



Department of Health

Invitation for Bids

IFB No. 20215

Preventive and Corrective Maintenance Elevator Services at the David Axelrod Institute, Albany, New York and the Griffin Laboratory, Slingerlands, New York

Issued: December 8, 2022

DESIGNATED CONTACTS: Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies the following designated contacts to whom all communications attempting to influence this procurement must be made:

Sue Mantica
Bureau of Contracts
New York State Department of Health
Empire State Plaza
Corning Tower, Room 2827
Albany, NY 12237
Telephone: 518-474-7896
E-mail: sue.mantica@health.ny.gov

Permissible Subject Matter Contacts:

Pursuant to State Finance Law § 139-j (3) (a), the Department of Health also identifies the following allowable contacts for communications related to the following subjects: Submission of Written Questions and Submission of Written Bids, Debriefings, and Negotiation of Contract Terms after Award.

Anthony Saouma
New York State Department of Health
Wadsworth Center, Room E335
Empire State Plaza
Albany, New York 12237
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1. CALENDAR OF EVENTS

Issuance of Invitation for Bids	December 8, 2022
Registration for Mandatory Site Visit Required by	January 5, 2023
Mandatory Site Visit, Days	January 18 th & 19 th , 2023
Written Questions Due (no later than 3PM E.S.T.)	February 2, 2023
Response to Written Questions and Questions posted by DOH on or about	February 16, 2023
Deadline for Submission of Bids	March 2, 2023
Anticipated Contract Start Date	September 1, 2023

2. OVERVIEW

Through this Invitation for Bids (IFB), the New York State (NYS) Department of Health (DOH), Wadsworth Center (WC) is looking for a firm capable of preventive and corrective maintenance of elevators for the five (5) elevators located within the David Axelrod Institute (DAI) and one (1) elevator located within the Griffin Laboratory. The selected Contractor will be responsible for the ongoing preventive maintenance and corrective maintenance of a total of six (6) elevators for the contract period. Please note that all are considered to be essential to the operation of both facilities.

The contract will be considered a “full-service contract”. **“Full Service Contract”** - shall mean that the Contractor's fees and markup rates include all labor and materials required to provide the preventive and corrective elevator maintenance services outlined in this Contract, which includes, but is not limited to all labor, material and supplies, all emergency work and special requests; all administrative, reporting or other requirements; all overhead costs and profit, all travel costs, freight, parking fees, and any other ancillary fees and costs including permits, licenses, insurance, etc.

2.1 Introductory Background

The Wadsworth Center is the public health laboratory for the New York State Department of Health which occupies multiple laboratory facilities in the Albany, New York area. Two of the Wadsworth Center’s facilities require a service contract for preventive and corrective maintenance of on-site elevators:

- David Axelrod Institute
120 New Scotland Avenue
Albany, NY 12208

250,000 gross square feet

- Griffin Laboratory
5668 State Farm Road
Slingerlands, NY 12159

85,000 gross square feet across 22 buildings

David Axelrod Institute comprises approximately 250,000 square feet of building space. Parking lots are immediately adjacent and loading dock space is available and can accommodate a mid-sized moving van or truck. There are two (2) pairs of elevators (4 total elevators) in this building and one (1) loading dock elevator. Three (3) of the four (4) elevators provide service from the first floor to the sixth floor; one elevator provides service from the first floor to the seventh-floor penthouse; the loading dock elevator lift provides service to the basement and first floor. All elevators are essential.

Griffin Laboratory consists of twenty-two (22) buildings at the given address, although the hydraulic elevator pertinent to this contract is located in Building #1 on the campus. This elevator provides service from the basement to the third floor and is essential. This building is located directly off of the State Farm Road and is easily accessible with parking adjacent to the building.

2.2 Important Information

The Bidder is required to review, and is requested to have legal counsel review, [Attachment 8](#), the DOH Agreement as the Bidder must be willing to enter into an Agreement substantially in accordance with the terms of [Attachment 8](#) should the Bidder be selected for contract award. Please note that this IFB and the awarded Bidder's proposal will become part of the contract as Appendix B and C, respectively.

It should be noted that Appendix A of [Attachment 8](#), "Standard Clauses for New York State Contracts", contains important information related to the contract to be entered into as a result of this IFB and will be incorporated, without change or amendment, into the contract entered into between DOH and the successful Bidder. By submitting a response to the IFB, the Bidder agrees to comply with all the provisions of Appendix A.

Note, [Attachment 7](#), the Bidder's Certifications/Acknowledgements should be submitted and include a statement that the Bidder accepts, without any added conditions, qualifications or exceptions, the contract terms and conditions contained in this IFB including any exhibits and attachments. It also includes a statement that the Bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with the proposal, such alternate proposals or extraneous terms will not be evaluated by the DOH.

Any qualifications or exceptions proposed by the Bidder to this IFB should be submitted in writing using the process set forth in [Section 5.2](#) (Questions) prior to the deadline for submission of written questions indicated in [Section 1](#) (Calendar of Events). Any amendments DOH makes to the IFB as a result of questions and answers will be publicized on the DOH web site.

2.3 Term of the Agreement

This contract term is expected to be for a period of five (5) years commencing on the date shown on the Calendar of Events in [Section 1](#), subject to the availability of sufficient funding, successful Contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

3. MINIMUM QUALIFICATIONS TO BID

3.1 Mandatory Site Visit

Due to the complex nature of the facilities, site visits to the two (2) locations is **MANDATORY** prior to submitting a bid. The schedule for the Mandatory Site Visit is shown in the Calendar of Events in [Section 1](#). Site visits are currently planned on multiple days.

A bidder is only allowed to attend one day of this mandatory event. All bidders must contact Anthony Saouma between 9:00AM and 5:00PM, Monday through Friday at (518) 474-1002 to confirm their intent to participate by January 5, 2023 at 5:00pm EST.

An itinerary for the site visit will be provided at that time. The site visit will be held at the David Axelrod Institute and Griffin Laboratories. Any bids received from vendors who have not attended one of the mandatory site visits will be rejected and not eligible for award. Photo identification is required for site visits.

3.2 Mandatory Qualifications

DOH will accept bids from vendors with the following types and levels of experience as a prime Contractor.

- A bidder must have a minimum of ten (10) years verifiable experience performing preventive and corrective maintenance of geared traction and hydraulic elevator equipment as shown in the Wadsworth Center equipment list below in Section 4.
- A bidder must submit references using Attachment 9 (References), that can confirm the bidder possess the experience listed in the first bullet.

Failure to meet these Minimum Qualifications will result in a bid being found non-responsive and eliminated from consideration.

4. DETAILED SPECIFICATIONS

This section describes the elevator services that are required to be provided by the selected Vendor. The selected Bidder must be able to provide all of these services throughout the contract term.

The terms “bidders”, “vendors”, and “proposers” are also used interchangeably. For purposes of this IFB, the use of the terms “shall”, “must” and “will” are used interchangeably when describing

The Contractor must have sufficiently qualified, trained and capable staff to fulfill the requirements of this contract and to respond to all emergency callbacks. The Contractor’s staff

must, at all times, wear a uniform which displays the company name when in or on the grounds of either laboratory location. Badges will need to be displayed on the Contractor's staff at all times when on the grounds or in either facility. The Contractor's staff shall follow the Wadsworth Center's Contractor sign-in entry procedure for all visits to the sites. The procedure will be provided to the Contractor prior to the start of work. In addition, the Contractor's staff will adhere to all WC safety and security procedures. These will also be provided to and reviewed with the Contractor prior to the start of work.

The Contractor will provide the qualifications and experience of all the staff assigned to the contract for the Department Manager or their designee's review prior to the start of work. The Department reserves the right to reject any employee of the Contractor at any time and require their immediate replacement with staff acceptable to the Department.

For Preventative Maintenance:

Work shall be performed between the hours of 7am and 6pm EST, Monday through Friday, excluding designated New York State Holidays. These State Holidays are:

New Year's Day (January 1)
Martin Luther King's Birthday (3rd Monday in January)
Lincoln's Birthday (February 12)
Washington's Birthday (3rd Monday in February)
Memorial Day (last Monday in May)
Juneteenth (June 19)
Independence Day (July 4)
Labor Day (1st Monday in September)
Columbus Day (2nd Monday in October)
Veterans' Day (November 11)
Thanksgiving Day (4th Thursday in November)
Christmas Day (December 25)

A minimum of a 24 hour's prior notification to the Department Manager or their designee is required before entering the building to perform preventative maintenance work.

For Emergency Callback Service:

All elevators listed in Section 2.1 Introductory Background are deemed essential to continued operation of each site and the Wadsworth Center. Therefore, the Contractor shall provide 24-hour-a-day, 7 days-a week, emergency callback service under which a journeyman elevator mechanic will report to the site of the emergency when requested by the Department Manager or their designee within one (1) hour after receipt of request for any stalled elevator with trapped passengers or any other elevator equipment designated in the Contract as being essential. The Contractor must submit their corrective action plan for repairs that could not be addressed at the time of response with labor and material costs to the Department Manager or designee by the end of the following working day, unless otherwise approved by the Department Manager or designee.

4.1 Scope of Work

The preventive maintenance specified herein is considered the minimum for all equipment. If specific equipment covered by this contract requires additional preventive maintenance for safe

reliable operation, as specified by the manufacturer or the applicable ASME code, the Contractor shall perform the required additional preventive maintenance without additional cost to the Department. A list of all tasks performed during routine preventive maintenance shall be submitted to the Department Manager or designee for approval within ten (10) days of award of contract.

Table 1: Geared Traction Elevator Equipment

Facility Name	Elevator Number	Passenger or Freight	Mfr	Floors Served	Speed (Fpm)	Rated Load (pounds)	Freight Class	Essential	Estimated Hours of MCM**
DAI	E11506	Passenger	Dover BSE#C	7	350	5000	A	Y	32
DAI	E11507	Passenger	Dover BSE#C	6	350	5000	A	Y	32
DAI	E11508	Passenger	Dover BSE#C	6	350	2500	A	Y	32
DAI	E11509	Passenger	Dover BSE#C	6	350	2500	A	Y	32
Griffin	E212276	Passenger	Otis #212276	4	99	2500	A	Y	32

Table 2: Hydraulic Elevator Equipment

Facility Name	Elevator Number	Passenger or Freight	Mfr	Floors Served	Speed (Fpm)	Rated Load (pounds)	Freight Class	Essential	Estimated Hours of MCM**
DAI	E11553	Freight	Gillespie BSE #C-11553	2	25	2600	A	Y	32

***Estimated Hours of MCM is the number of hours of Major Corrective Maintenance that the Department anticipates that the Contractor will have to perform in one (1) year of service. This number is given as the estimated number of hours per year per piece of Lift Equipment and is listed separately for each piece of Lift Equipment. These numbers are estimates only and do not represent a commitment or guarantee to utilize a specific number of hours or work to be performed. Actual number of MCM hours may vary. The Department will only pay for actuals that have been completed to the satisfaction of the Department.*

4.2 PREVAILING WAGE RATE

A Prevailing Rate Case Number (PRC#2022009379) has been assigned to this project. Part of the requirements of Article 8 (Sections 220-223) and Article 9 (Sections 230-239) of the New York State Labor Law, requires public work Contractors and subcontractors to pay laborers, workers or mechanics employed in the performance of a public work contract not less than the prevailing rate of wage and to provide supplements (fringe benefits) in accordance with prevailing practices in the locality where the work is performed. Prevailing wage rates for Albany County can be found at www.labor.state.ny.us. At a minimum, the Contractor must compensate employees provided under this contract the prevailing wage rate.

5. ADMINISTRATIVE INFORMATION

The following administrative information will apply to this IFB. Failure to comply fully with this information may result in disqualification of your bid.

5.1 Restricted Period

“Restricted period” means the period of time commencing with the earliest written notice, advertisement, or solicitation of a Request for Proposals (“RFP”), Invitation for Bids (“IFB”), or solicitation of proposals, or any other method for soliciting a response from Bidders intending to result in a procurement contract with DOH and ending with the final contract award and approval by DOH and, where applicable, final contract approval by the Office of the State Comptroller.

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies a designated contact on face page of this IFB to whom all communications attempting to influence this procurement must be made.

This prohibition applies to any oral, written, or electronic communication under circumstances where a reasonable person would infer that the communication was intended to influence this procurement. Violation of any of the requirements described in this Section may be grounds for a determination that the Bidder is non-responsible and therefore ineligible for this contract award. Two violations within four years of the rules against impermissible contacts during the “restricted period” may result in the violator being debarred from participating in DOH procurements for a period of four years.

5.2 Questions

There will be an opportunity available for submission of written questions and requests for clarification pertaining to this IFB. All questions and requests for clarification of this IFB should cite the relevant IFB, IFB number, section and paragraph number where applicable and must be submitted via email to WCEL@health.ny.gov. It is the Bidder’s responsibility to ensure that email containing written questions and/or requests for clarification is received at the above address no later than the Deadline for Submission of Written Questions as specified in [Section 1](#) (Calendar of Events). Questions received after the deadline may **not** be answered.

5.3 Right to Modify IFB

DOH reserves the right to modify any part of this IFB, including but not limited to, the date and time by which bids must be submitted and received by DOH, at any time prior to the Deadline for Submission of Bids listed in [Section 1](#), (Calendar of Events). Modifications to this IFB shall be made by issuance of amendments and/or addenda.

Prior to the Deadline for Submission of Bids, any such clarifications or modifications as deemed necessary by DOH will be posted to the DOH website.

If the Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this IFB, the Bidder shall immediately notify DOH of such error in writing at WCEL@health.ny.gov and request clarification or modification of the document.

If, prior to the Deadline for Submission of Bids, a Bidder fails to notify DOH of a known error or an error that reasonably should have been known, the Bidder shall assume the risk of bidding. If awarded the contract, the Bidder shall not be entitled to additional compensation by reason of the error or its correction.

5.4 Payment

The Contractor shall submit invoices and/or vouchers to the State's designated payment office. The Preferred Method is to Email a .pdf copy of your signed voucher to the Business Services Center (BSC) at:

AccountsPayable@ogs.ny.gov with a subject field; Subject: Unit ID: 3450297 Contract #_TBD__

The Alternate Method is to Mail vouchers to BSC at the following U.S. postal address:

**NYS Department of Health
Unit ID 3450297
c/o NYS OGS BSC Accounts Payable
Building 5, 5th Floor
1220 Washington Ave.
Albany, NY 12226-1900**

Payment for invoices and/or vouchers submitted by the CONTRACTOR shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The CONTRACTOR shall comply with the State Comptroller's procedures to authorize electronic payments.

Authorization forms are available at the State Comptroller's website at [State Vendors | Office of the New York State Comptroller](#), by email at Helpdesk@sfs.ny.gov or by telephone at 518-457-7717 or toll free at 855-233-8363. CONTRACTOR acknowledges that it will not receive payment on any invoices and/or vouchers submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

In addition to the Electronic Payment Authorization Form, a Substitute Form W-9 must be on file with the Office of the State Comptroller, Bureau of Accounting Operations. Additional information and procedures for enrollment can be found at [State Vendors | Office of the New York State Comptroller](#).

Completed W-9 forms should be submitted to the following address:

NYS Office of the State Comptroller
Bureau of Accounting Operations
Warrant & Payment Control Unit
110 State Street, 9th Floor
Albany, NY 12236

Payment of such invoices and/or vouchers by the State (NYS Department of Health) shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be:

The Contractor will bill for actual expenses that have been incurred. The Contractor will submit monthly invoices, based upon the all-inclusive Monthly Maintenance and Fire Services Testing Fee as well as the actual number of hours billed at the hourly Labor rate and the actual material repair parts* cost plus markup rates as detailed in Attachment B of Appendix C of this contract. Invoices are due 30 days after the completion of service and must be accompanied by a New York State Claim for Payment (form AC3253-S) to ensure payment. Claims for Payment received without the required documents will be held for payment until the documents are received and reviewed for accuracy and completeness.

*Note: The Department estimates \$60,000 per year in material repair parts for all six (6) elevators combined. Actual amount for material repair parts may vary from year to year. The Department will only pay for actual cost of the material repair parts utilized to complete the work to the satisfaction of the Department.

5.5 Minority & Woman-Owned Business Enterprise Requirements

Pursuant to New York State Executive Law Article 15-A, the New York State Department of Health (“DOH”) recognizes its obligation to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of DOH contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" (“Disparity Study”). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DOH establish goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises (“MWBE”) and the employment of minority groups members and women in the performance of New York State contracts.

New York State certified Minority- and Women-Owned Businesses (M/WBE) may request that their firm’s contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department’s website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to WCEL@health.ny.gov before the Deadline for Questions as specified in [Section 1](#). (Calendar of Events). Nothing prohibits an M/WBE Vendor from proposing as a prime contractor.

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.)

5.6 Equal Employment Opportunity (EEO) Reporting

By submission of a bid in response to this solicitation, the Bidder agrees with all of the terms and conditions of [Attachment 8](#) Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. Additionally, the successful bidder will be required to certify they have an acceptable EEO (Equal Employment Opportunity) policy statement in accordance with Section III of Appendix M in [Attachment 8](#).

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 subcontractors 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.

The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 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 Contractor, 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.

To ensure compliance with this Section, the Bidder should submit with the bid or proposal an Equal Employment Opportunity Staffing Plan ([Attachment 5](#), Form #4) identifying the anticipated work force to be utilized on the Contract. Additionally, the Bidder should submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement ([Attachment 5](#), Form # 5), to DOH with their bid.

5.7 Sales and Compensating Use Tax Certification (Tax Law, § 5-a)

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain contractors awarded state contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax and Finance (DTF) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to contracts where the total amount of such contractors' sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

This law imposes upon certain contractors the obligation to certify whether or not the contractor, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax and contractors must certify to DTF that each affiliate and subcontractor exceeding such sales threshold is registered with DTF to collect New York State and local sales and compensating use taxes. The law prohibits the State Comptroller, or other approving agencies, from approving a

contract awarded to an offeror meeting the registration requirements but who is not so registered in accordance with the law.

The successful Bidder must file a properly completed Form ST-220-CA with the Department of Health and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link:
<http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Forms are available through these links:

- ST-220 CA: http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf
- ST-220 TD: http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

5.8 Contract Insurance Requirements

Prior to the start of work under this Contract, the CONTRACTOR shall procure, at its sole cost and expense, and shall maintain in force at all times during the term of this Contract, insurance of the types and in the amounts set forth in [Attachment 8](#), the New York State Department of Health Contract, Section IV.

5.9 Subcontracting

No subcontracting is allowed.

5.10 DOH'S Reserved Rights

The Department of Health reserves the right to:

1. Reject any or all bids received in response to the IFB;
2. Withdraw the IFB at any time, at the agency's sole discretion;
3. Make an award under the IFB in whole or in part;
4. Disqualify any bidder whose conduct and/or bid fails to conform to the requirements of the IFB;
5. Seek clarifications and revisions of bids;
6. Use bid 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 the agency's request for clarifying information in the course of evaluation and/or selection under the IFB;
7. Prior to the bid opening, amend the IFB specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the bid opening, direct bidders to submit bid modifications addressing subsequent IFB amendments;
9. Change any of the scheduled dates;
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders;
11. Waive any requirements that are not material;
12. Negotiate with the successful bidder within the scope of the IFB in the best interests of the state;
13. Conduct contract negotiations with the next responsible Bidder, should the Department be unsuccessful in negotiating with the selected bidder;
14. Utilize any and all ideas submitted in the bids received;

15. Every offer shall be firm and not revocable for a period of three hundred and sixty-five days (365) from the bid opening, to the extent not inconsistent with section 2-205 of the uniform commercial code. Subsequent to such three hundred and sixty-five days (365), any offer is subject to withdrawal communicated in a writing signed by the bidder; and,
16. 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 a bidder's bid and/or to determine a bidder's compliance with the requirements of the solicitation.

5.11 Freedom of Information Law ("FOIL")

All bids may be disclosed or used by DOH to the extent permitted by law. DOH may disclose a bid to any person for the purpose of assisting in evaluating the bid or for any other lawful purpose. All bids will become State agency records, which will be available to the public in accordance with the Freedom of Information Law. **Any portion of the bid that a Bidder believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the bid as directed in Section 6.2.6 of the IFB.** If DOH agrees with the proprietary claim, the designated portion of the bid will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

5.12 Lobbying

Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005, made significant changes as it pertains to development of procurement contracts with governmental entities. These changes include:

- a) making the lobbying law applicable to attempts to influence procurement contracts once the procurement process has been commenced by a state agency, unified court system, state legislature, public authority, certain industrial development agencies and local benefit corporations;
- b) requiring the above-mentioned governmental entities to record all contacts made by lobbyists and contractors about a governmental procurement so that the public knows who is contacting governmental entities about procurements;
- c) requiring governmental entities to designate persons who generally may be the only staff contacted relative to the governmental procurement by that entity in a restricted period;
- d) authorizing the New York State Commission on Public Integrity, (now New York State Joint Commission on Public Ethics), to impose fines and penalties against persons/organizations engaging in impermissible contacts about a governmental procurement and provides for the debarment of repeat violators;
- e) directing the Office of General Services to disclose and maintain a list of non-responsible bidders pursuant to this new law and those who have been debarred and publish such list on its website;

- f) requiring the timely disclosure of accurate and complete information from offerors with respect to determinations of non-responsibility and debarment; (Bidders responding to this IFB should submit a completed and signed Attachment 1, "Prior Non-Responsibility Determination".)
- g) increasing the monetary threshold which triggers a lobbyist's obligations under the Lobbying Act from \$2,000 to \$5,000; and
- h) establishing the Advisory Council on Procurement Lobbying.

Subsequently, Chapter 14 of the Laws of 2007 amended the Lobbying Act of the Legislative Law, particularly as it related to specific aspects of procurements as follows: (i) prohibiting lobbyists from entering into retainer agreements on the outcome of government grant making or other agreement involving public funding; and (ii) reporting lobbying efforts for grants, loans and other disbursements of public funds over \$15,000.

The most notable, however, was the increased penalties provided under Section 20 of Chapter 14 of the Laws of 2007, which replaced old penalty provisions and the addition of a suspension option for lobbyists engaged in repeated violations. Further amendments to the Lobbying Act were made in Chapter 4 of the Laws of 2010.

Questions regarding the registration and operation of the Lobbying Act should be directed to the New York State Joint Commission on Public Ethics.

5.13 State Finance Law Consultant Disclosure Provisions

In accordance with New York State Finance Law Section 163(4)(g), State agencies must require all contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract.

The successful bidder for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment From Contract Start Date through End of Contract Term" in order to be eligible for a contract.

The successful winning bidder must also agree to complete a "State Consultant Services Form B, Contractor's Annual Employment Report" for each state fiscal year included in the resulting contract. This report must be submitted annually to the Department of Health, the Office of the State Comptroller, and Department of Civil Service.

State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report may be accessed electronically at:

<http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and
<http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.

5.14 Debriefing

Once an award has been made, bidders may request a debriefing of their bid. Please note the debriefing will be limited only to the vendor's bid and will not include any discussion of other bids. Requests must be received no later than fifteen (15) business days from date of award or non-award announcement.

5.15 Protest Procedures

In the event unsuccessful bidders wish to protest the award resulting from this IFB, bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO). Available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

5.16 Iran Divestment Act

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerors Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website (currently found at this address: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>) and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should DOH receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DOH will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DOH shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default. DOH reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

5.17 Piggybacking

New York State Finance Law section 163(10)(e) (see also <https://ogs.ny.gov/procurement/piggybacking-using-other-existing-contracts-0>) allows the Commissioner of the NYS Office of General Services to consent to the use of this contract by other New York State Agencies, and other authorized purchasers, subject to conditions and the Contractor's consent.

5.18 Encourage Use of New York Businesses in Contract Performance

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers 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. All bidders should complete [Attachment 6](#), Encouraging Use of New

York Businesses in Contract Performance, to indicate their intent to use/not use New York Businesses in the performance of this contract.

5.19 Participation Opportunities for NYS Certified Service-Disabled Veteran-Owned Businesses

Article 17-B of the New York State Executive 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. DOH 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 DOH 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 Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, DOH 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/>

Bidders are 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.

5.20 Vendor Assurance of No-Conflict of Interest or Detrimental Effect

All bidders responding to this solicitation should submit [Attachment 4](#) to attest that their performance of the services outlined in this IFB does not create a conflict of interest and that the bidder will not act in any manner that is detrimental to any other State project on which they are rendering services.

5.21 EO 177 Prohibiting Contracts with Entities that Support Discrimination

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics. In accordance with Executive Order No. 177, the Offeror certifies that they do not have institutional policies or practices that fail to address those protected status under the Human Rights Law.

5.22 Executive Order 16 Prohibiting Contracts with Businesses Conducting Business in Russia

All Bidders responding to this solicitation should submit [Attachment 12](#) certifying the status of their business operations in Russia, if any, pursuant to Executive Order 16.

6. BID FORMAT AND CONTENT

The following includes the requested format and information that should be provided by each Bidder. Bidders responding to this IFB must satisfy all requirements stated in this IFB. All Bidders are requested to submit complete Bid packages. A bid that is incomplete in any material respect may be rejected.

To expedite review of the bids, Bidders are requested to submit bids as summarized in [Attachment A](#), Bid Submittal Document Checklist. This separation of information will facilitate the review of the material requested. No information beyond that specifically requested is required, and Bidders are requested to keep their submissions to the shortest length consistent with making a complete presentation of qualifications.

DOH will not be responsible for expenses incurred in preparing and submitting the Bid Packages. Such costs should not be included in the Bid.

6.1 Mandatory Bid Requirements

The purpose of the Bid Package is to demonstrate the qualifications, competence, and capacity of the Bidder to provide the commodity or services contained in this IFB. A Bid Package that is incomplete in any material respect will be eliminated from consideration. The following outlines the required information to be provided, in the following order, by Bidders. The information requested should be provided in the prescribed format. Responses that do not follow the prescribed format may be eliminated from consideration. All responses to the IFB are subject to verification for accuracy.

6.1.1 Mandatory Site Visit

Bidders must attend the Mandatory Site Visit and must attend and sign in at each location.

6.1.2 Bidders Minimum Qualifications to Propose

Bidders must submit a narrative describing how they meet the Mandatory Qualifications listed below. The narrative should not exceed five (5) single-spaced pages

- A bidder must have A minimum of ten (10) years verifiable experience performing preventive and corrective maintenance of geared traction and hydraulic elevator equipment as shown in the Wadsworth Center equipment list in Section 4.
- A bidder must provide references using [Attachment 9](#), (References) that can confirm the bidder possess the experience listed above. Bidders must provide firm names, addresses, contact names, telephone numbers, and email addresses.

6.1.3 Bid Form – Attachment B

Bidder must submit a completed and signed Bid Form. The Bid Form must comply with the format and content requirements as detailed in this document and in [Attachment B](#). Failure to comply with the format and content requirements may result in disqualification.

Bidder must propose an all-inclusive Monthly Maintenance Fee, Fire Service Testing Fee, Labor Rate, and Materials Mark up rates that will cover all the costs related to furnishing all of the services specified in this IFB, including but not limited to all labor, material and supplies, all emergency work and special requests; all administrative, reporting or other requirements; all overhead costs and profit, all travel costs, freight, parking fees, and any other ancillary fees and costs including permits, licenses, insurance, etc. for the equipment listed in the Tables in Attachment B to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

The Department estimates \$60,000 per year in material repair parts for all six (6) elevators combined. The number is an estimate only and does not represent a commitment or guarantee of materials to be needed. Actual numbers may vary. The Department will only pay for actual cost of the material repair parts utilized to complete the work to the satisfaction of the Department.

6.2 Other Bid Documents

6.2.1 Bidder’s Disclosure of Prior Non-Responsibility Determinations

Submit a completed and signed [Attachment 1](#), “Bidder’s Disclosure of Prior Non-Responsibility Determination”.

6.2.2 Vendor Responsibility Attestation

Complete, certify, and file a New York State Vendor Responsibility Questionnaire. DOH recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions at http://www.osc.state.ny.us/vendrep/info_vrsystem.htm or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the OSC Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, www.osc.state.ny.us/vendrep, or may contact the Office of the State Comptroller’s Help Desk for a copy of the paper form. Bidder’s should complete and submit the [Vendor Responsibility Attestation](#).

6.2.3 Conflict of Interest or Detrimental Effect

Submit [Attachment 4](#), Vendor’s Assurance of No Conflict of Interest or Detrimental Effect, which includes information regarding the Bidder, members, shareholders, parents, affiliates or subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Bidder contractually.

6.2.4 M/WBE Forms

Submit completed Form #4 and Form #5 as directed in [Attachment 5](#), “New York State DOH M/WBE IFB Required Forms”.

6.2.5 Encourage Use of New York Businesses in Contract Performance

Submit [Attachment 6](#) “Encouraging Use of New York State Businesses in Contract Performance” to indicate which New York State Businesses you will use in the performance of the contract.

6.2.6 Freedom of Information Law – Bid Redactions

Bidders must clearly and specifically identify any portion of the bid that a Bidder believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law. [Section 5.11](#), (Freedom of Information Law).

6.2.7 Bidder’s Certified Statements

Submit [Attachment 7](#), “Bidder’s Certified Statements”, which includes information regarding the Bidder. [Attachment 7](#) must be signed by an individual authorized to bind the Bidder contractually. Please indicate the title or position that the signer holds with the Bidder. DOH reserves the right to reject a bid that contains an incomplete, unsigned or no [Attachment 7](#).

6.2.8 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

Submit [Attachment 11](#) certifying 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

6.2.9 Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia

Submit [Attachment 12](#) certifying the status of their business operations in Russia, if any, pursuant to Executive Order 16.

7. BID SUBMISSION

The table below outlines the requested format and volume for submission of each part. Bids should be submitted in all formats as prescribed below.

	Paper Submission
Bid Package	2 Originals 2 Copies

1. All hard copy bid materials should be printed on 8.5" x 11" white paper (single sided), be clearly page numbered on the bottom of each page with appropriate header and footer information and presented separately, in three-ring binders if necessary.
2. A type size of eleven (11) points or larger should be used;
3. The Bid submission should be submitted in a sealed envelope or box.
4. Where signatures are required, the bids designated as originals should have a handwritten signature and be signed in blue ink;
5. The DOH discourages overly lengthy bids. Therefore, marketing brochures, user manuals or other materials, beyond that sufficient to present a complete bid, are not desired. Elaborate artwork or expensive paper is not necessary or desired. In order for the DOH to evaluate bids fairly and completely, bids should follow the format described in this IFB and provide all requested information;
6. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team; and
7. In the event that a discrepancy is found between the hardcopy bids, the original hardcopy #1 will prevail.

The complete bid must be received by the DOH, no later than the Deadline for Submission of Bids specified in [Section 1](#), (Calendar of Events). Late bids will not be considered.

Bids should be submitted in a clearly labeled package, prepared in accordance with the requirements stated in this IFB. Mark the outside envelope of bid as "IFB# 20215 Preventive and Corrective Maintenance Elevator Services at the David Axelrod Institute, Albany, New York and the Griffin Laboratory, Slingerlands, New York"

Bids must be submitted in a sealed package by U.S. Mail to

Attention: Anthony Saouma
New York State Department of Health
Wadsworth Center, Room E335
Empire State Plaza
Albany, NY 12237

or by courier/delivery service (e.g., FedEx, UPS, etc.) to:

Attention: Anthony Saouma
Biggs Laboratory
Wadsworth Center
NYS Department of Health
Dock J – P1 Level
Empire State Plaza
Albany, New York 12237

NOTE: You should request a receipt containing the time and date received and the signature of the receiver for all hand-deliveries and ask that this information also be written on the package(s).

The complete bid must be received by the DOH, no later than the Deadline for Submission of Bids specified in [Section 1](#), (Calendar of Events). Late bids will not be considered.

7.1 No Bid Form

Bidders choosing not to bid are requested to complete the No-Bid form [Attachment 2](#) and submit by the due date. This information helps to enhance future mailing lists for the Department.

8. METHOD OF AWARD

At the discretion of the Department of Health, all bids may be rejected. The Department will award one contract as described in this IFB to the responsible and responsive Bidder who offers the lowest total bid price.

In the event of a tie, the tied Bidders will be given the opportunity to provide their best and final bid price to the Department, and after evaluation of these revised bids, the award will then be made to the lowest Bidder.

8.1 General Information

Once a Bidder is selected, the Department of Health will issue a contract to the vendor. In order to be considered responsible and responsive, the bid must include all Invitation for Bids (IFB) required documents and meet the minimum qualifications as stated in the IFB.

Bidders may be requested by DOH to clarify the contents of their bids. Other than to provide such information as may be requested by DOH, no Bidder will be allowed to alter its bid after the Deadline for Submission of Proposals listed in [Section 1](#). (Calendar of Events).

8.2 Submission Review

DOH will examine all bids that are received in a proper and timely manner. The bid containing the lowest total price offered will be further evaluated to determine if it meets all bid submission requirements, as described in [Section 6](#) (Bid Format and Content) and [Section 7](#) (Bid Submission) for award. That process will be followed until an award is made.

8.3 Award Recommendation

The Evaluation Committee will submit a recommendation for award to the responsible and responsive Bidder with the lowest total bid.

The Department will notify the awarded Bidder and Bidders not awarded. The awarded Bidder will enter into a written Agreement substantially in accordance with the terms of Attachment 8, DOH Agreement, to provide the required services as specified in this IFB. The resultant contract shall not be binding until fully executed and approved by the New York State Office of the Attorney General and the Office of the State Comptroller.

9. ATTACHMENTS

The following attachments are included in this IFB and are available via hyperlink or can be found at: <https://www.health.ny.gov/funding/forms/>.

1. [Bidder's Disclosure of Prior Non-Responsibility Determination](#)
2. [No-Bid Form](#)
3. [Vendor Responsibility Attestation](#)
4. [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
5. [Guide to New York State DOH M/WBE Required Forms & Forms](#)
6. [Encouraging Use of New York Businesses in Contract Performance](#)
7. [Bidder's Certified Statements](#)
8. [DOH Agreement](#) (Standard Contract)
9. [References](#)
10. [Diversity Practices Questionnaire](#)
11. [Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination](#)
12. [Executive Order 16 Prohibiting Contracts with Businesses Conducting Business in Russia](#)

The following attachments are attached and included in this IFB:

- A. Proposal Document Checklist
- B. Bid Form

ATTACHMENT A
BID SUBMITTAL DOCUMENT CHECKLIST

Please reference Section 7.0 for the appropriate format and quantities for each proposal submission.

IFB# 20215 Preventive and Corrective Maintenance Elevator Services at the David Axelrod Institute, Albany, New York and the Griffin Laboratory, Slingerlands, New York		
FOR THE BID PACKAGE		
IFB §	MANDATORY REQUIREMENTS	INCLUDED
§ 6.1.1	Mandatory Site Visit	<input type="checkbox"/>
§ 6.1.2	Documentation of Bidder's Eligibility	<input type="checkbox"/>
	Attachment 9 – References	<input type="checkbox"/>
§ 6.1.3	Attachment B- Bid Form	<input type="checkbox"/>
IFB §	OTHER BID DOCUMENTS	INCLUDED
§ 6.2.1	Attachment 1- Bidder's Disclosure of Prior Non-Responsibility Determinations, completed and signed	<input type="checkbox"/>
§ 6.2.2	Attachment 3- Vendor Responsibility Attestation	<input type="checkbox"/>
§ 6.2.3	Attachment 4 – Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.2.4	Attachment 5 – M/WBE Forms	<input type="checkbox"/>
§ 6.2.5	Attachment 6 – Encourage Use of New York Businesses	<input type="checkbox"/>
§ 6.2.6	FOIL	<input type="checkbox"/>
§ 6.2.7	Attachment 7 – Bidder's Certified Statements, completed and signed	<input type="checkbox"/>
§ 6.2.8	Attachment 11- Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
§ 6.2.9	Attachment 12 – Executive Order 16 Prohibiting Contracts with Entities Conducting Business in Russia	<input type="checkbox"/>

ATTACHMENT B
New York State Department of Health
BID FORM

Preventive and Corrective Maintenance Elevator Services
at the David Axelrod Institute, Albany, New York and
the Griffin Laboratory, Slingerlands, New York
IFB # 20215

Bidder must propose an all-inclusive Monthly Maintenance Fee, Fire Service Testing Fee, Labor Rate, and Materials Markup rates that will cover all the costs related to furnishing all of the services specified in this IFB, including but not limited to all labor, material and supplies, all emergency work and special requests; all administrative, reporting or other requirements; all overhead costs and profit, all travel costs, freight, parking fees, and any other ancillary fees and costs including permits, licenses, insurance, etc. for the equipment listed in the Tables below

The Department estimates \$60,000 per year in material repair parts for all six (6) elevators combined. The number is an estimate only and does not represent a commitment or guarantee of materials to be needed. Actual numbers may vary. The Department will only pay for actual cost of the material repair parts utilized to complete the work to the satisfaction of the Department.

Table 8: Geared Traction Elevator Equipment

Lot	Facility Name	Elevator Number	Monthly Maintenance Fee (\$ per month)	Fire Service Testing Fee (\$ per month)	Labor Rate (\$ per hour)	Materials*** * Markup Rate (%)
1	DAI	E11506				
1	DAI	E11507				
1	DAI	E11508				
1	DAI	E11509				
1	Griffin	E212276				

Table 10: Hydraulic Elevator Equipment

Lot	Facility Name	Elevator Number	Monthly Maintenance Fee (\$ per month)	Fire Service Testing Fee (\$ per month)	Labor Rate (\$ per hour)	Materials*** Markup Rate (%)
2	DAI	E11553				

By signing below, the Bidder agrees to **all** the specifications and attest to the accuracy of the information included in this Bid.

Signature of Bidder's Authorized Representative _____
Date

Printed Name of Signatory: _____

Title: _____

Telephone Number: _____