the 2019, 2020, 2021, 2022, 2023 and 2024 assessment rolls for the relevant property (see **Exhibit 1, Special Franchise Property by Company and Location**) (herein referred to as “Special Franchise Property”) owned by Liberty Utilities Corporation (“Litigant”), review and analyze any other relevant materials obtained through discovery, perform a site inspection of the relevant properties, prepare a draft appraisal report of separate full market values, by municipality, for the Litigant’s Special Franchise Property, prepare a final appraisal report after consulting with the Department and our counsel at the Office of the Attorney General (“AG”) regarding the draft appraisal report, review and analyze the appraisal report prepared by or on behalf of the Litigant, and, if necessary, prepare for and present testimony in support of the final appraisal report at trial. If the matter is not resolved before trial, the expert appraiser may also be needed to consult with the Department and AG regarding our post-trial submissions.

1.
2. 1. **Review Cost Data**

Review and analyze the original cost data provided by the Department, as well as any additional relevant data obtained through discovery or by other means. Special franchise companies are required to annually file the original cost data of their real property with the Department. Original cost data forms the basis of valuing property using RCNLD. After physical depreciation, functional obsolescence, economic obsolescence, and salvage values are applied to original cost, RCNLD is achieved.

* 1. **Perform Site Inspection**

It is customary in real property appraisals to perform a site inspection. Site inspections can help the appraiser get a better sense of the physical depreciation that actually applies to the property, and are necessary to prevent damning testimony during cross examination, i.e. without a site inspection, an appraiser and engineer would have to admit during cross examination that he or she has never even seen the property that he or she valued and is claiming to offer an expert opinion about. The Department requires the appraiser and the Civil Engineer to conduct a site inspection simultaneously.

* 1. **Prepare a Draft Appraisal Report and Final Appraisal Report**

The review and analysis of the original cost data and other relevant materials, and the site inspection, culminates in the preparation of the appraisal report that is submitted to the court. The appraisal report explains the appraiser’s analysis and conclusion regarding the value of the property and forms the basis of the appraiser’s testimony at trial. It is customary for the appraiser to prepare a draft appraisal report that is revised and finalized after consultation with the Department and AG. The appraisal report will explain the original cost data filed by the company, will apply an index (such as the Handy-Whitman index) to trend the original cost values to present day values, will explain the extent of physical depreciation and how that depreciation impacts the property’s value, will explain, what if any obsolescence (functional and economic) apply and to what extent they reduce the value of the property, and will apply salvage values to further increase or decrease the value of the property if appropriate. The appraisal report will provide the value of the property within each municipality by company name (see **Exhibit 1, Special Franchise Property by Company and Location**) for each year at issue (2019-2024). The report will conclude with an expert opinion of the final value of the property for each of the years at issue using RCNLD, and will compare that value to the value assessed by the Department.

The final appraisal report must meet the requirements of the Uniform Standards of Appraisal Practice (USPAP) and the New York State Uniform Rules for Trial Courts (22 NYCRR 202.59). The appraiser must prepare a complete USPAP compliant appraisal using the Cost Approach (reproduction cost) to valuation. Additional approaches to value may be utilized as support for the Cost Approach, if data is available.

* 1. **Review Litigant’s Report**

The relevant rules of courtroom procedure require both the Department and Litigant to simultaneously file their appraisal reports with both the court and the opposing party. The Department and AG will need the appraiser’s expert opinion regarding review and analysis of the Litigant’s appraisal report to determine how to appropriately respond to that report during trial and in post-trial submissions.

* 1. **Expert Testimony**

If the case is not resolved prior to trial, the appraiser will need to offer his or her expert testimony in support of the conclusions reached in the appraisal report at trial. The lead appraiser who prepares the appraisal report is expected to provide expert individual testimony in court. The Civil Engineer may also be required to testify in court.

* 1. **Post-Trial Assistance**

If the case is not resolved prior to trial, the appraiser will be expected to assist the Department and AG by providing their expert opinion and consultation to assist in drafting post-trial submissions**.**

* 1. **Change Control Process**

Due to potential changes in areas such as policy, guidelines, rules, regulations, statutes, judicial interpretations, technology, industry standards, court time, and the Litigant’s judicial challenge, DTF may require changes to the Services. The changes may include, but are not limited to, location of Special Franchise Property, years of assessment rolls challenged, appraisal methodology, delivery of the appraisal report, and expert witness outlined in this RFP. The changes will be processed via a Change Control process. A Change Request can be proposed by DTF or the Contractor. The Contractor will prepare a Change Analysis proposal and provide the associated costs, if any, for implementing the Change Control. Fees associated with the Change Control, if any, should be negotiated between DTF and the Contractor and should be consistent with the standard proposed by the Contractor in its financial Proposal in response to this RFP. A Change Control must be reviewed and approved by DTF, and may also need to receive the approval of the New York State Office of the State Comptroller (OSC) prior to the change being performed. The associated fees, if any, will be paid upon completion and acceptance of the change by DTF.

* 1. **Milestones**

The Department anticipates the following milestones will be achieved before the court trial.

|  |  |
| --- | --- |
|   | Tasks/Deliverable |
|  Deliverable 1  | Contractor begins to prepare the final work plan memorandum. |
| Contractor prepares initial information request. |
| Contractor delivers final work plan memorandum outlining the details of vendor’s methodological approach to the appraisal, information requirements, and expected position on key issues relevant to the appraisal (e.g., trending of original costs, method and calculation of depreciation, calculation and use of intangible values). |
| Deliverable 2(A) | Complete DTF cost data is received. |
| 2019, 2020, 2021, 2022, 2023 and 2024 roll data from individual property/account records is consolidated and standardized into a single database for calculation purposes.  |
| The RCN has been calculated. |
| Contractor delivers (1) a memorandum detailing the RCN results and (2) a complete Excel database containing consolidated and standardized Special Franchise Property data.  |
| Deliverable 2(B) | Site inspection is completed by the Civil Engineer and appraiser.  |
| Deliverable 2(C)  | Tables representing the applicable class lives, depreciation classes and rates, and relations to property accounts are created. |
| Property lives and depreciation classes have been assigned to the property accounts in the consolidated database.  |
| The Civil Engineer has completed analysis of reported inventory with established install dates, Depreciation, Functional Obsolescence and Net Salvage Value and provided results to the Contractor, including all necessary data. |
| Contractor delivers a memorandum detailing the property lives and depreciation classes and rates assigned to the property accounts. |
| Deliverable 3  | Functional and economic obsolescence parameters have been investigated and determined for each property. |
| Intangible values have been calculated for each property. |
| RCNLD calculations are completed and communicated to DTF in draft form. |
| Deliverable 4  | Draft appraisal report is completed and submitted to DTF. |
| Deliverable 5  | Final appraisal report is completed and submitted to DTF. |
| Deliverable 6 | Review the Litigant’s Report and provide expert opinion regarding review and analysis of the Litigant’s appraisal. |

* 1. **Subcontracting – Civil Engineer**

The Bidder (appraiser) must engage a civil engineering firm, which should be a New York State certified minority and women-owned business enterprises (MWBE), as Subcontractor to complete this project. (See **Section 9.2.5, Contractor Requirements and Procedures for Participation by New York State-Certified Minority and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women**). Subcontracting will only be allowed for inventory analysis, establish install dates, economic life and determine if there is functional obsolescence and assist the appraiser in determining net salvage value. The Civil Engineer(s) should have experience assisting in the valuation of mass property. They must have experience in the water transmission and distribution services business and be qualified to appraise water and waste systems to include pipes, pumps, hydrants, and associated property. It is preferred they have experience testifying in court.

Information of NYS certified MWBE can be found on the certified MWBE directory at: <https://ny.newnycontracts.com/FrontEnd/searchcertifieddirectory.asp>

Questions and concerns regarding this subcontracting requirement should be submitted to DTF by using the Question and Answer period.

1. **Mandatory Requirements**
2. 1. **Qualifying Requirements**

Only qualified vendors may submit a Proposal in response to this RFP. A qualified vendor is defined as one that meets all of the following requirements:

* + 1. The vendor must be capable of providing the Services in accordance with **Section 2. Scope of Services.**
		2. The vendor must have sufficient resources to start the project immediately after the contract approval and to complete the final appraisal report in 15 months.
		3. The vendor must have prior experience of appraisal services specific to the special franchise property that is consistent with the scale and scope of this project.
		4. The vendor must engage a Civil Engineer, a licensed professional engineer who practices civil engineering, has experience in the water transmission and distribution services business, and is qualified to appraise water and waste systems to include pipes, pumps, hydrants, and associated property. See **Section 2.9. Subcontracting – Civil Engineer**.
		5. The lead appraiser who prepares the appraisal report must be licensed in New York as a Certified General Real Estate Appraiser or have the functionally equivalent license from another state. If certified outside of New York, temporary reciprocal NYS approval for this assignment is required from the NYS Department of State.
		6. The final appraisal report must meet the requirements of the Uniform Standards of Appraisal Practice (USPAP) and the New York State Uniform Rules for Trial Courts (22 NYCRR 202.59). The appraiser must prepare a complete USPAP compliant appraisal using the Cost Approach to valuation. Additional approaches to value may be utilized as support for the Cost Approach, if data is available.
		7. The appraiser must be able to calculate Depreciation, Net Salvage Value and all forms of obsolescence (Physical, Functional and Economic) as part of this assignment. Accounting and/or finance expertise may be required for earnings above a market return measurement and to determine and evaluate the original invested dollars of physical plant.
		8. The lead appraiser who prepares the appraisal report is expected to provide expert individual testimony in court if the case is not resolved prior to trial. The lead appraiser must have experience testifying in court.
		9. Due to the nature of this project, the Bidder and its Subcontractor(s) must not have worked for the Litigant in the past or have any other conflict of interest.
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2.
3. 1.
	2. **Attestation**

The Bidder is required to certify that all information provided in connection with its Proposal is true and accurate. The Bidder is required to attest it has read, understands and agrees to provide the Services as specified in RFP 24-100.

**Response Requirement**

The Bidder must complete **Attachment A – Bidder Attestation Response Form**.

* 1. **Qualifying Experience**
		1. The Bidder must submit information and references for one (1) project that meets the **Qualifying Requirement 3.1.3** to demonstrate its prior experience of appraisal services specific to the special franchise property that is consistent with the scale and scope of this project. The information provided will be verified by the Department. **The Bidder is solely responsible for providing contact information of client references that are readily available to be contacted by the Department and will respond to questions.** If the Department does not receive a response from a reference it seeks to verify, the Department will provide the Bidder one opportunity, with a deadline, to assist DTF in obtaining cooperation from the reference that has not responded. If the Department is unable to confirm a qualifying experience reference, the Bid may be deemed non-responsive and removed from further consideration.

The Bidder may submit the information of a second reference project that meets the **Qualifying Requirement 3.1.3** as an alternative reference in the event that the primary reference fails to respond to DTF outreach.

* + 1. The Bidder must submit information to demonstrate the lead appraiser who prepares the appraisal report is licensed in New York as a Certified General Real Estate Appraiser or has the functionally equivalent license from another state. If certified outside of New York, temporary reciprocal NYS approval for this assignment is required from the NYS Department of State.

The Bidder must submit information to demonstrate that the lead appraiser has experience testifying in court.

**Response Requirement**

The Bidder must submit the required information for reference project(s) demonstrating it meets **Qualifying Requirement 3.1.3**. The Bidder must complete and submit **Attachment B – Qualifying Requirements Response Form**, providing all information requested therein to demonstrate the required qualifications.

1. **Technical Requirements (65 Points)**

The purpose of the technical Proposal is to provide Bidders with an opportunity to demonstrate their experience, knowledge, and ability to successfully deliver the required Services. The Department reminds Bidders that responses must be complete, factual, and as detailed as necessary to allow the Department to perform a comprehensive review and evaluation of Bidder’s proposed services, capabilities, and experience.

There are mandatory requirements stated throughout this section stipulated by the words “must,” “shall,” “will,” and “required.” Failure to meet a mandatory requirement will result in the Proposal being deemed non-responsive and removed from further consideration. While not mandatory, not providing information in response to requirements labeled with the words “should,” “desired,” or “preferred” in this section may negatively impact the technical Proposal score.

* 1. **Methodological Approach**

Bidders will be evaluated and scored on information provided in response to their detailed methodological approach.

* + 1. In responding to methodological approach, the Bidder should robustly articulate their plan with respect to:
* Research and understanding of regulated utility companies and their primary approach to value;
* Data collection and data preparation, particularly as it relates to data sources planned to be used, understanding of the data generating process, data anomalies and any other identified or perceived issues with the collection or application of data in the analysis and how the Bidder intends to address such issues;
* A report outline or shell, such as a redacted appraisal report with specific presentation of appraisal methodology that will be utilized within this appraisal report; and
* A summary of the quality control and review process that the Bidder will use throughout the project.

**Response Requirement (20 Points):**

The Bidder should complete and submit **Section 4.1.1** of **Attachment C – Technical Requirements Response Form.**

* 1. **Project Management Methodology**

Bidders will be evaluated and scored on information provided in response to their project management methodology,

* + 1. The Bidder should describe its project management methodology.

**Response Requirement (5 Points):**

The Bidder should complete and submit **Section 4.2.1** of **Attachment C – Technical Requirements Response Form.**

* + 1. The Bidder shouldprovide a project plan indicating how each milestone will be achieved in accordance with **Section 2. Scope of Services**.

**Response Requirement (5 Points):**

In response to **Section 4.2.2** of **Attachment C – Technical Requirements Response Form**, the Bidder should provide a detailed project plan as an attachment.

* 1. **Firm Experience**

Bidders will be evaluated and scored on their experience.

The Proposal should demonstrate the Bidder’s experience and expertise consistent with the scope and scale of this project. The Department is especially interested in the Bidder’s capacities and experience in special franchise property.

* + 1. The Bidder should describe its experience and expertise consistent with the scope and scale of this project.

**Response Requirement (15 Points):**

The Bidder should complete and submit **Section 4.3.1** of **Attachment C – Technical Requirements Response Form**.

* + 1. The Bidder should provide a list of appraisal reports it has completed that are similar in scope to this RFP. Such list should contain the title of the report, topic of report, date of completion, and client for whom the report was conducted.

**Response Requirement (5 Points):**

In response to **Section 4.3.2** of **Attachment C – Technical Requirements Response Form**, the Bidder should provide a list of the reports, use attachment as needed.

* 1. **Staff Experience and Qualifications**

Bidders will be evaluated and scored on their staff’s experience and qualifications. The Bidder demonstrates proposed staff has the qualifications, knowledge, and ability to perform required Services as described in **Section 2. Scope of Services** by providing information for evaluation.

The Bidder should:

* + 1. Identify the lead appraiser, the primary point of contact (Project Manager, if different from the lead appraiser), and other proposed staff.
		2. Identify the licensed Civil Engineer(s) from the Subcontractor. The Department prefers the Civil Engineer(s) are licensed in New York State. The Department will also evaluate, but will give less weight to, Civil Engineer(s) not licensed in New York State. Please indicate the state in which the proposed Civil Engineer(s) are licensed.
		3. Indicate the availability of the primary point of contact for on-site or telephone meetings.
		4. Detail procedure(s) to replace the lead appraiser and the primary point of contact if they leave the firm or are otherwise unavailable and describe the Bidder’s ability to bring in additional highly capable Personnel, if required, including the typical speed at which such Personnel could be provided\*.
		5. Provide an organizational chart, including all individuals to be assigned to the project; the chart should depict the Contract Title (see **RFP Attachment 19 – Financial Response Form, 2. Professional Services Hourly Rates Schedule**) and the Bidder’s corresponding job title for each individual.

**Response Requirement (**Requirements 4.4.1 through 4.4.5 are collectively worth **10 points**.**):**

The Bidder should complete and submit **Sections 4.4.1** through **4.4.5** of **Attachment C – Technical Requirements Response Form**, providing all information requested therein for this requirement.

* + 1. Provide resumes and describe experience, including number of years at current firm and all prior relevant employment, for staff that would be directly involved in providing Services.

**Response Requirement (3 Points):**

The Bidder should complete and submit **Section 4.4.6** of **Attachment C – Technical Requirements Response Form**, providing all information requested therein for this requirement.

* + 1. Provide one (1) client reference contact which can validate the experience of the proposed lead appraiser.

**Response Requirement (2 Points):**

The Bidder should complete and submit **Section 4.4.7** of **Attachment C – Technical Requirements Response Form**, providing all information requested therein.

**\*Note:**

The Department expects the lead appraiser, Project Manager, and licensed Civil Engineer(s) (“Personnel”) for the selected Bidder to be assigned to this project for the entire Contract term to ensure continuity of knowledge and service levels.

The Contractor shall not transfer or replace Personnel unless such transfer or replacement is at the State’s request or due to a bona fide promotion, illness, family leave, disability, termination of employment, or other circumstance beyond the Contractor’s reasonable control.  Prior to any permitted transfer of Personnel to another position, the Contractor should provide the State with at least thirty (30) days’ notice of such transfer. In the event of an emergency where thirty (30) days’ notice is not possible, the Contractor will provide notice to the State as soon as the emergency circumstances become known. No staffing decisions regarding the addition or removal of Contractor staff from the project will be made without the State’s prior consent and approval. Replacement Personnel must be of equal or superior qualifications as the previously assigned Personnel.

The State reserves the right to screen and approve or deny all Personnel assigned to this project. The Contractor must ensure that all Personnel assigned to this project are sufficiently experienced and proven in providing the specific Services requested and that all work provided meets high quality standards as deemed appropriate.

# MWBE Plan and Diversity Practices (5 Points)

The State has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of Bidders to this procurement is practical, feasible, and appropriate. Thus, Bidders will be evaluated and scored on information provided concerning their diversity practices.

In addition to the requirements specified in **Section 9.2.5** of this RFP, each Bidder should provide their Diversity Practices on the form provided in response to this RFP as **Attachment 3 - Diversity Practices Questionnaire**. Additional sheets should be attached, as necessary, to fully describe your company’s Diversity Practices.

Pursuant to §310(22) of Article15-A of New York State Executive Law, “Diversity Practices” shall mean the Contractor’s practices and policies with respect to:

1. Utilizing certified minority and women-owned business enterprises (MWBE) in contracts awarded by a state agency or other public corporation, as Subcontractors and suppliers; and
2. Entering into partnerships, joint ventures or other similar arrangements with certified minority and women-owned business enterprises as defined in Article 15-A of the New York State Executive Law or other applicable statute or regulation governing an entity’s utilization of minority or women-owned business enterprises.

Bidders will be scored on this Section and points awarded based solely upon the proposed**Attachment 4 - MWBE Utilization Plan** and the answers provided on **Attachment 3 -** **Diversity Practices Questionnaire. Points will not be awarded based on a company’s status as a certified MWBE firm.**

1. **Insurance Requirements**

The Contractor and any Subcontractor, as applicable, must procure and maintain insurance as generally described in **Article XVIII, Insurance of Exhibit A, Preliminary Base Contract**. Bidders are encouraged to review the insurance requirements set forth therein.

The Contractor and any Subcontractor, as applicable, must provide proof of Workers’ Compensation and Disability Insurance as described in **Section 9.2.9, Workers’ Compensation and Disability Benefits Certifications**.

Prior to commencing work under the Agreement, the Contractor must provide the Department with certificates of insurance in a form acceptable to the Department for insurance coverages for risks associated with providing these Services. Information concerning coverage types, limits, and other specifics will be set forth in the Insurance section of the Agreement, as negotiated between the Parties. Updated certificates of insurance (or other documentation if self-insured) must be provided to DTF throughout the life of the Agreement.

**Response Requirement:**

The Bidder affirms its understanding of, and agreement to comply with, this Requirement by submitting **Attachment A – Bidder Attestation Response Form**.

1. **Secrecy Requirements**
	1. **Tax Secrecy and Contractor Non-Disclosure**

All persons who have or may have access to confidential tax information, including Contractors, and all Subcontractor(s), if applicable, and the respective employees and agents of each, must adhere to the tax secrecy and confidentiality provisions of the Tax Law and the Internal Revenue Code and not engage in any unauthorized accesses, use, or disclosures of any confidential information.

* 1. **Contractor Signature on DTF Non-Disclosure Form**

After the Notification of Intent to Award, the awardee must have a representative authorized to bind the organization complete and submit with its Proposal a signed Tax Information Access and Non-Disclosure Agreement (“DTF-202 Form”), attached as **Attachment 1 of the Preliminary Base Contract (RFP Exhibit A).**

**Response Requirement:**

The Bidder affirms its understanding of, and agreement to comply with, this Requirement by submitting **Attachment A – Bidder Attestation Response Form.**

1. **Financial Requirements (30 Points)**

In response to this section, the Bidder must complete **Attachment 19 - Financial Response Form**. A Bidder’s failure to provide a complete pricing response will result in the Bidder’s proposal being deemed non-responsive. The Bidder must provide all pricing information requested on the **Attachment 19** and must not modify or change the Attachment. Any pricing information or add-on costs that do not conform to the presentation allowed on the **Attachment 19** cannot be evaluated, will be disregarded as extraneous, and cannot be charged to the Department after award of a Contract. The proposed cost must be inclusive of labor costs, overhead, materials, profit, and all other expenses related to the Agreement. Additional payment information is in the **Article VI., Fees and Payment, of the Preliminary Base Contract, Exhibit A** hereto.

1. 1. **Fixed Cost Portion of the Project**

The Bidder will charge a not-to-exceed fixed cost for the following milestones. The travel expenses associated with these milestones, if any, will be included in the not-to-exceed fixed cost. Percentage of the payment of the total fixed cost in association with each milestone is set forth in the table below. The corresponding payment will be made after delivery and DTF’s acceptance of each milestone. The Bidder must provide a detailed cost breakdown to substantiate the total not-to-exceed fixed cost. The cost breakdown must include job titles, hours of each title, and any other cost items. The job titles in the cost breakdown must be from the job titles proposed in the Professional Services Hourly Rates Schedule (see **RFP Attachment 19 – Financial Response Form, Section 2. Professional Services Hourly Rates Schedule**).

|  |  |  |
| --- | --- | --- |
|   | Tasks/Deliverable |  Fixed Fees to be Invoiced at the Acceptance of the Deliverable  |
| Deliverable 1  | Contractor begins to prepare the final work plan memorandum, initial information request, and delivers final work plan memorandum. | 20% |
| Deliverable 2(A)  | 2019, 2020, 2021, 2022, 2023 and 2024 roll data from individual property/account records is consolidated and standardized into a single database for calculation purposes. The RCN has been calculated. Contractor delivers (1) a memorandum detailing the RCN results and (2) a complete Excel database containing consolidated and standardized Special Franchise Property data. | 10% |
| Deliverable 2(C)  | Contractor has created necessary tables, assigned appropriate data to property accounts in the consolidated database, and delivers memorandum detailing the property lives and depreciation classes and rates assigned to the property accounts. The Civil Engineer has completed analysis of reported inventory and provided results to Contractor. | 10% |
| Deliverable 3  | Functional and economic obsolescence parameters, and intangible values have been investigated and determined for each property, intangible values have been calculated for each property, and RCNLD calculations are complete and sent to DTF in draft form. | 15% |
| Deliverable 4  | Draft appraisal report is completed and submitted to DTF. | 10% |
| Deliverable 5  | Final appraisal report is completed and submitted to DTF. | 30% |
| Deliverable 6 | Review Litigant’s Report and provide expert opinion regarding review and analysis of the Litigant’s appraisal. | 5% |

* 1. **Cost for Deliverable 2(B) – Site Inspection**

After the completion of Deliverable 2(A) and before the start of Deliverable 2(C) specified in the above table of “Fixed Cost Portion of the Project”, there will be a site inspection of the Special Franchise Property. DTF will discuss the details of the site inspection with the Contractor. The Department requires the appraiser and the Civil Engineer to conduct the site inspection simultaneously. The cost of the site inspection will be based on the actual hours directly used in the site inspection and the associated travel (see **Section 8.5. Travel Expenses**). The hours will be reimbursed in accordance with the Professional Services Hourly Rates Schedule (see **RFP Attachment 19**).

* 1. **Cost for Additional Pre-trial and Post-trial Work Not Included in the Fixed Cost**

Any additional pre-trial and post-trial work requested by DTF, including but not limited to additional research, additional meetings with DTF staff or the state trial attorneys, and preparation of testimony shall be invoiced at the hourly rates in the Professional Services Hourly Rates Schedule, plus reimbursement of any travel expenses (see **Section 8.5**. **Travel Expenses**). The Professional Services Hourly Rates Schedule proposed by the Bidder must include all the job titles that can be used in this project.

* 1. **Expert Witness Cost**

Expert testimony or time spent in court by the lead appraiser and the licensed Civil Engineer, if required, shall be on daily basis inclusive of travel expenses. A partial day in court will be reimbursed as one full day.

* 1. **Travel Expenses**

Except for the fixed cost work in **Section 8.1** above, travel expenses will be reimbursed in accordance with, and up to, travel guidelines established by the OSC (See Office of the State Comptroller Travel Manual, available at <http://www.osc.state.ny.us/agencies/travel/manual.pdf> where the Department has authorized such travel in advance and where supporting documentation has been provided with the invoice. Note the OSC travel manual establishes not-to-exceed reimbursement rates for travel expenses that are actual, reasonable and necessary and where the most economical method of travel is used. Reimbursement of Contractor’s travel expenses will be limited accordingly.

* 1. **Cost for Changes**

DTF may require changes to the Services. The changes will be handled by following the **Change Control Process in Section 2.7.**

The Department anticipates the Litigant may challenge additional tax year assessment rolls such as for 2025 and 2026. The cost for such addition shall not exceed the average per assessment roll cost of the 2019, 2020, 2021, 2022, 2023 and 2024 assessment rolls for the corresponding portion of the project scope.

* 1. **Fee Increase**

The hourly rates in the Professional Services Hourly Rates Schedule proposed by the Bidder will be firm for the initial two years of the Agreement. Thereafter, they may be increased for each subsequent annual period of said term (including Contract renewals if any), upon the anniversary of the Agreement with no less than 60 days’ advance written request for increase to the Department. Such increase shall be limited to the lesser of the Consumer Price Index for All Urban Consumers (“CPI-U”), U.S. City Average, All Items, as reported by the U.S. Department of Labor, Bureau of Labor Statistics for the preceding 12-month period or 5% over the prior year’s fees. Any increase granted shall be effective on the Agreement anniversary date and calculated using the index number published four months preceding the anniversary date of the Agreement. If at any time the above index is discontinued or becomes unavailable, the Department reserves the right to use a comparable index. All requested increases shall be subject to negotiation between the Department and the Contractor. The fixed cost portion of the project and the expert witness cost will not be increased.

* 1. **Payments in Accordance with State Finance Law**

All payments will be made upon submission of a proper invoice and be in accordance with Article XI-A of the New York State Finance Law. Invoices for travel expenses must be accompanied by copies of receipts for actual expenses incurred.

**Response Requirement (30 Points):**

Bidders must complete **Attachment 19 - Financial Response Form**, with all financial Proposal information pertaining to their Bid.

# Administrative Requirements

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6. 1. **Administrative Proposal Conditions**

With the submission of a response to this Request for Proposals, the Bidder agrees to the Proposal conditions outlined in this Section.

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9. 1. 1. **Issuing Entity**

This RFP is issued by the New York State Department of Taxation and Finance, which is responsible for all criteria stated herein and for evaluation of all Proposals submitted.

* + 1. **Solicitation**

This RFP is a solicitation to bid, not an offer of a contract.

* + 1. **Liability**

The State of New York is not liable for any costs incurred by a Bidder in the preparation and production of any Proposal, or for any work performed prior to the approval by both the AG and OSC of a formal contract.

* + 1. **Proposal Ownership**

All Proposals and accompanying documentation become the property of the State of New York and will not be returned. The State reserves the right to use any portions of the Bidder’s proposal not specifically noted as proprietary.

* + 1. **Proposal Security**

Each Bidder’s Proposal will be held in strict confidence by Department staff and will not be disclosed except to the Office of the Attorney General and the Office of the State Comptroller as may be necessary to obtain approvals of those agencies for the final Agreement and except as required by law.

Public inspection of the bids is regulated by the Freedom of Information Law (Article 6 of the New York State Public Officers Law (“Public Officers Law”)). The bids are presumptively available for public inspection. If this would be unacceptable to a Bidder, the Bidder should apply to the Department for trade secret protection for those portions of the bid which the Bidder believes would qualify for such exemption under the Public Officer’s Law.

Section 74 of the Public Officers Law contains the code of ethics which sets forth that no officer or employee of a State agency should disclose confidential information that they acquire during the course of their official duties. This code controls the confidentiality of a Bidder’s Proposal unless the Department grants a petition for records access in accordance with the Freedom of Information Law.

Bidders should be advised that the confidentiality of their Proposals is founded upon statute, as described above. A nondisclosure agreement, whether prescribed by the Department or the Bidder, would not alter the rights and responsibilities of either party under the Freedom of Information Law. A Bidder should not propose a nondisclosure agreement for Department employees, for that would be legally ineffective to alter any legal responsibility under the Freedom of Information Law or the code of ethics.

The provisions of the Freedom of Information Law will also govern the confidentiality of any and all products or services supplied by the successful Bidder.

* + 1. **Timely Submission**

The Bidders are solely responsible for timely delivery of their Proposal to the location set forth by the stated Proposal due date/time and are solely responsible for delays in receipt, including but not limited to those due to third-party carriers.

* + 1. **Proposal Effective Period**

The Bidder’s Proposal must be firm and binding for a period of at least 180 days following the Proposal due date.

* + 1. **Proposal Opening**

Proposals will not be opened publicly. The State reserves the right at any time to postpone or cancel a scheduled Proposal opening.

* + 1. **Bidder Proposal Clarification**

Prior to award, the State reserves the right to seek clarifications, request Proposal revisions, or to request any information deemed necessary for proper evaluation of Proposals from all Bidders deemed to be eligible for Contract award. Failure of a Bidder to cooperate with the State’s effort to clarify a Proposal may result in the Proposal being labeled as non-responsive and being given no further consideration.

Additionally, the State reserves the right to use information submitted by the Bidder in response to the State’s request for clarifying information in the course of evaluation and selection under this RFP.

* + 1. **Proposal Evaluation and Selection**

Submitted Proposals may be reviewed and evaluated by any personnel or agents of the State, other than one associated with a competing Bidder.

* + 1. **Contract Negotiations and Authorized Negotiators**

During Contract negotiations, the State must have direct access to Bidder personnel who have full authority to make commitments on behalf of the Bidder. Bidders must include, as part of their Proposal, any restrictions under which their primary negotiators will operate.

* + 1. **Bidder Notification of Intent to Award**

Upon completion of the evaluation process, the successful Bidder will be advised of selection by the State through the issuance of a “Notification of Intent to Award” letter. Bidders who have not been selected by the State in response to this RFP shall be notified of such non-selection.

* + 1. **Proposal Review and Contract Approval**

Any Contract resulting from this RFP will not be effective until approved by the Office of the Attorney General and the Office of the State Comptroller.

* + 1. **Debriefing Sessions**

Bidders will be notified in writing and, within fifteen (15) calendar days of such notification, may request the opportunity for a debriefing session. Such sessions will be limited to discussions of evaluation results as they apply to the Bidder receiving the debriefing.

* + 1. **Bid Protest Policy**

The procedures for handling protests of Bid awards are set forth in **Appendix B - Bid Protest Policy**.

* + 1. **Reserved Rights**

The State reserves the right to exercise the following:

1. Prior to the opening of Proposals, amend the RFP specifications to correct errors or oversights, or to change any of the scheduled dates, or to supply additional information, as it becomes available. Modifications to this RFP shall be made by issuance of amendments and/or addenda.
2. Prior to the opening of Proposals, direct Bidders to submit Proposal modifications addressing subsequent RFP amendments.
3. Withdraw the RFP, in whole or in part.
4. Eliminate any mandatory, non-material specifications with which no Bidder can comply.
5. Waive any requirement(s) that is not material.
6. Waive any immaterial deviation or defect in a Proposal. A waiver of immaterial deviation or defect shall in no way modify the RFP documents or excuse a Bidder from full compliance with the RFP requirements.
7. Evaluate, accept and/or reject any and all Proposals, in whole or in part, and to waive technicalities, irregularities, and omissions if, in the State’s judgment, the best interests of the State will be served. In the event compliant Bids are not received, the State reserves the right to consider late or non-conforming Bids as offers.
8. Require the Bidder to demonstrate, to the satisfaction of the State, any information presented as a part of their Proposal.
9. Require clarification at any time during the procurement process, and/or require correction of arithmetic or other apparent errors, for the purpose of assuring a full and complete understanding of an Offerer’s Proposal and/or to determine an Offerer’s compliance with the requirements of the solicitation.
10. Seek revisions of Proposals.
11. Correct any arithmetical errors or other apparent errors in any Proposal and, in the event that the fees or costs in two or more Proposals are not comparable, to make appropriate adjustments to render the fees and costs comparable.
12. Request an oral presentation from any or all responsive Bidders.
13. Disqualify any Bidder whose conduct and/or Proposal fails to conform to the requirements of the solicitation.
14. Use information obtained through site visits, management interviews and the State’s investigation of a Bidder’s qualifications, experience, ability or financial standing, and any material or information submitted by the Bidder in response to a request for clarifying information in the course of evaluation and selection under this RFP.
15. Negotiate with the successful Bidder within the scope of the RFP to serve the best interests of the Board/State.
16. Conduct contract negotiations with the next ranked Responsible Bidder should the State be unsuccessful in negotiating an Agreement with the selected Bidder.
17. Proceed to the next highest ranked Bidder in the event that the highest-ranking Bidder who had achieved best value prior to Contract award cannot satisfy the requirements as stated in this RFP.
18. If an Agreement is terminated within 12 months of making award, the State reserves the right, with the approval of the New York State Attorney General, and the Office of the State Comptroller, to award a Contract to the next highest ranked Bidder.
19. Utilize any and all ideas submitted in the Proposals received.
20. Make an award under the RFP, in whole or in part.
21. Rescind a contract award and begin negotiations with the next highest ranked Bidder if a signed contract substantially in accordance with **Exhibit A - Preliminary Base Contract** is not executed by the deadline specified in the Schedule of Events.
	1. **Administrative Contract Conditions**

With the submission of a response to this Request for Proposals, the Bidder agrees to all contract conditions outlined in this Section except that Bidders may propose changes to the terms of the **Preliminary Base Contract** (**Exhibit A**) only as allowable in **9.2.18** and in accordance with the instructions set forth therein.

* + 1. **Appendix A**

**Appendix A – Standard Clauses for New York State Contracts** (dated June 2023) will be incorporated, in its entirety, into any Agreement resulting from this RFP.

* + 1. **Payments**

All payments will be made in accordance with Article XI-A of the New York State Finance Law.

* + 1. **Public Announcements**

Public announcements or news releases relating to this RFP or the resulting Contract shall not be made by any Bidder or its agent without the prior approval of the State. All requests for public announcements should be directed to one of the designated contacts specified herein. Such request for approval shall not be considered until an approved Contract is in place.

* + 1. **New York State Vendor File**

Prior to being awarded a contract pursuant to this Solicitation, the Bidder(s) and any designated authorized resellers who accept payment directly from the State, must be registered in the New York State Vendor File (Vendor File) administered by the Office of the State Comptroller (OSC). This is a central registry for all vendors who do business with New York State Agencies and the registration must be initiated by a State Agency. Following the initial registration, unique New York State ten-digit vendor identification numbers will be assigned to your company and to each of your authorized resellers (if any) for usage on all future transactions with New York State. Additionally, the Vendor File enables vendors to use the Vendor Self-Service application to manage all vendor information in one central location for all transactions related to the State of New York.

If Bidder is already registered in the New York State Vendor File, list the ten-digit vendor ID number on the first page of the Proposal document. Authorized resellers already registered should list the ten-digit vendor ID number along with the authorized reseller information.

If the Bidder is not currently registered in the Vendor File, complete the enclosed **Exhibit G - New York State Office of the State Comptroller Substitute Form W-9**, and submit it with your Bid. In addition, if authorized resellers are to be used, an OSC Substitute W-9 form should be completed and filed by each of the designated authorized resellers. The DTF Procurement Services Unit will initiate the vendor registration process for all Bidders recommended for Contract Award and their authorized resellers. Once the process is initiated, registrants will receive an email from OSC that includes the unique ten-digit vendor identification number assigned to the company and instructions on how to enroll in the online Vendor Self-Service application.

For more information on the vendor file please visit the following website:

<https://www.osc.state.ny.us/state-vendors/portal/enroll-vendor-self-service-portal>

* + 1. **Contractor Requirements and Procedures for Participation by New York State-Certified Minority and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women**

**New York State Law**

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations, the Department is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of the Department’s contracts.

**Business Participation Opportunities for MWBEs**

For purposes of this solicitation, the State hereby establishes an overall goal of 30% percent for MWBE participation, 15% percent for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and 15% percent for New York State-certified Women-owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that the State may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how the State will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8 and **Article XIII. E. Waivers** in the Preliminary Base Contract

If the Contractor, after making good faith efforts, is unable to achieve the MWBE Contract Goals stated herein, the Contractor may submit a request for a waiver (Exhibit J) through the NYSCS, or a non-electronic method provided by the Department. Such waiver request must be supported by evidence of the Contractor’s good faith efforts to achieve the maximum feasible MWBE participation towards the applicable MWBE Contract Goals.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of contract and the State may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Department.

Additionally, a respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

1. **Attachment 4 - MWBE Utilization Plan** with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the State for review and approval.

The State will review the submitted MWBE Utilization Plan and advise the respondent of the State’s acceptance or issue a notice of deficiency within 30 days of receipt.

1. If a notice of deficiency (NOD) is issued, the respondent will be required to respond to the NOD within seven (7) business days of receipt by submitting to New York State Department of Taxation and Finance, Office of Budget and Management Analysis, State Office Campus, Albany, NY 12227, ATTN: Ms. Amber Alexander, Director, Procurement Services Unit, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the State to be inadequate, the State shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

The State may disqualify a respondent as being non-responsive under the following circumstances:

a) If a respondent fails to submit an MWBE Utilization Plan;

b) If a respondent fails to submit a written remedy to a notice of deficiency;

c) If a respondent fails to submit a request for waiver; or

d) If the State determines that the respondent has failed to document good faith efforts.

The successful respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the State, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful respondent will be required to submit a quarterly **MWBE Contractor Compliance and Payment Quarterly Report, Exhibit C,** to the State by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

* + 1. **Equal Employment Opportunity Requirements**

By submission of a Bid or Proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of **Appendix A – Standard Clauses for NYS Contracts** including Clause 12 - Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit **Exhibit D -** **Minority and Women-Owned Business Enterprise** - **Equal Employment Opportunity Policy Statement**, to the Department with its Bid or Proposal.

The Contractor shall submit **Attachment 5 – Staffing Plan** to document the composition of the proposed workforce to be utilized in the performance of the Contract by the specified categories listed, including ethnic background, gender, and Federal occupational categories. The Contractor shall complete Attachment 5 and submit it as part of their Bid or Proposal or within a reasonable time, as directed by the Department.

If awarded a Contract, the respondent shall submit **Exhibit H – Workforce Utilization Report**, and shall require each of its subcontractors to submit a Workforce Utilization Report, in such form as shall be required by the Department on a quarterly basis during the term of the Contract.

Pursuant to Executive Order #162, contractors and subcontractors are also required to report the gross wages paid to each of their employees for the work performed by such employees on the contract on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

**Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.**

* + 1. **Participation Opportunities for New York State Certified Service-Disabled Veteran-Owned Business Enterprises**

Article 3 of the New York State Veterans’ Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”), thereby further integrating such businesses into New York State’s economy. The Department of Taxation and Finance recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of the contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Department of Taxation and Finance contracts. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, the Department conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/>

Bidder/Contractor is encouraged to contact the Office of General Services’ Division of Service-Disabled Veteran’s Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

* + 1. **Permission to Investigate**

In the event that the State determines it necessary to investigate evidence relative to a possible or actual 1) crime or 2) breach of confidentiality or security, Contractor and its Subcontractors (if any) shall cooperate fully with the State to the extent permitted by law to investigate and identify the responsible individuals. Contractor and its Subcontractors shall, to the extent permitted by law, make their employees and all relevant records, including personnel records and employee photographs, available to State and/or other Investigators upon request by the State.

* + 1. **Workers’ Compensation and Disability Benefits Certifications**
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Sections 57 and 220 of the New York State Workers’ Compensation Law (WCL) provide that the State shall not enter into any contract unless proof of workers’ compensation and disability benefits insurance coverage is produced. Prior to entering into a contract with the State, successful Bidders will be required to verify for the State, on forms authorized by the New York State Workers’ Compensation Board, the fact that they are properly insured or are otherwise in compliance with the insurance provisions of the WCL. The forms to be used to show compliance with the WCL are listed below. Any questions relating to either workers’ compensation or disability benefits coverage should be directed to the State of New York Workers’ Compensation Board, Bureau of Compliance at (518) 462-8882 or (866) 298-7830. Failure to provide verification of either of these types of insurance coverage by the time an Agreement is ready to be executed will be grounds for disqualification of an otherwise successful Proposal.

The successful Bidder must submit the following documentation within a reasonable period after notification of tentative award:

1. Proof of Workers’ Compensation Coverage:

Upon notification of award, the successful Bidder will be requested to submit ONE of the following forms as Workers’ Compensation documentation:

1. Form C-105.2 – Certificate of NYS Workers’ Compensation Insurance Coverage issued by private insurance carrier (or Form U-26.3 issued by the State Insurance Fund); or
2. Form SI-12 – Certificate of NYS Workers’ Compensation Self-Insurance Coverage (or Form SIG-105.2 Certificate of Participation in Workers’ Compensation Group Board-Approved Self-Insurance); or
3. Form CE-200 – Certificate of Attestation of Exemption from NYS Workers’ Compensation and/or Disability Benefits Coverage.
4. Proof of Disability Benefits Coverage:

Upon notification of award, the successful Bidder will be requested to submit ONE of the following forms as Disability documentation:

1. Form DB-120.1 – Certificate of Insurance Coverage under the NYS Disability and Paid Family Leave Benefits Law; or
2. Form DB-155 – Certificate of Self-Insurance Coverage under the NYS Disability and Paid Family Leave Benefits Law; or
3. Form CE-200 – Certificate of Attestation of Exemption from NYS Workers’ Compensation and/or Disability Benefits Coverage.

Further information is available at the Workers’ Compensation Board’s website, which can be accessed through this link: <http://www.wcb.ny.gov>.

Please note that although these forms are not required as part of the Proposal submission, the State encourages Bidders to include them with their Proposal submission to expedite contract execution if the Bidder is awarded the Contract.

**NOTE:** **An ACORD form is not acceptable proof of New York State Workers’ Compensation or Disability Benefits insurance coverage.**

* + 1. **Cover Letter**

A cover letter transmitting the Proposal must be signed by an official authorized to bind the Bidder to its provisions.

The cover letter must include the following:

* The complete name and address of the bidder;
* The Federal or Taxpayer Identification Number of the bidder;
* The ten-digit Vendor File ID number (if available); and
* An affirmation that the Proposal is binding for the required period (180 days) indicated in **Section 9.1.7**.
	+ 1. **Vendor Responsibility Questionnaire**

Article XI §163(4)(d) of the State Finance Law states that “service contracts shall be awarded on the basis of best value to a responsive and responsible offerer.”

Upon identification of the Bidder with the highest score, the Bidder and its Subcontractor’ Vendor Responsibility will be analyzed to ensure that they are responsible.

In the event that the Bidder or its Subcontractor is found to be not responsible, the Bidder may be disqualified.

The Bidder and its Subcontractor (engineering firm) must complete a Vendor Responsibility Questionnaire. They are invited to file the required Vendor Responsibility Questionnaire online via the OSC New York State VendRep system or may choose to complete and submit a paper questionnaire. To enroll and use the New York State VendRep system, see the VendRep system instructions available at: [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep). For direct VendRep System user assistance, the OSC Help Desk may be reached at (866) 370-4672 or (518) 408-4672 or by email at ITSERVICEDESK@OSC.NY.GOV. Bidders opting to file a paper questionnaire can obtain the appropriate questionnaire from the VendRep website at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or may contact one of the Department’s designated contacts.

Bidders that have filed a Vendor Responsibility Questionnaire online that has been certified/updated within the last six (6) months or Bidders opting to file online must complete **Attachment 6 – Vendor Responsibility Response Form**. If a Vendor Responsibility Questionnaire has been filed online and has not been certified within the last six months, the Bidder must either update/recertify the online questionnaire or submit a new paper Vendor Responsibility Questionnaire.

Bidders or their Subcontractors filing paper questionnaires must submit a copy of the completed questionnaire with their Proposals.

* + 1. **Designation of Prime Contact**

The Bidder is required to designate an individual as the prime contact for the Bidder’s Proposal. The designated individual must be authorized to respond on behalf of the Bidder. This designation will last for the entire evaluation process and contract negotiations. Any request for change in the designated contact must be submitted in writing to the issuing officer designated in this RFP and must be accompanied by an updated form.

**The Bidder must complete and submit the** **Attachment 7 – Designation of Prime Contact Response Form.**

* + 1. **Non-Collusive Bidding Practices Certification**

A bid shall not be considered for award nor shall any award be made where the conditions of the Non-Collusive Bidding Certification have not been complied with; provided, however, that if in any case the Bidder cannot make the foregoing certification, the Bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where the above conditions have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the State, public department or agency to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition (Section 139-d of the State Finance Law).

**The Bidder must complete and submit** **Attachment 8 – Non-Collusive Bidding Certification.**

* + 1. **Procurement Lobbying**

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between the State and an Offerer/Bidder during the procurement process. An Offerer/Bidder is restricted from making contacts from the earliest notice of intent to solicit offers/bids through final award and approval of the Procurement Contract by the State and, if applicable, the Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contract that is included among certain statutory exceptions set forth in State Finance Law §139-j (3) (a). Designated DTF staff, as of the date hereof, are identified in the Preface Section of the Request for Proposal. DTF employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/Bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and, in the event of two findings within a four-year period, the Offerer/Bidder is debarred from obtaining governmental Procurement Contracts. Information related to the Procurement Lobbying Law and the guidelines can be found on the DTF’s Procurement website at: <http://www.tax.ny.gov/about/procure>.

Contacting individuals other than the designated contacts listed in the Preface Section of this document during the restricted period may result in disqualification of the Bidder’s Proposal – please refer to the Procurement Lobbying Law and the guidelines posted on DTF’s website at: <http://www.tax.ny.gov/about/procure>.

1. Offerer Disclosure of Prior Non-Responsibility Determinations

New York State Finance Law §139-k(2) obligates a Governmental Entity to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, an Offerer must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (1) a violation of State Finance Law §139-j or (2) the intentional provision of false or incomplete information to a Governmental Entity. The terms “Offerer” and “Governmental Entity” are defined in State Finance Law §139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible contact during the restricted period (for example, contacting a person or entity other than the designated contact person(s), when such contact does not fall within one of the exemptions).

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

A Governmental Entity must include a disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of Proposals or bid documents or specifications or contract documents, as applicable, for Procurement Contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract. It shall be submitted to the Governmental Entity conducting the Governmental Procurement.

**Bidder must complete and submit the** **Attachment 9 – Offerer Disclosure of Prior Non-Responsibility Determinations.**

1. Offerer’s Certification of Compliance with State Finance Law §139-k(5)

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

The State reserves the right to terminate any Contract award as a result of this RFP in the event it is found that the certification filed by the Offerer/Bidder in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete.

**Each Bidder must complete and submit** **Attachment 10 – Offerer’s Certification of Compliance with State Finance Law** §**139-k(5).**

* + 1. **Ethics Compliance**

All Bidders/Contractors and their employees must comply with Public Officers Law §§73 and 74 to the extent applicable, Chapter 1 of the Laws of 2005, the Procurement Lobbying Reform Act, and other State statutes, rules, regulations and executive orders establishing ethical standards for the conduct of business with New York State. In signing the bid, the Bidder certifies full compliance with those provisions for any present or future dealings, transactions, sales, contracts, services, offers, relationships, etc., involving New York State and/or its employees. Failure to comply with those provisions may result in disqualification from the bidding process, termination of contracts, and/or other civil or criminal proceedings as required by law.

The Bidder must complete and submit **Attachment 11 – Public Officers Law Form** and **Attachment 12 – Public Officers Law – Post Employment Restrictions** which addresses business or professional activities by current or past state officers and employees and party officers. These forms shall be made part of the resultant Agreement.

* + 1. **Sales and Compensating Use Tax Documentation**

Pursuant to Tax Law Section 5-a, Bidders will be required to complete and sign, under penalty of perjury, **Exhibit B – Contractor Sales Tax Certification Forms.** Bidders must also submit a copy of the Certificate of Authority, if available, for itself, any affiliates, and any Subcontractors required to register to collect state sales and compensating use tax. If Certificates of Authority are unavailable for a particular entity, each such Contractor, affiliate, Subcontractor or affiliate of Subcontractor must represent that it is appropriately registered with the Department.

**Exhibit B** provides the Contractor Certification Forms and Instructions for completing the forms. ST-220-TD must be filed with and returned directly to the Department address provided on the form. Unless the information upon which the ST-220-TD is based changes, this form only needs to be filed once with the Department. If the information changes for the Contractor, its affiliate(s), or its Subcontractor(s), a new form ST-220-TD must be filed with the Department. Completion of the form at the time of bid submission is not required; however, Form ST-220-TD must be filed and returned to the Department upon notification of Contract award.

Form ST-220-CA must also be provided to the Department’s Office of Budget and Management Analysis upon notification of Contract award certifying that the Contractor filed ST-220-TD. Proposed Contractors should complete and return the certification form(s) within two business days of request.

Failure to make either of these filings may render a Bidder non-responsive and non-responsible. Bidders shall take the necessary steps to provide properly certified forms within a timely manner to ensure compliance with the law.

Vendors may call the Department at 1-518-485-2889 for any and all questions relating to Section 5-a of the Tax Law and relating to a company’s registration status with the Department. For additional information and frequently asked questions, please refer to DTF Publication 223 (Questions and Answers Concerning Tax Law Section 5-a) available at the Department’s website: <http://www.tax.ny.gov> under the heading “Forms and Guidance”.

* + 1. **Prime Contractors/Subcontractors**

If any subcontracting is allowed with respect to any of the Services to be provided hereunder, the successful Bidder shall act as Prime Contractor under the Agreement, and shall be held solely responsible for contract performance by the Bidder, its partners, officers, employees, Subcontractors and agents. The Bidder shall be responsible for payment of all Subcontractors and suppliers, including all third-party service providers contracted by or through the Bidder in performance of the Agreement. Subcontracting will only be allowed for inventory analysis, establish install dates, economic life and determine if there is functional obsolescence and assist the appraiser in determining net salvage value.

Where services are supplied by or through the Contractor under the Agreement, it is mandatory for the Contractor to assume full integration responsibility for delivery, installation, maintenance, performance and support services for such items, as applicable. The Contractor shall also be responsible for payment of any license fees, rents or other monies due third parties for services or materials provided under this Agreement.

Proposed Subcontractors must be identified at the time of Proposal submission and are subject to the approval of the State.

The State requires a list of Subcontractors who will be utilized for the performance of services under any resultant contract as well as a description of the services to be subcontracted. This information must be provided on the **Attachment 13 – Listing of Proposed Subcontractors Form**.

* + 1. **Bidder-Proposed Changes to Preliminary Base Contract Terms**

Proposals must conform to the terms and conditions set forth in this RFP and the **Exhibit A – Preliminary Base Contract**. Any Bidder-Proposed Changes(s) to terms and conditions set forth in **Exhibit A – Preliminary Base Contract,** must be provided in the Bidder’s Administrative Proposal, and presented as described below. Material deviations to required terms and conditions set forth (including additional, inconsistent, conflicting or alternative terms) may render the bid non-responsive and may result in rejection.

The Bidder must attach any Bidder-Proposed Change(s) to the terms and conditions of **Exhibit A – Preliminary Base Contract** with Volume Two, Tab 1 of its Proposal submission. See **Section 10.1** for **Proposal Content and Organization**.

Only those Bidder-Proposed Change(s) that meet all the following requirements will be considered as having been submitted as part of the Proposal:

* Each Bidder-Proposed Change (addition, counter-offer, deviation or modification) must be specifically enumerated in writing; and
* The writing enumerating the Bidder-Proposed Change must identify the particular term the Bidder objects to or proposes to modify, and the reasons therefore.

Bidder-Proposed Change(s) submitted on standard, pre-printed forms (product literature, order forms, contracts), whether or not deemed “material,” which are attached or referenced with submissions which do not meet the above requirements will not be considered part of the Proposal or resulting Contract, but rather will be deemed to have been included for informational or promotional purposed only.

Acceptance and/or processing of the Proposal shall not constitute written acceptance of Bidder-Proposed Change(s) or a waiver of the State’s right set forth in **Section** **9**. Failure to object to any terms identified in **Exhibit A – Preliminary Base Contract**, shall be deemed to constitute acceptance thereof by the Bidder.

* + 1. **Request for Exemption from Disclosure**

The bids are presumptively available for public inspection. If this would be unacceptable to Bidders, they must apply to the State for trade secret protection of their bid.

In applying for trade secret protection, it would be unacceptable to indiscriminately categorize the entire Proposal as such. The Bidder should point out those Sections of the Proposal that are trade secrets and explain the reasons therefor. The Bidder may wish to review with its legal counsel Restatement of Torts, Section 757, comment b, and the cases under the Federal Freedom of Information Act, 5 USC Section 522, as well as the NYS Freedom of Information Law. The State will review applications and agree to requests for trade secret protection, if appropriate.

To obtain trade secret protections, the Bidder must submit with its response in Volume Two, Tab 1 of its Proposal submission (see **Section 10.1** for **Proposal Content and Organization)**, a letter specifically identifying the page number, line or other appropriate designation of the information that is trade secret and explain in detail why such information is a trade secret and should be exempt from disclosure.

* + 1. **Requirements Imposed Pursuant to Laws of 2006, Chapter 10**
1. The procurement record for each new consulting services contract received by the Office of the State Comptroller for approval on or after July 17, 2006, must include a properly completed copy of **State Consultant Services – Contractor’s Planned Employment – Form A** from Contract Start Date Through the End of the Contract Term, attached hereto as **Exhibit E**. This form, which is a one-time report of planned employment data for the entire term of a consulting services contract on a prospective basis, must include the following information, by “employment category,” for all employees who will be providing services under the Agreement, whether employed by the Contractor or a Subcontractor:
2. The number of employees employed to provide consulting services under the Agreement;
3. The number of hours worked by such employees under the Agreement; and
4. The total compensation paid by the State to the Contractor for work by the employees under the Agreement.

The Contractor may be requested to assist the State in the completion of Form A.

1. In addition, for each year a consulting services contract is in effect, contracting agencies must require contractors to report annually regarding the above described employment information including work performed by subcontractors. The Contractor must properly complete a copy of **State Consultant Services – Contractor’s Annual Employment Report – Form B**, attached hereto as **Exhibit F**, and provide it to the contracting entity, i.e., New York State Department of Taxation and Finance; the Office of the State Comptroller (OSC) and the Department of Civil Service (CS). **Form B** captures historical information, detailing actual employment information for the most recently concluded State fiscal year (April 1 – March 31). **Form B** will be due no later than May 15 of each year.

**Form B** shall be provided to OSC and CS as set forth in OSC Bulletin G-226; the Bulletin may be found on-line at:

<http://www.osc.state.ny.us/agencies/guide/MyWebHelp/Content/XI/18/C.htm>

**Form B** shall be provided to DTF as follows:

By mail: New York State Department of Taxation and Finance

 Office of Budget and Management Analysis

 Procurement Services Unit

 W. A. Harriman State Office Building Campus

 Albany, NY 12227

By email: bfs.contracts@tax.ny.gov

Fax: 518-435-8413

For purposes of this Section, the following terms have the specified meanings:

* “employment category” means the specific occupation(s), as listed in the O\*NET occupational classification system, which best describes the employees providing services under this Agreement; and

(Note: The O\*NET database is available through the US Department of Labor’s Employment and Training Administration, at <http://online.onetcenter.org> to find a list of occupations.)

* “consulting services contract” includes any contract entered into by a State agency for analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health and mental health services; accounting, auditing, paralegal, legal, or similar services.
	+ 1. **Encouraging use of New York State Business in Contract Performance**

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and nation. In recognition of their economic activity and leadership in doing business in New York State, Bidders for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

**The Bidder must complete and submit** **Attachment 14 – Encouraging Use of New York State Business in Contract Performance.**

* + 1. **Assurance of No Conflict of Interest**

The Bidder offering to provide Services pursuant to this RFP as a Contractor, Subcontractor, or consultant, attests that its performance of the Service outlined in this RFP does not and will not create a conflict of interest with, nor position the Bidder to breach, any other contract currently in force with the State of New York.

**The Bidder must complete and submit** **Attachment 15 – Vendor Assurance of No Conflict of Interest or Detrimental Effect.**

* + 1. **Executive Order No. 177 Certification**

In accordance with Executive Order No. 177, the Bidder must certify that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status or other protected status under the Human Rights Law.

**The Bidder must complete and submit Attachment 16 – EO 177 Certification.**

* + 1. **Sexual Harassment Prevention Certification**

State Finance Law §139-l requires bidders on state procurements to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training to all their employees and that such policy, at a minimum, meets the requirements of Section two hundred one-g of the labor law.

**The Bidder** **must complete and submit Attachment 17 – Sexual Harassment Prevention Certification.**

* + 1. **Executive Order No. 16 Certification**

In accordance with Executive Order No. 16, the Bidder must certify that it does not conduct any commercial activity in Russia or transact business with the Russian Government or with commercial entities headquartered in Russia or with their principal place of business in Russia in the form of contracting, sales, purchasing, investment, or any business partnership.

**The Bidder must complete and submit Attachment 18 – EO 16 Certification.**

1. **Proposal Content and Submission Requirements**

The Bidder must provide a response that clearly and precisely provides all required information. Emphasis should be placed on conformance with the RFP instructions, responsiveness to the RFP requirements and clarity of the intent.

Proposals that do not comply with these instructions or do not meet the full intent of all of the requirements of this RFP may be subject to scoring reductions during the evaluation process or may be deemed non-responsive. To assist Bidders, we have provided a Bidder’s Checklist located as **Attachment 1** of this RFP. A Proposal that does not provide all of the information requested may be subject to rejection.

The State does not require, nor desire, any excessive promotional material which does not specifically address the response requirements of this RFP.

**Faxes or electronically transmitted Proposals will not be accepted.**

1. 1. **Proposal Content and Organization**

To facilitate the evaluation process, the Bidder must organize the Proposal into three (3) distinct volumes as follows:

Volume One: Technical Proposal

Volume Two: MWBE Plan and Diversity Practices and Administrative Proposal

Volume Three: Financial Proposal

1. Volume One Format

Volume One should contain a table of contents with page numbers and each section should be tabbed as follows:

1. Tab 1 – Executive Summary
2. Tab 2 – Qualifying Requirements (**Attachments A** and **B)**
3. Tab 3 – Technical Requirements (**Attachment C)**
4. Volume Two Format
	1. Tab 1 – Cover Letter, Bidder-Proposed Changes, and Request for Exemption from Disclosure
	2. Tab 2 – MWBE Plan and Diversity Practices (**Attachments 3** and **4**)
	3. Tab 3 – Administrative Requirements Response Forms (**Attachments 1** and **5-18; Exhibit D**)
5. Volume Three Format

This volume must contain **Attachment 19 – Financial Response Form.**

* 1. **Proposal Submission**

The Bidder must submit one (1) original and one (1) hard paper copies of:

Volume One: Technical Proposal

Volume Two: MWBE Plan and Diversity Practices and Administrative Proposal

Volume Three: Financial Proposal

All volumes should be bound separately, be clearly identified and should contain page numbers.

The Bidder should also submit one (1) electronic copy (CD/DVD/Flash Drive) of Volumes One, Two, and Three.

The electronic copy should be encrypted and password protected. The password should be submitted via email to [bfs.contracts@tax.ny.gov](file:///%5C%5Cdtf-smb%5Cdtf_shared%5CShare%5CObma%5CBBUDACTG-BPROCURE%5CCMU%5CRFP%27s%5CPENDING%20RFP%27s%5Cdtf_home%5CP39442%5Cbfs.contracts%40tax.ny.gov).

Proposals must be received by the date and time specified in the **Schedule of Events**.

Bidder Proposals should be enclosed in sealed containers with the following visibly inscribed on the outside of all containers:

Attn: Director, Procurement Services

New York State Department of Taxation and Finance

Procurement Services Unit

Office of Budget and Management Analysis

W. A. Harriman State Office Building Campus

Albany, NY 12227

All Proposals should have a label on the outside of the package or shipping container outlining the following information:

“BID ENCLOSED”

RFP 24-100

Real Property Appraisal Services

<*Bid Submission Date and time*>

**Please note: Deliveries by delivery services (e.g. UPS, FedEx, etc.) and/or requiring a signature of receipt should be addressed to the Department’s W.A. Harriman Campus address, however, the delivery service must be instructed to deliver the Bid documents to the following address:**

90 Cohoes Avenue

Green Island, NY 12183

Only under circumstances identified in **Section 9.1.16, Reserved Rights** will the State consider any Proposals received after the time and date specified in the Schedule of Events. In the event a package is not labeled properly as described in this Section, the State reserves the right to inspect the contents of the package(s) to determine the contents. The Bidder shall have no claim against the State arising from such inspection and such inspection shall not affect the validity of the procurement. Notwithstanding the State’s right to inspect the contents of the package(s), the Bidder assumes all risk of late delivery associated with the Bid not being identified, packaged or labeled in accordance with the foregoing requirements.

1. **Proposal Evaluation**

Pursuant to Article XI of the State Finance Law, the basis for contract award under this RFP will be “best value,” optimizing quality, cost and efficiency among responsive and responsible Bidders.

1. 1. **Proposal Clarification**

The State reserves the right to require a Bidder to provide clarification and validation of its Proposal through any means the State deems necessary. Failure of a Bidder to cooperate with State efforts to clarify or validate Proposal information may result in the Proposal being labeled as non-responsive and given no further consideration.

* 1. **Evaluation Process Overview**

There will be two (2) phases to the evaluation process.

* + 1. **Phase One Evaluation**

**A. Proposal Screening**

All timely submitted Proposals will be evaluated in Phase One.

Each Proposal will be screened for completeness and conformance with the State’s requirements for Proposal submission as specified in this RFP. Proposals which do not meet the requirements may be labeled as non-responsive and may not be given further consideration.

**B. Qualifying Requirements (Pass/Fail)**

All Proposals that pass the Proposal Screening will be evaluated to determine if the Bidder meets the qualifying requirements specified in **Section 3. Mandatory Requirements**. If all qualifying requirements are not met, the Bidder’s Proposal will be labeled non-responsive and will not be given further consideration.

All Proposals that pass this stage of the evaluation process will be further evaluated in Phase Two.

* + 1. **Phase Two Evaluation**

**A. Technical Evaluation (65 points)**

Bidders’ Technical Proposals will be evaluated and scored in accordance with the technical requirements and point distribution in RFP **Section 4**.

**B. MWBE Plan and Diversity Practices Evaluation (5 Points)**

Proposals will be scored based solely upon the proposed **Attachment 4 - MWBE Utilization Plan** and the answers provided on the **Attachment 3 - Diversity Practices Questionnaire**. Points will not be awarded based on a company’s status as a certified MWBE firm.

 **B. Financial Evaluation (30 points)**

Bidders’ Financial Proposals will be evaluated and scored concurrently and separately from the Technical Evaluation.

* 1. **Proposal Ranking, Contract Award, and Point Distribution**

The Bidder whose Proposal obtains the highest aggregate score will be nominated for contract award.

The table below summarizes the evaluation point distribution:

|  |  |
| --- | --- |
| **Evaluation Component** | **Points** |
| Technical Evaluation | 65 |
| MWBE Plan and Diversity Practices Evaluation | 5 |
| Financial Evaluation | 30 |
| TOTAL | 100 |

In the event that Bidders receive the same final score, the State will use the following tie-breaking mechanisms, in the order listed, to determine the final ranking:

* The Bidder’s Financial Score
* The Bidder’s Firm Experience Score (RFP **Section 4.3**)
* Determination by the Commissioner