



**Commercial Real Estate Brokerage Services
Request for Proposals**

April 2024

Section 1: Introduction

Capitalize Albany Corporation (“Corporation”) is seeking proposals (“Proposals”) from qualified and licensed commercial real estate brokerage firms to establish a contract for Commercial Real Estate Brokerage Services for an initial period of 1 year which term may be extended for an additional twelve months in the sole discretion of the Corporation. The successful respondent will be retained to represent the Corporation in the marketing and sale or lease of up to four (4) Corporation-owned buildings and seven (7) immediately adjacent parcels in the Liberty Park section of Downtown Albany, NY; the Corporation may elect to negotiate a scope expansion to include additional parcels and structures.

Capitalize Albany is seeking brokers with experience in marketing, leasing and selling properties for owners with diverse portfolios of properties to best position these properties to be successfully redeveloped. The broker should have familiarity with laws and practices applicable to municipal real estate matters, including relevant local land use and zoning controls for properties as governed by the City of Albany City Code, which is available online at <https://www.albanyny.gov>.

Please note that the Corporation has a current contract with a multi-disciplinary Real Estate Development Advisory team and is in the process of drafting the Request for Proposals for Acquisition & Redevelopment of the properties. The purpose of this current Request for Proposals for Commercial Real Estate Brokerage Services (“RFP”) is to identify and select a broker to successfully market the Request for Proposals for Acquisition & Redevelopment and the subject buildings/properties to local, regional and national developers for redevelopment/reuse.

Established in 1979, Capitalize Albany Corporation is a 501(c)(3) not-for-profit corporation and local public authority whose mission is to facilitate strategic economic development and stimulate transformative investment throughout the City of Albany, making New York’s Capital a vibrant place to thrive.

This Project is funded by a grant from the Upstate Revitalization Initiative (“URI”) through Empire State Development (“ESD”), and related State of New York compliance and reporting requirements may apply.

Proposal Selection Timeline:

<u>RFP Issue Date:</u>	April 17, 2024	<u>Review Proposals:</u>	Week of May 6, 2024
<u>Question Submittal Deadline:</u>	April 22, 2024, 4 p.m. EST	<u>Conduct Interviews:</u>	May 8-9, 2024
<u>Webinar Registration Deadline:</u>	April 23, 2024, 4 p.m. EST	<u>Finalist Selected*:</u>	Week of May 13, 2024
<u>Information Webinar Session:</u>	April 24, 2024, 3 p.m. EST	<u>Board Approval:</u>	May 21, 2024
<u>Proposal Submittal Deadline:</u>	May 6, 2024, 4 p.m. EST	<u>Contract Start Date:</u>	May 28, 2024

* See Section 7 for more information on the Evaluation and Selection Process

Section 2: Background

Since 2019, with support from the State of New York and Empire State Development, Capitalize Albany Corporation has been acquiring parcels within an approximately eight (8) acre area of the Liberty Park district of Downtown Albany with the goal of marketing the sites and buildings for private reuse in order to further the region’s economic development goals. This development district presents one of the largest, most potentially impactful, development opportunities within the downtown core of New York’s capital city and is currently comprised of multiple surface parking lots and four long-vacant buildings. The area is generally bound by Broadway to the East, Hudson Avenue to the North, Hamilton and Pruyn Street to the South and Green Street to the West. A map of the parcels acquired along with site photos is included in Schedule A. Many of these sites were originally acquired by the Albany Convention Center Authority (ACCA) and sold to the Corporation after plans to construct a new convention center on the site shifted, and the Albany Capital Center was constructed and completed in 2017. Several parcels within the area are not intended for redevelopment by Capitalize Albany, including the historic Van Ostrande-Radliff House located at 48 Hudson, which has a historic restoration underway led by the Historic Albany Foundation.

The four (4) buildings and seven (7) immediately adjacent sites included in the Request for Proposals for Acquisition & Redevelopment and to be marketed under this contract for commercial real estate brokerage services are long-vacant properties that the Corporation is

eager to list as soon as possible, but as the economic development entity for the City the Corporation is committed to selecting Developer(s) for the buildings that propose redevelopment/reuse concepts and terms that present the highest and best use opportunities and potential for community-wide benefits and economic impact. The properties to be marketed include the following:

BUILDINGS	
BUILDING ONE - TRAILWAYS BUILDING	
Previous Use: Bus Station Address: 358 Broadway Tax Parcel #: 76.42-5-44 Year Built: 1963 Acreage: 0.25 AC	Building Height: Stories: 2 Feet: 34 Building Area Floor Plate: 1 st Floor 4,020 SF; 2 nd Floor 9,794 SF Total: 13,814 SF
BUILDING TWO	
Other Names: National Casket, DeFrest Bldg Previous Uses: Manufacturing, Warehouse, Office Address: 322-324 Broadway/2 E-Comm Sq/2 City Square Tax Parcel #: 76.11-1-8 Year Built: 1917 Acreage: 0.14 AC	Building Height Stories: 4 Feet: 54 Building Area Floor Plate: 5,500 SF Total: 22,000 SF
BUILDING THREE	
Other Names: Fuld & Hatch Knitting Co, Vogel Van & Storage Previous Uses: Manufacturing, Warehouse, Office Address: 11 Pruyn Street/3 City Square Tax Parcel #: 76.11-1-7 Year Built: 1890 Acreage: 0.44 AC	Building Height Stories: 5 Feet: 66 Building Area Floor Plate: 17,600 SF, 3,100 5th Floor Total: 73,500 SF
BUILDING FOUR	
Other Names: Empire Hat and Cap Co. Previous Uses: Manufacturing, Warehouse, Office, Restaurant (1st Floor) Address: 4 E-Comm Sq/1 City Square Tax Parcel #: 76.50-1-34 Year Built: 1849 Acreage: 0.08 AC	Building Height Stories: 5 Feet: 54 Building Area Floor Plate: 3,200 SF Total: 12,800 SF

PARCELS	
PARCEL ONE 346 Broadway Tax Parcel #: 76.50-1-31 Acreage: 0.13 AC	PARCEL TWO 342 Broadway Tax Parcel #: 76.50-1-32 Acreage: 0.11 AC

<p>PARCEL THREE 338 Broadway Tax Parcel #: 76.50-1-33 Acreage: 0.25 AC</p>	<p>PARCEL FOUR 330 Broadway Tax Parcel #: 76.50-1-35 Acreage: 0.01 AC</p>
<p>PARCEL FIVE 5 Pruyn Street Tax Parcel #: 76.11-1.13 Acreage: 0.10 AC</p>	<p>PARCEL SIX 3 E-Comm Square Tax Parcel #: 76.11-1-9 Acreage: 0.05 AC</p>
<p>PARCEL SEVEN 310 Broadway Tax Parcel #: 76.11-1-10 Acreage: 0.28 AC</p>	

The properties, including buildings/improvements are to be marketed in “as-is” condition and the Corporation makes no representation or warranty of any kind related to the title or condition of the properties/buildings which are the subject of this RFP (or any other properties/buildings). Additionally, Capitalize Albany makes no representation or warranty about accuracy of the property/building information provided in this RFP.

Section 3: Scope of Work

The selected vendor will be responsible for providing support to the Capitalize Albany staff and Board in analyzing, negotiating, and closing on the lease and/or sale of the properties identified above. Described below are the minimum services Capitalize Albany Corporation expects in establishing an agreement with the Broker. Services include, but are not limited to the following:

- A. **Kick-Off Meeting.** The Broker and its staff will meet with the Capitalize Albany Corporation to discuss the expectations of all parties.
- B. **Develop a Marketing Plan for the Request for Proposals for Acquisition and Redevelopment to attract and secure a Developer(s) for the properties/building(s).** The plan should employ multiple types of advertising to target potential Developers who complement the use of the site and conform to the zoning requirements. The plan and potential Developers are subject to the Capitalize Albany Corporation approval. The Broker will identify and/or coordinate the development of additional marketing materials, as necessary, including graphics and/or other materials to be used to market the site. Any and all marketing materials developed by the Broker on behalf of Capitalize Albany Corporation will become the property of the Corporation. Additionally, the Broker is expected to attend and/or host industry events, as necessary, in order to promote and market the site.
- C. **Provide Market Analyses and Pricing Guidance for the site.** Analyses should include information regarding local and national market conditions, local and national prices, and business terms. The Broker will also be expected to provide financial modeling and analyses of proposed transaction alternatives as necessary.
- D. **Provide Summarization and Analyses of Potential Developers.** Reports summarizing disposition options should include, but not limited to, a list of each potential Developer directly contacted by the Broker, asking prices, and business terms. The Broker will also be expected to provide financial modeling and analyses of proposed transaction alternatives as necessary.
- E. **Attend Meetings as Necessary.** The Broker will be expected to meet with Capitalize Albany Corporation periodically, and as needed, to provide updates of marketing activities and real estate advice related to the site. This includes participation in at least two high level executive briefings on analysis of financial and non-financial proposed terms.
- F. **Assist Capitalize Albany and counsel in the Negotiation of Lease/Sale Terms with potential Developers and/or their agents.**

- G. **Provide Services in connection with the Preparation, Drafting and Execution of Final Lease/Purchase and Sale Agreements.**
- H. **Handle all other customary activities and services associated with real estate transactions, and other services as requested.**

Contract may be extended to provide services during future phases of solicitation at the discretion of the contract parties.

Section 4: Minimum Requirements

The minimum qualifications of the Respondent shall include, but not be limited to:

1. Have capable and demonstrable experience serving as a commercial real estate broker with transactions of similar scope and complexity.
 - o Note: The successful respondent must obtain the Corporation's written consent prior to responding to or representing potential respondents/bidders to the Request for Proposals for Acquisition and Redevelopment described in Section 1.
2. Have provided services for at least three (3) comparable transactions in comparable markets and/or comparable entities.
3. Have a minimum of five (5) years of experience performing or providing services of this type.
4. All interested Respondents shall have sufficient, readily available resources in the form of trained personnel, support services, specialized Respondents and financial resources to carry out the work without delay or shortcomings.
5. Located and authorized to do business in the United States and New York State. All real estate professionals who will be retained by Capitalize Albany must be real estate brokers ("brokers") licensed and in good standing in the State of New York as of April 1, 2024 and throughout the term of the contract.

Section 5: Proposal Requirements

Respondents shall submit one electronic copy of their proposal via email or a filesharing service no later than **4 p.m. EST, Monday, May 6, 2024** to:

Email address: development@capitalizealbany.com

Subject Line: "Proposal for Liberty Park Commercial Real Estate Brokerage Firm"

Attention: Andrew Corcione, Director of Real Estate Development

All submitted proposals will be held, unopened, until **4:00 p.m. EST, Monday, May 6, 2024**.

Responses to this RFP must include the following information:

A. Letter of Submittal

The Respondent's proposal shall contain a cover letter of submittal acknowledging the Respondent's understanding of, and the requirements set forth by this Request for Proposals (RFP). The letter must be signed and dated by a person authorized to legally bind the Respondent to a contractual relationship. The letter should also contain the name and complete contact information for the principal.

B. Team Profile, Qualifications and Experience

The Respondent shall include the following:

1. Information on the Respondent, including the legal name, year firm was established, and a brief description of the company that includes size of firm and location(s).
2. Names and contact information for specific staff members who are anticipated to be assigned to the contract including Project Manager, other key personnel, support team and sub-Respondents if applicable, their role and anticipated time devoted to the project, and a detailed resume listing their individual work experience in this role on similar projects. Respondents shall provide an organizational chart indicating roles of all individuals involved in this project.

3. Overview of the Respondent's client history and description(s) of similar work conducted. Experience in assisting similar entities, including any and all services for government agencies, is preferred. List at least three similar or comparable contracts/transactions where the Respondent(s) provided similar services.

C. Contract Approach, Process and Timeline

Respondents should provide a summary of their general approach to completing the general elements of the Scope of Work. A preliminary marketing plan should be included in the Respondent's application. The marketing plan should include, but should not be limited to, the following topics:

1. A strategy to position and market the properties/buildings,
2. Broker responsibilities,
3. Sample print and electronic marketing materials, and
4. Methods to disseminate referrals and market information.

Capitalize Albany is interested in a real estate transaction process that is as publicly accessible as possible. Please propose a process and anticipated timeline that includes a discussion of how you intend to market the property, inform and update Corporation staff, and how your proposed process addresses potential issues, conflicts of interest (e.g. the broker representing a developer interested in the properties/buildings) or challenges the Corporation may anticipate in leasing and/or selling municipal property.

Please include information on additional services offered through your firm, if any, that may be relevant to the sale or lease of property

D. Cost Effectiveness

The Respondent's submission should include the proposed term and fee schedule, including your compensation structure/commission rate and any other costs for leasing or selling property and how the rate varies in the event there is another broker involved in the transaction. If the Respondent anticipates that additional services will be required to complete the work and these additional services are not outlined in the Scope of Work, the Fee Proposal should describe these additional services in a distinct and separate line item. The Corporation will review these additional services outlined in the fee proposal and determine if these services are necessary to complete the work as outlined in the Scope of Work. State any exclusions, assumptions, or qualifications to the proposal.

E. References and Quality of Performance History

The Respondent shall provide a minimum of three (3) professional references for which they have provided similar services within the past three (3) years. Please provide names and telephone numbers of contact persons for each reference.

F. Equal Employment Opportunity and MWBE (certified Minority and Women-owned Business Enterprises)

In keeping with requirements for funding from Empire State Development, Capitalize Albany Corporation shall be responsible for carrying out or causing to be carried out a program for providing for Equal Employment Opportunity (EEO) and Minority and Women-Owned Business Enterprise (M/WBE) participation in this project based on the requirements of Empire State Development. Capitalize Albany Corporation seeks to meet or exceed these goals, and as such MWBE Respondents are encouraged to submit proposals and/or join responding teams. The Respondent shall indicate if they are a MWBE certified firm. MWBE documentation will be required of the successful Respondent throughout the term of the contract.

G. Vendor Responsibility Questionnaire

Pursuant to State Finance Law §§139-j and 139-k, this request for proposals ("RFP") includes and imposes certain restrictions on communications between a Vendor and Capitalize Albany Corporation during the procurement process. A Vendor is restricted from making contacts from the earliest notice of intent to solicit offers (in this instance, the release of this RFP) through final award and approval of the resultant contract by Capitalize Albany ("restricted period") to other than Capitalize Albany designated individuals unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Only email inquiries are allowed. The designated individuals for this RFP are Ashley Mohl and Andrew Corcione at development@capitalizealbany.com.

Upon selection, for all contracts that equal or exceed \$100,000, the contractor will be required to submit to the State a Vendor Responsibility Questionnaire: For-Profit Business Entity. The questionnaire can be found online at http://www.osc.state.ny.us/vendrep/forms_vendor.htm. For any contracts which exceed \$15,000, Capitalize Albany requires the questionnaire to be submitted directly to Capitalize Albany. Capitalize Albany reserves the right to terminate this contract in the event it

is found that any information provided by the Vendor in the questionnaire was intentionally false or intentionally incomplete. Upon such finding, the Corporation may terminate the contract by providing written notification to the Vendor in accordance with the written notification terms of the contract.

H. Non-Collusive Bidding Certification

Additionally, in accordance with New York State Public Authority Law Section 287, each Respondent is required to complete and submit a “Non-Collusive Bidding Certification” with their proposal. Please find the required form attached to this RFP (see “Schedule B”).

I. Workforce Utilization Plan and M/WBE Utilization Plan

Each Respondent is required to complete and submit a Workforce Utilization Plan and M/WBE Utilization Plan with their proposal. Please find the required forms attached to this RFP (see “Schedule C”).

Section 6: Additional Submittal Requirements

A. Principal Contact and Information Requests

The principal point of contact for all matters relating to this RFP, including any inquiries, is:

Andrew Corcione
Director of Real Estate Development
Capitalize Albany Corporation, 21 Lodge Street, Albany, New York 12207
518.434.2532 x14
development@capitalizealbany.com

All inquiries regarding the RFP must be submitted in writing **on or before 4 p.m. EST, Friday, April 26, 2024**. No response to inquiries received after this date will be given. Responses to inquiries will be posted to the Capitalize Albany website at www.capitalizealbany.com.

An information session is scheduled for **Wednesday, April 24, 2024 at 3 p.m. EST**. In order to participate in the information session, an e-mail request must be submitted to development@capitalizealbany.com by **Tuesday, April 23, 2024 at 4 p.m. EST**. Staff will make an effort to address any questions received prior to **Monday, April 22, 2024 at 4 p.m. EST** during this webinar. This meeting is exclusively for representatives of commercial real estate brokerage firms that have a bona fide interest in responding to this RFP. The e-mail request must indicate how the Respondent meets the minimum qualifications described in Section 4 of this RFP. Only Respondents that meet the minimum qualifications will be admitted to the information session.

Details on the informational webinar log-in instructions for the information session will be provided no later than **10 a.m. EST on Wednesday, April 24, 2024** to all firms that have registered.

B. Unnecessarily Elaborate Responses

Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective response to this solicitation are not desired and may be construed as an indication of the respondent's lack of cost consciousness. Elaborate or expensive artwork, paper, bindings, and visual and other presentations are neither necessary at this time nor desired by the Corporation.

C. Incomplete Documents

Each Respondent is responsible for having determined the accuracy and/or completeness of the data upon which it relied in making its proposal and has an affirmative obligation to notify the Corporation immediately upon discovery of an apparent or suspected inaccuracy. If a successful respondent proceeds with any activity that may be affected by an inaccuracy, error in, or omission in the submitted proposal of which it is aware but has not notified the Corporation, that respondent must perform any work described in such missing or incomplete documents at the respondent's sole expense and at no additional cost to the Corporation. A proposer may submit an amended proposal before the deadline for receipt of proposals. Such amended proposals must be complete replacements for a previously submitted proposal and must be clearly identified as such in the Letter of Transmittal. Capitalize Albany Corporation staff will not merge, collate, or assemble proposal materials.

D. Rejection of Proposals

The Corporation reserves the right at its sole discretion to accept or reject any and all proposals in whole or in part, to waive any and all informalities, and to disregard all non-conforming, non-responsive or conditional proposals without penalty.

E. Costs to Propose

All costs incurred in the preparation of the submittal and participation in the selection process is the sole responsibility of the Respondent.

F. Other Reserved Rights

All information submitted becomes property of Capitalize Albany Corporation. The Corporation reserves the right to issue supplemental information or guidelines relating to the RFP as well as make modifications to the RFP during the proposal preparation period. Once the RFP is submitted, specific staff of the Respondent may not be changed without written notice to and consent of the Corporation. Respondents should note that the Corporation is a local public authority subject to New York State's Freedom of Information Law (FOIL) – Respondents should conspicuously mark any sections of their proposal which they consider proprietary. The Corporation makes no warranty to Respondents about whether such marked information is not releasable in accordance with FOIL.

G. Insurance and Indemnification

To the fullest extent permitted by law, the Respondent, its agents and assigns, shall defend, indemnify, and save harmless the Corporation as well as the Corporation's directors, officers, employees and agents, from and against all claims, actions, causes of action, injuries, damages, losses, liabilities, and expenses (including, without limitation, reasonable attorney's fees and court costs) or other liabilities of any kind and character which arise out of or result from work under this engagement, other than claims for the Corporation's own gross negligence. The indemnification shall survive the expiration or earlier termination of this engagement.

Upon selection, the successful Respondent will be required to procure and maintain at its own expense insurance coverage written on an occurrence basis and issued by an insurer licensed in New York State including the following minimum coverages: workers' compensation and disability insurance as required by law; and employer's liability insurance with limit of not less than \$1,000,000 per occurrence; general liability insurance with limits not less than \$1,000,000 per occurrence; professional malpractice insurance and/or errors and omissions insurance with limits not less than \$1,000,000 issued by an insurer licensed to do business in the State of New York; and automobile liability insurance with limits not less than \$1,000,000 per occurrence, all naming the Corporation as additionally insured.

No work shall commence under the contract(s) until the selected Respondent has delivered to the Corporation or its designee proof of issuance of all policies of insurance required by the contract. If at any time, any of said policies shall be or become unsatisfactory to the Corporation, the selected Respondent shall promptly obtain a new policy and submit proof of insurance of the same to the Corporation for approval. Upon failure of the selected proposer to furnish, deliver and maintain such insurance as above provided – and detailed in contract negotiations – the contract may, at the election of the Corporation, be declared suspended, discontinued or terminated. Failure of the selected Respondent to procure and maintain any required insurance shall not relieve the selected Respondent from any liability under the contract, nor shall the insurance requirements be constructed to conflict with the obligations of the selected Respondent concerning indemnification.

H. Conditions of Submittal

Respondents are responsible for reviewing and certifying compliance with the Corporation conditions of submittal. Capitalize Albany Corporation will make no allowance or concession to any Respondent for any alleged misunderstanding of this RFP.

I. Conflicts of Interest

Neither the Respondents nor any other entity directly engaged by the Respondent shall have other interests which conflict, in reality or perception, with the interests of Capitalize Albany Corporation or the Project. The Respondent shall make written inquiry of all of its vendors, contractors and sub-consultants concerning the existence of or potential for such conflict. In unusual circumstances, and with full disclosure to Capitalize Albany Corporation of such conflict of interest, the Corporation, in its sole discretion, may grant a written waiver for the particular respondent or a related entity.

Section 7: Evaluation and Selection Process

A. Evaluation of Respondent's Proposal

Proposals will be evaluated against the following nine criteria:

The Proposal shall be evaluated by Capitalize Albany Corporation using the following criteria:

- Key Personnel and Resources: Demonstrated competence and experience of firm’s personnel responsible for performing work and providing services
- Experience and Qualifications: Demonstrated prior experience with transactions of similar scope and complexity and the effectiveness of your proposed real estate transaction process in a municipal context
- Marketing Approach: Proposed marketing strategy and approach toward providing the proposed services
- Compensation Structure: Competitiveness of pricing proposal, amount and timing of payment.

B. Clarification of Proposal Contents

Corporation staff may contact the Respondent for clarification of any portion of the Respondent’s proposal.

C. Selection

The final selection of the successful Respondent will be made by the Corporation, subject to execution of an agreement as discussed in 7(D) below.

D. Professional Services Agreement

The selected Respondent and the Corporation will negotiate professional services agreements including, but not limited to final scope, work plan, deliverables, and cost. All contracts will follow the Capitalize Albany Corporation procurement policies and guidelines in compliance with State of New York, and specifically, any Empire State Development and Upstate Revitalization Initiative requirements. The final agreement may also include additional services identified and agreed upon by both parties during the negotiation period. The agreements shall be governed by and construed according to the Laws of the State of New York and any disputes arising from the agreements shall be heard in a court of competent jurisdiction in the State of New York.

For more information on the Corporation’s professional services procurement policies, please see the Corporation’s policy manual (www.capitalizealbany.com).

Section 8: RFP Schedule

The following project timeline is provided for scheduling information; however, it is subject to change at the discretion of the Corporation:

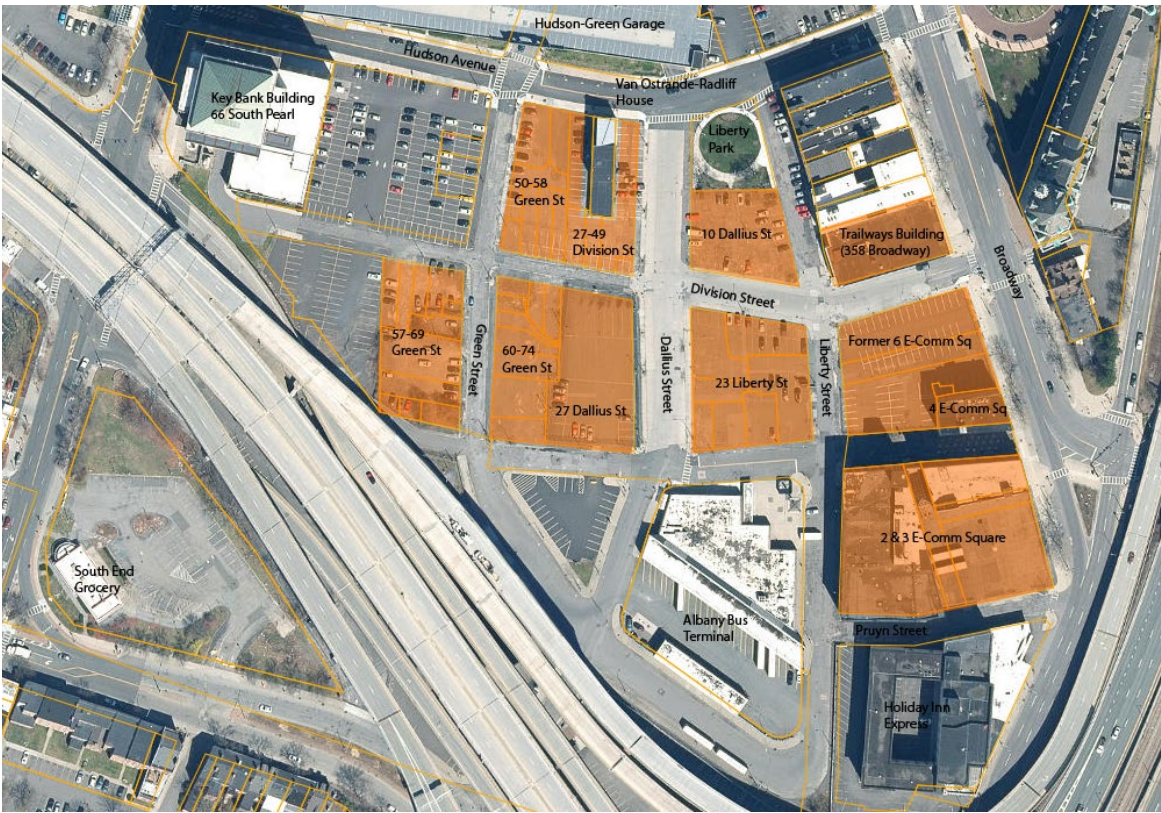
<u>RFP Issue Date:</u>	April 17, 2024	<u>Review Proposals:</u>	Week of May 6, 2024
<u>Question Submittal Deadline:</u>	April 22, 2024, 4 p.m. EST	<u>Conduct Interviews:</u>	May 8-9, 2024
<u>Webinar Registration Deadline:</u>	April 23, 2024, 4 p.m. EST	<u>Finalist Selected*:</u>	Week of May 13, 2024
<u>Information Webinar Session:</u>	April 24, 2024, 3 p.m. EST	<u>Board Approval:</u>	May 21, 2024
<u>Proposal Submittal Deadline:</u>	May 6, 2024, 4 p.m. EST	<u>Contract Start Date:</u>	May 28, 2024

Section 9: List of Attachments

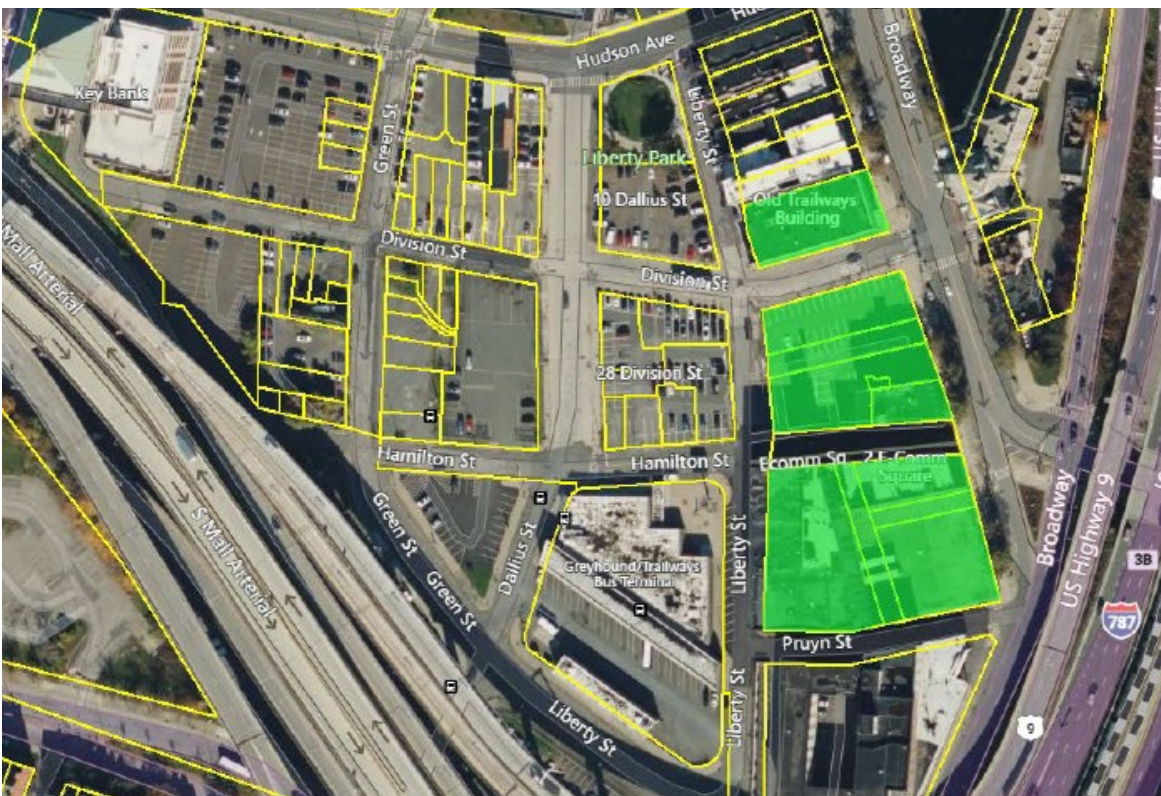
- Schedule A – Location and Existing Conditions Photos
- Schedule B – Non-Collusive Bidding Certification
- Schedule C – Workforce Utilization and M/WBE Utilization Plan

SCHEDULE A - Location and Existing Conditions Photos

General Context - Parcels Controlled by Capitalize Albany (in Orange)



Subject Properties/Buildings – Tax Parcels (in Green)



Existing Buildings

Building One - Former Adirondack Trailway Building (358 Broadway) - Approx. 13,800 Square Feet



Buildings Two and Three - 2-3 E-Comm Square – Approx. 95,000 Square Feet Combined

From Broadway



Buildings Two and Three - 2-3 E-Comm Square – Approx. 95,000 Square Feet Combined

From Liberty



Building Four - 4 E-Comm Square – Approx. 12,800 Square Feet



SCHEDULE B – Non-Collusive Bidding Certification

SCHEDULE B – Non-Collusive Bidding Certification

NON-COLLUSIVE BIDDING CERTIFICATION

Required by Section 139-D of the State Finance Law

By submission of this bid, bidder and each person signing on behalf of bidder certifies, and in the case of joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his/her knowledge and belief:

[1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

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

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE FORGOING CERTIFICATION, THE BIDDER SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE:

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.]

Subscribed to under penalty of perjury under the laws of the State of New York, this ___ day of _____, 20__ as the act and deed of said corporation of partnership.

IF BIDDER(S) (ARE) A PARTNERSHIP, COMPLETE THE FOLLOWING:

NAMES OF PARTNERS OR PRINCIPALS LEGAL RESIDENCE

IF BIDDER(S) (ARE) A CORPORATION, COMPLETE THE FOLLOWING:

NAMES

LEGAL RESIDENCE

President

Secretary

Treasurer

President

Secretary

Treasurer

Identifying Data:

Potential Contractor: _____

Street Address: _____

City, Town, etc. _____

Telephone: _____ **Title:** _____

If applicable, Responsible Corporate Officer Name

Title

Signature

Joint or combined bids by companies or firms must be certified on behalf of each participant:

Legal name of person, firm or corporation

Legal name of person, firm or corporation

By _____
(Name)

By _____
(Name)

Title

Street Address Street Address

City and State City and State

SCHEDULE C – Workforce Utilization and M/WBE Utilization Plan

SCHEDULE C – Workforce Utilization and M/WBE Utilization Plan



**Empire State
Development**

OFFICE OF CONTRACTOR AND SUPPLIER DIVERSITY

STAFFING PLAN

OCSD-2

(REQUIRED ONLY OF CONTRACTS VALUED AT \$250,000 OR MORE)

Submit with Bid or Proposal – Instructions on page 2

Contract No.:	Project Location:	Report includes Prime Contractor/Subcontractors: <input type="checkbox"/> Work force to be utilized on this contract <input type="checkbox"/> Total work force <input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor Subcontractor Name(s):
Contract Name / Details:		
Company Name: <input style="width:90%;" type="text"/>		
Company Address and Contract Details:		Subcontractor Name(s):

Enter the total number of employees for each classification in each of the EEO-Job Categories identified

EEO-Job Category	Total Work force	Work force by Gender			Work force by Race/Ethnic Identification														
		Total (X)	Total Male (M)	Total Female (F)	White (M) (F)		Black (M) (F)		Hispanic (M) (F)		Asian (M) (F)		Native American (M) (F)		Disabled (M) (F)		Veteran (M) (F)		
Officials/Administrators																			
Professionals																			
Technicians																			
Sales Workers																			
Office/Clerical																			
Craft Workers																			
Laborers																			
Service Workers																			
Temporary /Apprentices																			
Totals																			

PREPARED BY (Signature):	NAME:	ALTERNATE TEL:
DATE:	TITLE:	EMAIL:
	TELEPHONE:	OTHER:



OCSD-2

(REQUIRED ONLY OF CONTRACTS VALUED AT \$250,000 OR MORE)

General Instructions: All Contractors and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan (Form OCSD-2) and submit it as part of the bid or proposal package. Where the work force to be utilized in the performance of the State contract can be separated out from the contractor's and/or Subcontractor's total work force, the Contractor shall complete this form only for the anticipated work force to be utilized on the State contract. Where the work force to be utilized in the performance of the State contract cannot be separated out from the contractor's and/or Subcontractor's total work force, the Contractor shall complete this form for the contractor's and/or Subcontractor's total work force.

Instructions:

- 1. Enter the Contract or Solicitation number that this report applies to along with the name and address of your company or organization.
2. Check off the appropriate box to indicate if the Contractor completing the report is the contractor or a subcontractor.
3. Check off the appropriate box to indicate workforce to be utilized on the contract or the Contractor's total work force.
4. Enter the total work force by EEO job category.
5. Break down the anticipated total work force by gender and enter under the heading 'Work force by Gender'
6. Break down the anticipated total work force by race/ethnic identification and enter under the heading 'Work force by Race/Ethnic Identification'. Contact the M/WBE Permissible contact(s) for the solicitation if you have any questions.
7. Enter information on disabled or veterans included in the anticipated work force under the appropriate headings.
8. Enter the name and contact details of the person completing the form. Sign and date the form in the designated boxes.

RACE/ETHNIC IDENTIFICATION:

Race/ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group. The race/ethnic categories for this survey are:

- WHITE (Not of Hispanic origin) All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
BLACK a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
HISPANIC a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
ASIAN & PACIFIC ISLANDER a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
NATIVE INDIAN (NATIVE AMERICAN/ALASKAN NATIVE) a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

OTHER CATEGORIES:

- DISABLED INDIVIDUAL any person who: - has a physical or mental impairment that substantially limits one or more major life activity(ies)
- has a record of such an impairment; or
- is regarded as having such an impairment.
VIETNAM ERA VETERAN a veteran who served at any time between and including January 1, 1963 and May 7, 1975.
GENDER Male, Female or "X"



OCSD-4

MWBE AND SDVOB UTILIZATION PLAN

INSTRUCTIONS: This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. This MWBE and SDVOB Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Minority and Women-owned Business Enterprise (M/WBE) and/or Service Disabled Veteran Owned Business (SDVOB) under the contract. Attach additional sheets if necessary.

*** indicates mandatory fields**

* **Contractor Name:** _____

* **Representative Name:** _____

* **Phone:** _____

* **Fax:** _____

* **Email:** _____

* **Total Dollar Value of Contract/Grant:** \$ _____

Address: _____

Town, State & Zip: _____

* **ESD Contract/Project Number:** _____

RFP/RFQ/Solicitation Number: _____

* **MWBE Goal:** MBE _____% + WBE _____% = **MWBE GOAL** _____%

* **SDVOB Goal:** _____%

1. * Certified MWBE or SDVOB Firm Name, Contact Person's Name, Address, Phone and Email.	2. * Check All That Apply	3. * Federal ID No.	4. Detailed Description of Work (Attach additional sheets, if necessary, Attach Contract if available)	5. Dollar Value of Contract (if unavailable or yet undetermined, indicate \$1)
A.	<u>NYS CERTIFIED</u> <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB			
B.	<u>NYS CERTIFIED</u> <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOB			



OCSD-4

6. If unable to fully meet the MWBE and/or SDVOB goals set forth in the contract, the Contractor must submit a Waiver Request form, which may be obtained from the Office of Contractor and Supplier Diversity, at OCSD@ESD.NY.GOV.

PREPARED BY (Signature): _____ DATE: _____

Preparer's Name (Print or Type): _____

Preparer's Title: _____

Date: _____

SUBMISSION OF THIS FORM CONSTITUTES THE CONTRACTOR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE MWBE AND SDVOB REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW ARTICLES 15-A AND 17-B, 5 NYCRR PART 143, 9 NYCRR PART 252, AND THE ABOVE-REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND POSSIBLE TERMINATION OF YOUR CONTRACT.

The MWBE Certification status of the firms listed on this form **MUST** be verified using the New York State Contract System's Directory of Certified Minority and Women-owned Business Enterprises.

This directory is available at <https://ny.newnycontracts.com>.

The SDVOB Certification status of the firms listed on this form **MUST** be verified using the Directory of New York State Certified Service-Disabled Veteran-Owned Businesses.

This directory is available at <https://online.ogs.ny.gov/SDVOB/search>.

TELEPHONE NO.:

EMAIL ADDRESS:

**** FOR OCSD USE ONLY ****

REVIEWED BY:

DATE:

UTILIZATION PLAN APPROVED?

YES NO Date:

Contract No.:

Project No. (if applicable):

Contract Award Date:

Estimated Date of Completion:

Amount Obligated Under the Contract:

Description of Work:

NOTICE OF DEFICIENCY ISSUED?

YES NO Date of Issue:

NOTICE OF ACCEPTANCE ISSUED?

YES NO Date of Issue: