



**ORANGE COUNTY, NEW YORK**

Department of General Services  
255 Main Street  
Goshen, New York 10924

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**BID TITLE**

**RFB#**

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**BID TITLE****RFB#****NOTICE TO BIDDERS**

Bids for the County of Orange **RFB # & Title** will be received by the undersigned Commissioner of the Department of General Services, in his office at 255 Main Street, Goshen, NY 10924, **up to and including** \_\_\_\_\_ **20\_\_ at X:00 A/P.M.**, prevailing time, when they shall be opened and read aloud.

Copies of the Request for Bids may be obtained beginning \_\_\_\_\_, \_\_\_, 20\_\_ at the above address between the hours of 9:00 A.M. and 4:45 P.M., Monday through Friday (with the exception of County observed holidays), as well as through [www.orangecountygov.com/generalservices](http://www.orangecountygov.com/generalservices) under "Current Bids and Proposals".

Month 00, 20\_\_

James P. Burpoe, Commissioner  
Department of General Services



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**INSTRUCTIONS TO BIDDERS**

Unless a Request for Bid (RFB) is solicited directly by another County Department, the only official distribution source for this RFB is through the Department of General Services. Additionally, most RFB documents issued by the Department of General Services are distributed through BidNet which can be accessed through [www.orangecountygov.com/general-services](http://www.orangecountygov.com/general-services) under "Current Bids and Proposals". If you have obtained this RFB from a different source, you are encouraged to contact the Department to receive an official copy. You may not receive addenda or important information regarding this RFB if you are not registered with the Department of General Services as having obtained a copy of this RFB through the Department or through BidNet.

By submitting a Bid, you are asking the County to accept your offer for the sale of goods and/or services. It is important that you READ and UNDERSTAND all terms and conditions contained in this RFB as well as understand the laws that govern Public Contracts in New York State. **If you do not agree with the terms and conditions contained in this RFB you should not submit a Bid.**

**Your Bid will be considered by the County if the following conditions are met:**

1. Pursuant to State Finance Law §139-j and §139-k, this solicitation includes and imposes certain restrictions on communications between the County and a Bidder during the procurement process. A Bidder is restricted from contacting other than designated staff from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by the County Executive ("Restricted Period") unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). County employees are required to obtain certain information when contacted during the Restricted Period. The designated staff contact is the Commissioner of General Services or his representative, telephone (845) 291-2792. Bidders responding to this RFB must familiarize themselves with these State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the Bid Form.

2.  Applicable  Not Applicable

**A Pre-Bid Conference and Site Visit will be held at [location] on [date] at [time], prevailing time.** Attendance is strongly recommended. The County shall not be liable for, nor shall it review proposed change orders, contract amendments, etc. for inadequate pricing, labor, materials, time or similar issues in Vendor/Consultant's contract with the County resulting from Vendor/Consultant's failure to attend and obtain information provided at the pre-proposal conference, site visit and/or any addenda issued afterward.

3. Bidders are responsible for reporting in writing any errors, omissions or ambiguities found in this RFB. All such reports, requests for information, questions, etc. shall be on the "Questions Form" provided in this RFB and either faxed to the Department of General Services at (845) 291-2792 or mailed to James Burpoe, Commissioner, Department of General Services, 255 Main Street, Goshen, New York 10924. **No questions will be entertained by any other means. All questions must be submitted by \_\_\_\_\_ 20\_\_ at X:00 A./P.M., prevailing time. Questions received after this time may not be addressed. Please be patient, questions will be answered in an Addendum/Addenda to be shared with all interested Bidders. Questions will not be responded to individually.**

4. Unless otherwise specified, all Bids shall be made upon forms furnished in this RFB, if any, and as may be modified by addenda, contained in sealed envelopes clearly marked on the outside packaging with **RFB-OC000-15, TITLE** addressed to James Burpoe, Commissioner, Department of General Services, 255 Main Street, Goshen, NY



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10924 and received up to and including **Weekday, Month 00, 20\_\_ at 3:00 P.M.**, prevailing time. If NOT sending your Bid via U.S. Mail (i.e., using FedEx, UPS, etc. instead) please use the following address: Orange County Department of General Services, 255 Main Street, Goshen, New York 10924. It is the Bidder's responsibility to clearly mark the outside of their mailing package with the RFB title and number. **Faxed/E-mailed Bids are not permitted. NO LATE BIDS WILL BE ACCEPTED - NO EXCEPTIONS!**

5. **[number (#)]** sets of all Bids shall be submitted, **ONE SET OF WHICH MUST CONTAIN ORIGINAL SIGNATURES**, including completed copies of any forms or certifications required in this RFB. Forms, if any, issued in this RFB shall be completely filled in, in ink or by typing, on the original form, if included in this RFB. Failure to respond to this RFB on any official form(s) included in this RFB may result in disqualification of a Bid as non-responsive. No Bid Form will be accepted which contains any additions, omissions or erasures. Each Bid Form shall be properly executed and signed by the Bidder. Illegible, conditional Bids and unsigned Bids will be rejected as non-responsive.

6. Permission will not be given to modify or explain any Bid after it has been opened, unless clearly specified in this document (e.g. interviews). Permission to withdraw a Bid prior to Bid opening will be at the discretion of the County and no replacement Bid may be submitted without authorization from the Commissioner of General Services. Opened Bids which required a deposit for plans and/or specifications may not be withdrawn until forty-five (45) days after opening.

7. **Basis of Award provisions vary with each RFB, please read that section carefully.** Some RFBs may be awarded to more than one entity. The Commissioner of General Services reserves the right to waive any informality, reject any and all Bids, or, if noted in the Basis of Award section of this RFB, accept any Bid in whole or in part, if deemed to be in the best interest of the County.

8. Any award shall be subject to the execution of a contract (and, if applicable, license or other agreements) between the Bidder and the County. The County's contract obligation is contingent upon execution of the contract between the County and selected Vendor/Consultant, provision of required insurance certificates and bonds, as applicable, by the Vendor/Consultant, and the availability of appropriated funds for this contract. No legal liability on the part of the County for payment of any money shall arise unless and until a contract is executed by both parties, funds are appropriated and made available in each year of the term of the contract, and all performance requirements for each payment are met. The County shall have no responsibility or liability for any Bidder's costs related to preparation of Bids, attendance at interviews, etc.; all such costs are solely at Bidder's risk and expense.

9. Bidder(s) awarded a contract agree to execute the contract in the same form as the template enclosed in this RFB in the timeframe, if any, indicated in this RFB. Any supplemental agreement(s) (e.g. licensing or maintenance agreements) requested by a Bidder must be included in the Bid and are subject to the discretionary approval of the County Attorney and the County Executive. For any software required in the scope of services, include any proposed license or maintenance agreement(s) with your Bid. Failure to reach agreement on contract terms and conditions may result in rejection of a Bid, rescission of an award and/or retention of Bid Security by the County.

10. The County maintains a unilateral right to cancel or extend the contract in accordance with the terms of any contract resulting from this RFB. If a Vendor/Consultant fails to perform or otherwise breaches the, in addition to any other rights and remedies the County may have, Vendor/Consultant may be listed as non-responsible and may be ineligible for future contract awards.



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11. If Bid Security is required by this RFB it must be included in the Bid. If Performance and/or Payment Bonds are required by this RFB, Bids must include a letter from Bidder's bank or surety stating that the required letter of credit or bond(s) will be provided in the event of a contract. The letter of credit or bond(s) shall be provided for each year or relevant portion of the contract, as may be applicable.

12. Bidders must be properly registered to do business in the State of New York and furnish applicable certificates of authority/incorporation/partnership/dba, etc. with their Bid.

13. The County encourages submission of Bids by Minority- and/or Women-Owned Business Enterprises (MWBE) and/or Disadvantaged Business Enterprises (DBE).

14. A Non-Collusion Certification, Disclosure of Non-Responsibility Determination and Iran Divestment Act Certification are included in this RFB. Bidders must complete and submit a signed original of each and the applicable number of copies of each with their Bid.

15. Supplier Forms are provided with this RFB. Bidders that have not received a purchase order in the last twelve (12) months from the County must submit completed and signed Supplier Forms prior to execution of a contract by the County.

16. Pursuant to New York's Freedom of Information Law ("FOIL") (Public Officers Law, Article 6, Sections 84-90) all government records are presumptively open for public inspection unless specifically exempted from disclosure under FOIL. Bidders who have a good faith belief that information contained in their Bid is exempt from disclosure under FOIL must, at the time of their submission, request the exemption in writing, setting forth the basis for the claimed exemption. In addition, the Bidder must mark each page of its submission claimed to be exempt from disclosure under FOIL with the following legend: **"THE BIDDER BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE NEW YORK STATE FREEDOM OF INFORMATION LAW."** Neither the Bidder's classification of materials as exempt under FOIL, nor the County's acceptance of Bidder's Bid with the claimed exemption(s), should be considered a final determination as to whether the designated materials are exempt from disclosure under FOIL. Any and all determinations as to the propriety of claimed exemptions will be made by the County and/or a court of law in accordance with applicable law.

17. If a deposit was required to obtain this RFB and related documents, the price of one full set of documents returned in good condition within thirty (30) days after Notice of Intent to Award shall be refunded. Refunds for all other copies in good condition shall be less the actual cost of reproduction per set.

18. **If RFB Specifications or the Bid Form are altered in any manner to suit your pricing, packaging, manufacturing requirements etc. your Bid shall be non-responsive and will not be considered.** If clarification is required on any aspect of the Bid document it is necessary to submit questions to the Department of General Services as set forth above.

**INSURANCE REQUIREMENTS**

During the term of the contract, or longer if required, the Vendor/Consultant shall maintain, at its expense, Worker's Compensation, Disability and liability insurance policies of the types and minimum coverages specified in the enclosed contract template (e.g., Agreement for Vendor Services). Certificates of insurance evidencing Vendor's / Consultant's compliance with these requirements shall be required prior to execution of the contract by the County. Failure to submit insurance documents may result in disqualification of the Bidder as non-responsible and/or the County's retention of Bid Security.



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**BONDING REQUIREMENTS**

There are no Bonds required for this contract.

Bid Security

An approved Bid Bond, bank check, certified check, or letter of credit in the amount of [\$ \_\_\_\_\_ or #% of the total contract price] will be required with all Bids. **Personal and/or Corporate checks are not an acceptable form of Bid Security.** Checks should be made payable to “Commissioner of Finance”.

Performance Bond       Payment Bond

The Vendor / Consultant shall, at the time of execution of the contract, in the full amount of the contract price, obtain and maintain in full force and effect for sixty (60) days after contract expiration or longer if the contract so requires:

- an irrevocable letter of credit with a sound and reputable bank authorized to do business in the State of New York, or
- a Performance Bond and/or Payment Bond, as specified above, signed by a surety company authorized to do business in the State of New York, having an A.M. Best Rating of A- or better and appearing on the most recently published Department of the Treasury’s Listing of Approved Sureties (Department Circular 570) at the time of filing the Bond(s).

The Performance Bond, Payment Bond, letter of credit, etc., shall name the County of Orange as beneficiary and may be invoked to the benefit of the County upon delivery of a certified statement to the issuing bank or surety company that the Vendor/Consultant has failed to perform pursuant to the terms and conditions of its contract with the County of Orange.

***DELETE THIS SECTION IF IT IS NOT APPLICABLE (e.g. for a project specific RFB)***

**PURCHASES BY OTHER LOCAL GOVERNMENTS AND SCHOOL DISTRICTS**

New York State General Municipal Law §103(3), §103(16), County Law §408-a, and County Procurement Policy allow New York State political subdivisions and districts to make purchases through County contracts open to such procurements by the County. **THE AWARD OF ANY CONTRACT UNDER THIS RFB SHALL BE OPEN TO SUCH PROCUREMENTS. OFFERORS WHO DO NOT WISH TO ACCEPT THIS AS A CONDITION OF CONTRACT SHOULD NOT SUBMIT A PROPOSAL.**

1. The Department of General Services shall make award information on any contract resulting from this RFB available to other political subdivisions through their webpage: [www.orangecountyny.gov/generalservices](http://www.orangecountyny.gov/generalservices) .
2. Other political subdivisions or districts will issue purchase orders directly to Vendor/Consultant within the specified contract period referencing the County’s contract and shall be solely liable and responsible for all payments due on under the contract for that political subdivision’s or district’s use of the Contract. The County shall not be liable or responsible for any debts incurred by other users of any contract resulting from this RFB.
3. All purchases shall be subject to audit and inspection by the County.



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4. Necessary deviations from the County’s specifications in the award of a participant contract, for example quantities or delivery points, shall be resolved between the successful Offeror and the other political subdivisions or districts. However at no time shall any change to price and product specifications be permitted, except where an item has been replaced by another item due to obsolescence or pricing is contingent on an outside factor (e.g. fuel at market rates) pursuant to the terms of the contract, and/or the Vendor or Consultant offers reduced pricing to any participant, which then must be made immediately available to all participants. If a product specification requires modification due to obsolescence, the County must approve a change of product in writing in order for it to be valid. In the event a product substitution is approved, no change in price will be permitted except when the price will be lower than the originally awarded price. Any reduced pricing shall be applicable to all other participants’ quantities ordered on or after the date such reduced pricing became effective for the initial participant receiving such pricing.

**SCOPE**

[A sentence or two summarizing What we are purchasing and Why.]

**SPECIFICATIONS**

***IMPORTANT - If this procurement is grant-funded obtain a copy of the Grant Agreement from the procuring department and note any grant or regulatory requirements in the Specifications (e.g. Buy America, DBE, reporting). Consult with Law on any required grant language, appendices, exhibits, etc. to confirm that it has been incorporated in an appropriate manner.***

[Describe Who does What, When, Where and How, as applicable. Make sure specifications are organized in a logical fashion. Group general specifications applicable to all phases or components of the work together. Organize separate sections for specifications applicable only to individual phases or components. Be sure it’s clear which specs are applicable to which phases or components. List them in order of workflow rather than randomly. Make sure all information Bidders might need about a project (reports or items we will supply, volume of or timeframe for work, who is responsible for what, etc.) is included so that they have an accurate project scope for pricing purposes.]

#. Spec.

#. Spec.

#. Spec.

***Include the following ONLY AS APPLICABLE (generally only if goods, equipment or technology is involved)***

#. Unless otherwise stated, the use of manufacturers' names and product numbers in the Specifications are only for descriptive purposes and establishing general quality levels. They are not intended to be restrictive. Bidders are required to state exactly what they intend to furnish, otherwise it is fully understood that they shall furnish all items as stated in the Specifications. Detailed specifications, circulars, manufacturer's or other warranties and all necessary data on services or items proposed to be furnished must be included with each Bid. This information must clearly show that the item offered meets all Specifications in this RFB. The County reserves the right to reject any Bid as non-responsive if compliance with the Specifications is not clearly evident.





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#. All equipment proposed must be new equipment of the model specified or an approved equal in current production. Manufacturers' warranties should be included with the Bid. All supplies, equipment, vehicles and materials must meet the provisions of the Occupational Safety and Health Act (OSHA) and all other applicable state and federal laws and regulations.

#. Vendor shall supply a current MSDS with each product shipment, when applicable.

#. Samples must accompany each Bid. Any separately shipped packages of samples must be labeled with the name of the Bidder and the RFB number and title. Samples not including this information will be refused and the Bidder may be disqualified as non-responsive. Failure to provide samples when requested may result in immediate disqualification of a Bid as non-responsive. In the event a Bidder substitutes a product claiming equivalency, and samples were not otherwise required, samples may be requested by the County in order to verify compliance with the specifications. In these instances, samples not provided within three (3) business days of request (unless the County specifies a different time period in writing) may be cause for a Bidder to be deemed non-responsive.

#. **Deliverables:** [Describe what we want, submitted to whom and by when. Provide timeframes for approvals, resubmission or drafts, etc. Also note if these items are attached to progress payments.]

#. **Deadlines:** [If there isn't a specific list of deliverables but there is a deadline for project completion or other similar dates, include a "deadlines" or "key dates" section, if applicable. If there are very critical deadlines for grant or other reasons, a "time is of the essence" provision may need to be included, consult with Law on language for the RFB and/or contract documents.]

***IF THIS CONTRACT INCLUDES ARTICLE 9 WORK; THE FOLLOWING LANGUAGE MUST BE INCLUDED, NO EXCEPTIONS:***

#. As all or portions of the work to be performed under this contract is/are subject to Article 9 of the New York State Labor Law, Vendor/Consultant agrees:

a. that in the hiring of employees for the performance of work under the contract or any subcontract thereunder within the territorial limits of this state, Vendor/Consultant, its subcontractors, nor any person acting on behalf of Vendor/Consultant or its subcontractor, shall by reason of race, creed, color, national origin, age, sex or disability, discriminate against any citizen of the state of New York who is qualified and available to perform the work to which the employment relates;

b. that Vendor/Consultant, its subcontractor, nor any person on behalf of Vendor/Consultant or its subcontractors shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under the contract on account of race, creed, color, national origin, age, sex or disability;

c. that there may be deducted from the amount payable to Vendor/Consultant by the County under the contract a penalty of fifty dollars (\$50.00) for each person for each day during which such person was discriminated against or intimidated in violation of the provisions of the contract;



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d. that the contract may be cancelled or terminated by the County, and all moneys due or to become due thereunder may be forfeited for a second or any subsequent violation of the terms or conditions of this section of the contract.

**TERM**

The County anticipates that the term of this contract will be for [number (#)] year(s) **NOTE: do not put specific start and end dates in a RFB without approval from Law.** The County reserves the right to extend the contract for up to [number (#)] additional [number (#)]year period(s), at the sole option of the County and under the terms and conditions of the original contract, unless alternate terms for renewals/extensions are specified in the contract.

Upon expiration of the original contract term or any renewal thereof, if authorized by the County as above, the contract may be extended unilaterally by the County for an additional period of up to two months upon notice to the Vendor with the same terms and conditions as the original contract including, but not limited to, quantities (prorated for such extension), prices, and delivery requirements. With the concurrence of the Vendor/Consultant, the extension may be for a period of up to three months in lieu of the up to two month period.

**PRICING**

1. The proposed scope and specifications are not a guarantee, were developed based on past or anticipated needs, and are as accurate as the County can ascertain at the time of issuance of this RFB. When an anticipated volume or other quantities or goods or services are listed, the County has listed these either based upon a history of usage over a previous period or anticipated need. The County in no way guarantees that the actual quantities listed will be ordered. When volume or quantities are listed, the Bidder should understand that the actual volume or quantities may be more or less, depending on the actual needs of the County. The Bidder shall hold the County harmless against any damages because of estimated volume or quantities. In the event quantities exceed the estimate, the County shall receive the price as listed in the contract or, if a better price is available at that time, that price shall be passed on to the County.

2. The prices submitted shall be exclusive of federal and state sales taxes (or other taxes inapplicable to government entities) and must not include any tax for which the Bidder may claim exemption because of doing business with the County. Unless otherwise indicated in this RFB, prices shall be net, including transportation and delivery charges fully prepaid by the successful Vendor/Consultant to the destination indicated in the contract. Prices are to be listed as FOB Delivered: ORANGE COUNTY, NY. No freight and/or handling or fuel surcharges will be accepted, unless otherwise agreed to in the contract.

3. **DELETE IF NOT APPLICABLE** – For contracts involving provision of goods, commodities, equipment or technology, at no time shall any change to price and product specification be permitted, except where an item has been replaced by another item due to obsolescence. In this instance, the County must approve a change of product in a written change order for it to be valid. In the event a product substitution is approved, no change in price will be permitted except when the price will be equal to or lower than the originally awarded price.

**Use of the Prevailing Wage language in the two sections below this requires approval of a Contracts Attorney. IF THE CONTRACT INCLUDES ARTICLE 9 LABOR LAW WORK AN ADDENDUM TO THE AGREEMENT FOR VENDOR SERVICES SHOULD BE INCLUDED IN THE RFP. Discuss this with the applicable Contracts Attorney before preparing the RFP.**



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#. Prevailing Wage rates apply to certain work under this contract and are specified in the Prevailing Wage Schedule PRC # \_\_\_\_\_ which is incorporated by reference. The Prevailing Wage Schedule and any supplements may be found by entering the PRC# at: <http://wpp.labor.state.ny.us/wpp/showFindProject.do?method=showit>. Pursuant to New York State Labor Law, the Vendor/Consultant is required to pay the prevailing hourly wage rates and supplements, as may be updated by the New York State Department of Labor, throughout the term of the contract and any renewals or extensions thereof.

#. The New York State Department of Labor may revise Prevailing Wage Schedules throughout the year. Bid pricing should account for any such increase in Prevailing Wage rates as change orders due to increased Prevailing Wage rates shall not be permitted. Offerors are strongly encouraged to review archived Prevailing Wage Schedules at: <http://www.labor.state.ny.us/workerprotection/publicwork/ArchivedWageSchedules.shtm>, prior to Bid submission, to ensure that their pricing will be competitive. Vendor/Consultant shall be responsible for all Prevailing Wage and Supplement increases regardless of when or how often they are implemented while maintaining the prices submitted in their Bid.

#. [Specify how you want to see pricing: Should it be on the Bid Form or a separate sheet? Lump sum total? Lump sum by different tasks? Hourly rates and fees? Are reimbursables or expenses allowed? What about travel or transportation, etc.? Do you want prices for multiple years? If there is a renewal clause, will we allow for pricing adjustment(s), if so, how? If we are paying for certain things or not, that should be clearly noted, etc.]

**PAYMENT**

Payment shall be made in accordance with the payment/compensation provisions of the contract template provided with this RFB. **Delete the following if not applicable - Certified payrolls MUST be submitted with each invoice involving prevailing wage labor before the County may make any payment(s).**

**SUBMISSION OF BIDS**

***Revise and renumber the list accordingly***

Unless otherwise noted below, one (1) signed original (as applicable to the document type) and the number of copies specified in Item #5 of the Instructions to Bidders, of each of the following items should be submitted in your Bid package- **It is NOT necessary to include a copy of the entire RFB in your proposal package only the items required below. Bids must include:**

1. Completed and signed Bid Form
2. Background and Experience: Provide a brief history of your business and experience with similar projects. Identify proposed project staffing and include copies of resumes/C.V.'s for all personnel as well as any applicable certifications, licenses, etc.
3. Bid Narrative: Proposals must include an organized narrative response to all elements listed in the specifications along with a proposed project timeline. **[IMPORTANT – read the Specs to see if this criteria makes sense as written, sometimes all elements of the specs do not require a narrative response or forms are required instead of a narrative. Specs may also need to be grouped or organized to make responding to them easier (for**



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***example, list ones that don't require a response first or indicate "Provide responses to items x, y and z of the Specifications."***

4. Pricing: [on the Proposal Form? on a separate sheet? in a separate envelope?]
5. References: Names and contact information for at least [number (#)] clients wherein similar projects have been completed, references for New York government entities are preferable, but not required.
6. Non-Collusion Certification
7. Disclosure of Non-Responsibility Determination (copy of instruction page not required)
8. Iran Divestment Act Certification
9. Certificate of Authority/Incorporation/Partnership/dba, etc., as applicable to your business entity
10. Bid Security and/or letter from bank or surety if requested in the Bonding section of this RFB
11. Manufacturers' Warranties, as applicable
12. Sample(s), if requested in the Specifications
13. Supplier Forms (if not already a current Orange County awarded vendor)
14. Information or other materials to be included, only as requested in the Specifications
15. Any supplemental agreements (e.g. a licensing agreement) requested by a Bidder must be included in the Bid and are subject to the discretionary approval of the County Attorney and the County Executive. For any software required in the Specifications, include any proposed license or maintenance agreements with your Bid. Bidders awarded a contract agree to execute the contract in the same form as the template enclosed in this RFB and in the timeframe, if any, indicated in this RFB. Failure to reach agreement on contract terms and conditions may result in rejection of a proposal, rescission of an award and/or retention of Bid Security by the County.

**ALL SUBMISSIONS MUST BE CLEARLY MARKED ON THE OUTSIDE PACKAGING WITH THE RFB TITLE AND NUMBER.**

**INSURANCE:** While not required in the Bid package, Bidders are reminded that Certificates of Insurance evidencing Vendor's/Consultant's compliance with the Insurance requirements of this RFB must be provided prior to execution of the contract by the County. The number of days for submission may vary but it may be less than one business week, please be prepared. **FAILURE TO SUBMIT INSURANCE DOCUMENTS MAY RESULT IN DISQUALIFICATION OF THE VENDOR/CONSULTANT AS NON-RESPONSIVE AND/OR THE COUNTY'S RETENTION OF BID SECURITY.**



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**ADDITIONAL INFORMATION, INTERVIEWS & SITE VISITS**

The County may require any or all Bidders to present additional evidence of experience, ability and financial standing as well as a statement as to the materials, equipment or personnel which the Bidder will have available for the performance of this contract. The County reserves the right to interview any or all Bidders and/or visit any or all Bidder's sites during the evaluation of Bids. If applicable, the County shall contact Bidders to arrange an interview (which County may require to be held at the Department of General Services) and/or a site visit of Bidder's facilities at any time during the evaluation process. Bidders are reminded to include their best technical and price terms in their initial offer and not to automatically assume that they will have an opportunity to participate in interviews, site visits or be asked to submit a best and final offer. The County may award the contract without interviews and/or site visits for any or all Bidders, if deemed to be within the best interests of the County.

**BASIS OF AWARD**

1. The County will award a firm fixed-price contract to the lowest responsive and responsible Bidder. Explain here if we are awarding in whole or in part (classes, categories, lots, etc..)
2. The County reserves the right to: waive any informality, or reject any or all Bids with or without advertising for new Bids, if in the best interest of the County.
3. In the event of a two-way tie, Bidders will be notified of a coin toss to be held in the office of the Commissioner of General Services, 255 Main Street, Goshen, New York, 10924, the date and time to be determined as needed. The first alpha-order Bidder, based on first letter of business entity name, will be asked to call the coin. In the event of a multiple tie, names of tied Bidders will be placed in a hat by the Commissioner of General Services. First alpha-order Bidder, based on first letter of business entity name, will draw the name. In the event there are no attendees for the coin toss or the draw, the coin toss or the draw will be conducted by the Commissioner of General Services and two (2) representatives of the County.

**ANTICIPATED RFB TIMELINE**

All dates except for the Bids Due date are approximate and subject to change, unless otherwise noted. Any change in the Bids Due date will be made by an Addendum to the RFB issued by the County.

Publication of RFB	//
Questions Due	//
Addendum(s) issued	on or about //
Bids Due	//
Interviews and Site Visits, if any	on or about // - //
Contract Award	by //

**[If there is a grant deadline note "MUST be executed by both parties by // " ]**



**ORANGE COUNTY, NEW YORK**

Department of General Services  
255 Main Street  
Goshen, New York 10924

**BID TITLE**

**RFB#**

**BID FORM**

BUSINESS NAME: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

NAME, TITLE, TELEPHONE, FAX & EMAIL OF CONTACT PERSON: \_\_\_\_\_

Does this business have a minority, women's, disadvantaged, or small business certification?    Yes    No

If yes, please list the designation(s) and certifying entity(ies): \_\_\_\_\_

***DELETE OR MODIFY THE TABLE BELOW AS APPLICABLE – only use estimated quantities if applicable, if we do not have any, delete that column and the sub-total column.***

Item Number	Description	Estimated Quantity	Unit Price	Sub-Total
			<b>TOTAL</b>	

The undersigned proposes to furnish and deliver **ENTER # &TITLE OF RFB HERE** and its responding Bid to the County of Orange, at the prices stated within the Bid submitted.

The individual submitting this Bid on behalf of the business entity noted above, certifies by his or her signature below that:

- he or she understands and has complied with the requirements of State Finance Law Sections 139-j and 139-k and will continue to do so throughout the Restricted Period;
- he or she has read and understood the full Request for Bid cited above; and
- he or she is duly authorized to submit the Bid on behalf of the business entity noted above.

By: \_\_\_\_\_

Date: \_\_\_\_\_

NAME

Federal ID Number

TITLE

DUNS Number, if applicable



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**BID TITLE**

**RFB#**

ADDENDA CONFIRMATION (Bidders should only complete this section if any addenda were issued for this RFB.)

Addendum # \_\_\_\_ - Received \_\_\_\_\_, 20\_\_ Initialed by person signing above \_\_\_\_\_

Addendum # \_\_\_\_ - Received \_\_\_\_\_, 20\_\_ Initialed by person signing above \_\_\_\_\_

Addendum # \_\_\_\_ - Received \_\_\_\_\_, 20\_\_ Initialed by person signing above \_\_\_\_\_



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**BID TITLE**

**RFB#**

**QUESTIONS**

**ALL QUESTIONS REGARDING THIS RFB MUST BE ON THIS FORM** and either faxed to the Department of General Services at (845) 291-2792 or mailed to James Burpoe, Commissioner, Department of General Services, 255 Main Street, Goshen, New York 10924 by the time and date specified in the Instructions to Bidders. **Questions will be answered in Addendum/Addenda to be shared with all interested Bidders. Questions will not be responded to individually.**

Business Name \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Date \_\_\_\_\_

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**ORANGE COUNTY, NEW YORK**

Department of General Services  
255 Main Street  
Goshen, New York 10924

<b>BID TITLE</b>	<b>RFB#</b>
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**NON-COLLUSION CERTIFICATION**

- (a) "By submission of this Bid, each Bidder and each person signing on behalf of any Bidder certifies, and in the case of a joint Bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
  - (1) The prices in this Bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor.
  - (2) Unless otherwise required by law, the prices which have been quoted in this Bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and
  - (3) No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a Bid for the purpose of restricting competition."
- (b) A Bid shall not be considered for award nor shall any award be made where the provisions of (a)(1)(2) and (3) above have not been complied with; provided however, that if in any case the Bidder cannot make the foregoing certification, the Bidder shall so state and shall furnish with the Bid a signed statement which sets forth in detail the reasons therefore. Where (a)(1)(2) and (3) above have not been complied with, the Bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the Bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that an Bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being proposed, does not constitute, without more, a disclosure within the meaning of subparagraph (a)(1) of this certification.

Any Bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by an Bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such Bid contains the certification referred to in subparagraph (a)(1) of this certification, shall be deemed to have been authorized by the board of directors of the Bidder, and such authorization shall be deemed to include the signing and submission of the Bid and the this Non-Collusion Certification as the act and deed of the corporation or other business entity submitting the Bid.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
BUSINESS NAME

	<b>ORANGE COUNTY, NEW YORK</b> Department of General Services 255 Main Street Goshen, New York 10924	Page 18
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**INSTRUCTIONS FOR COMPLETING THE DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS**

**Background:**

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

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

**Instructions:**

The County of Orange includes this disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of Proposals or Bid documents or specifications or contract documents, as applicable, for procurement contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract, Supplement or Change Order. It shall be submitted to with your Bid or Proposal to the County agency conducting the Governmental Procurement.

This following disclosure form must accompany each Bid Form, Letter of Interest, or Proposal submitted by all Offerors.



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**BID TITLE**

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**DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS**

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

\_\_\_\_\_

Address: \_\_\_\_\_

Name and Title of Person Submitting this Form: \_\_\_\_\_

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):           No       Yes

**If Yes, please answer the next questions:**

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):  
No       Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):   No       Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below and attach additional pages as necessary.

Governmental Entity: \_\_\_\_\_

Date of Finding of Non-Responsibility: \_\_\_\_\_

Basis of Finding of Non-Responsibility: \_\_\_\_\_

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):   No       Yes

6. If yes, please provide details below and attach additional pages as necessary.

Governmental Entity: \_\_\_\_\_

Date of Termination or Withholding of Contract: \_\_\_\_\_

Basis of Termination or Withholding: \_\_\_\_\_

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

By: \_\_\_\_\_

Signature

Date: \_\_\_\_\_



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**BID TITLE**

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**IRAN DIVESTMENT ACT CERTIFICATION**

The Iran Divestment Act of 2012 (“Act”), Chapter 1 of the 2012 Laws of New York, added State Finance Law (SFL), §165-a and General Municipal Law §103-g, effective April 12, 2012. Under the Act, the Commissioner of the New York State Office of General Services (“OGS”) developed a list (“Prohibited Entities List”) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law). In accordance with SFL § 165-a(3), the Prohibited Entities List may be found on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> .

Pursuant to General Municipal Law §103-g, by signing below, Bidder certifies as true under the penalties of perjury that: By submission of this proposal each Bidder and each person signing on behalf of any Bidder certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each Bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law.

A proposal shall not be considered for award nor shall any award be made where the certification has not been made, provided, however, that if in any case the Bidder cannot make the certification, the Bidder shall so state and shall furnish with the proposal a signed statement which sets forth in detail the reasons therefor. The County may award a contract to a Bidder who cannot make the required certification on a case-by-case basis if:

1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The County makes a determination that the goods and services are necessary for the County to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

During the term of the Contract, should the County receive information that a person is in violation of the above-referenced certifications, the County will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the contractor in default.

The County reserves the right to reject any Bid, Proposal, contract or request for assignment for an entity that appears on the Prohibited Entities List prior to the award or execution of a contract or any renewal thereof, as applicable, 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.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
BUSINESS NAME

\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE



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**INFORMATION SHEET**

The questions asked on this Information Sheet are voluntary. It is not necessary to complete this Information Sheet. Filling out this sheet does not change your chances of a contract award in any respect. By completing this form, you will be helping the County track trends that we believe to be of importance. The information collected will NOT be used to compile mailing lists, and will not be used to contact you. It will also not be sold. The information collected may be used to generate reports showing historical data with regard to the County's purchasing process.

Business Name \_\_\_\_\_

Address \_\_\_\_\_

In what county are the primary operations of this business conducted? \_\_\_\_\_

Business type (Sole Proprietorship, Corporation, LLC, etc.) \_\_\_\_\_

Does this business have a minority, women's, disadvantaged or small business status? Yes No

If yes, please list the designation and the certifying entity (ties) \_\_\_\_\_

How many individuals does this business employ? \_\_\_\_\_

Have you conducted business with the County before? Yes No

How did you discover this Bid opportunity? \_\_\_\_\_

Do you use the Empire State Municipal Purchasing Group Website (BidNet)? Yes No

If Yes, do you find it useful (explain) or if No, why? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please list any other comments or suggestions pertaining to doing business with Orange County.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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**BID TITLE**

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**NON-BIDDER'S RESPONSE**

BUSINESS NAME:

For the purpose of facilitating your firm's response to our Request for Bids, the County of Orange is interested in ascertaining reasons for prospective Bidders' failure to respond to Requests for Bids. If your firm is not responding to this RFB, please indicate the reason(s) by checking any appropriate item(s) below and faxing it to the Department of General Services at (845) 291-2792 or mailing it to the above address.

We are **not** responding to this RFB for the following reason(s):

- We do not offer this product or service.
- We are unable to meet specifications.
- Specifications are not clearly understood or applicable (please note in "Other reason(s) below if too vague, too rigid, etc.)
- We are unable to meet your bond requirements.
- Insufficient time allowed for preparation of Bid.
- Incorrect address used or our branch/division does not handle this type of Bid. Correct name and mailing address is:

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- Other reason(s): \_\_\_\_\_
- 
- 
-

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**BID TITLE****RFB#**

*Add Vendor Responsibility Forms (if any), the correct Contract Template, Supplier Forms, etc.*

*Check and revise page #'s in the Table of Contents. Check the heading blocks to be sure they match the correct section of the document.*

***SPELL CHECK AND PROOFREAD.***

*Is the numbering correct? Is the RFB well-organized and easy to understand with a logical flow? Has someone not involved in the RFB read the specs to determine if they make sense? Ask them if they understand the work involved and whether the proposal information and pricing formats are readily apparent. Ask them, "If you were going to respond to this RFB; what types of information would you submit?". If the answer is not what you are expecting; revise accordingly.*

*Regardless of whether a Contracts Attorney was involved earlier in the RFB drafting process, the proposed final publication draft of **ALL** RFB/Ps requiring a contract **MUST** be submitted to Law for review a minimum of 10 business days prior to publication. This RFB/P will form the Scope of Work for the contract and if there are problems that were not addressed before the RFB/P was published, a rebid may be necessary. Please plan accordingly.*