



# Memorandum

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## Pre-Bid Conference: Project 45305 State Preparedness Training Center, Oriskany, NY

### Provide Swift Water and Flood Training Facility

Oct. 28, 2016, 10:30 a.m.

**ATTENDANCE:** Attendance sheets were passed around, and a total of 16 people signed in, including approximately 10 individuals from Construction companies, with four people identifying themselves as interested prime contractors. Three MWBE companies were represented, but there were no SDVOB companies present. Today's attendance sheets, along with the Power Point presentation and minutes, will be posted on the OGS website for reference.

**INTRODUCTION:** Mike Singleton, the OGS Project Manager, opened the meeting at approximately 10:35 a.m. and reminded attendees to sign in. He announced that there would be an opportunity for vendor networking with subs and MWBE's after the presentation, followed by a guided walk-through of the site.

### PROJECT OVERVIEW

Mr. Singleton began the Power Point presentation remarking that this is an exciting project for flood training, as a lot of flooding has occurred in New York State. The project has been in the planning stages over a long period of time. On the Power Point screen there were shown several accurate, impressive artist renditions of what the finished facility will look like. The first one depicted a swift water channel, with "Rapid Blocks" that will be provided by the facility. OGS, the contractor, and the facility will be working together to test them. The second picture showed a flood water channel with submerged vehicles and mock buildings. The third one showed a pond that will have a concrete bottom with a liner. It will be important for this lake area to have the correct elevations, which are critical for water flows. The project also includes mock buildings for training and a utility building.

OGS had hoped to be able to begin the work sooner so as to reach completion in late fall of 2017, but delays with the documents have caused us to lose this construction season. Completion of the project is now anticipated for spring (likely May) of 2018.

He advised the group to look carefully at all the specifications. Substantial completion will be expected within 530 days of award. It is very important to meet the schedule. Delays can cause liquidated damages to be assessed. Please note the roofing work and asphalt paving that have restricted work periods through the winter season with specified dates. There will be quite a lot of concrete work, some brick work and some lighting. Bidders should take a careful look at the documents for the deep excavation – there is ground water 12 – 13 feet below, and the elevations are designed to avoid ground water and rock. The first thing to tackle will be the pumps, and scheduling for these. The prime contractor must provide a schedule that will work for everyone involved.

The State will furnish the “Uni-Strut” C-channels to embed into the concrete slab work. Polypropylene blocks called “Rapid Blocks” will be installed by another vendor once the concrete is cured. The State will provide the “Rapid Blocks” to create swift water currents.

The State is already coordinating the project with National Grid, and will pay for the electric service connection for the contractor.

The bid date is still set for Wed., Nov. 9<sup>th</sup>. So far two bid questions have been received on the OGS website. If anyone has any additional questions, please submit them soon. OGS will issue an addendum to address questions that involve changes to the bid documents.

We are currently in the “restricted period” of the procurement, requiring technical questions to be submitted and answered on the public website. The Procurement Lobby Law restricts contacts only to certain individuals until contract award. The designated contacts for bidding questions are John Lewyckyj, Carl Ruppert, and Frank Peris in OGS D&C Contract Management. Pierre Alric, Tryphina Ramsey and Laurie Adrian (in addition to Mike Singleton) are available at this conference today only as “subject matter experts,” and will be sharing additional useful information to follow.

## **BID AND CONTRACT INFORMATION**

Pierre Alric introduced himself as the Manager of OGS Contract Payment Audit. He stressed the importance of thoroughly reviewing all the bid requirements and instructions in order to avoid errors and omissions that would disqualify the bid. The most common error is omitting a signature, which causes automatic disqualification. Only an original ink signature is accepted – no photocopies, stamps, or electronic signatures. It is also common to submit the wrong amount of bid security: Note that this project requires \$167,300.

Bids are due by 2:00 p.m. on Wednesday, Nov. 9<sup>th</sup>. Any modifications to bids already submitted are also due by 2:00 on Nov. 9<sup>th</sup>. All forms must be complete. Bid security and the OGS bid form are required.

It should also be noted that there are time constraints for bid withdrawals. Follow the instructions in the bid documents.

This project has a single construction trade with MWBE goals of 30% (15/15). Addendum No. 1 contains a goal of 3% participation for Service-Disabled Veteran-Owned Businesses (“SDVOB’s”).

The apparent low bidder will have a Vendor Responsibility review soon after notification. The Division of Construction will also set up a Pre-Award interview, and the low bidder will then meet with OGS field representatives who will evaluate whether the contractor has the ability, expertise, and experience to perform the work. Performance bonds and Labor & Material bonds must be provided from a surety company licensed by NYS using the OGS form in the bid documents.

Award of the contract is anticipated within 45 days of the bid opening on November 9<sup>th</sup>. There is a provision that the low bidder can withdraw a bid without penalty if the contract is not awarded by the end of the 45 days. Construction will commence immediately after award, to be completed in 535 days according to the schedule. Documents can be obtained from the OGS website.

## **MINORITY & WOMEN-OWNED BUSINESS ENTERPRISES (MWBE)**

Tryphina Ramsey introduced herself as the Assistant Director of the OGS MWBE Office. She asked for a show of hands for who in the group were MWBE vendors, and three firms responded. She explained that the goals for this project have been established at 15% Minority/ 15% Women-Owned that can be done in any combination. The goals on the contract pertain to subcontractors, but an MWBE prime can get 15% credit.

MWBE's primes and subs must be certified with the Empire State Development Corp. in order to get credit. To see who is certified, you can visit the online "NYS Contract System" MWBE Directory. The OGS MWBE office can provide help to firms interested in becoming certified.

For MWBE credit, primes and subs must be approved through the OGS MWBE office, and then must also be reviewed and approved by the Vendor Responsibility office. Note that SDVOB is a separate certification and goal. However, if a vendor is certified by both MWBE and SDVOB, he/she can receive credit for both on the project.

Ms. Ramsey demonstrated how to navigate the OGS website in order to find project listings, plans for purchase, bid documents, etc. By going into the OGS website under Design & Construction, you can find "Contractor Opportunities" and click on "Bid Documents for Purchase." There you can find information on upcoming projects and links to purchase bid documents. The search function for this list can be used to find counties, trades, and values. Under the project number, the website also lists primes who have purchased bid documents, so that interested MWBE subs may contact them.

There are a number of other tools available to assist vendors. "Special Notices" on the OGS D&C page will highlight large projects. There is a link here to "Electronic Notification" where MWBE's can register to receive automatic electronic notices of upcoming opportunities. The page from this link contains a login for "Returning Members" and also a link for new registrations. Vendors can also request to be included on a list of "Interested Subs and Suppliers" for a particular project. Firms which have expressed interest in this project are listed with a description of their trades and an indication of whether they are certified as MBE, WBE, or SDVOB.

There is also a link to an Excel list of "Previously Approved Vendors" as a pool of potential subs and suppliers for primes to draw from. Subs from this list must still be reviewed and approved by Vendor Responsibility.

## **SERVICE-DISABLED VETERAN-OWNED BUSINESSES (SDVOB)**

Mr. Alric returned to explain the SDVOB goals. The SDVOB initiative was enacted by NYS in 2014 to increase utilization on public projects of businesses owned by Service-disabled veterans, with an established statewide goal of 6% participation. Eligible businesses must be certified by the OGS Division of SDVOB Development. As of Sept. 21, 2016 there were now 260 of these businesses certified in New York State. On Project 45305, the SDVOB goals are of 3%. Vendors are encouraged to start building relationships now with SDVOB firms for this and future projects.

For reference, on the OGS website (bottom of the main page) there is a link to SDVOB information with a complete list of certified NYS SDVOB firms, along with information on how to get certified. Also on the OGS website, under the Design & Construction project number, is a link to the list of "Interested Subs and Suppliers" which indicates vendors registered as SDVOB's.

For further information, please contact the OGS SDVOB compliance specialist, Calisia Humphries, at [Calisia.Humphries@ogs.ny.gov](mailto:Calisia.Humphries@ogs.ny.gov)

## **VENDOR RESPONSIBILITY**

Next Laurie Adrian gave a presentation on the Vendor Responsibility ("VendRep") process, defining a responsible vendor as one who has the capacity to fully perform its contractual obligations with competence and integrity, so as to justify the use of public dollars. Owners and officers are reviewed as well as the company. The vendor review process is mandated by law, and all prime contractors and subcontractors must be reviewed and approved before starting work.

**"FLIP Review":** According to Executive Order 170, vendors are reviewed by four areas of the "FLIP" standard: Financial viability to carry through the project, Legal authority to do business, Integrity and compliance with laws and regulations, and Performance record and proof of expertise.

Vendors must be registered with the NYS Dept. of State Corporations, or if a sole proprietor, be registered with the counties in which they do business. Vendors are also required to furnish proof of workers' compensation and disability insurance. Pollution control insurance is required for asbestos abatement, etc. The agency will check for any legal or criminal issues, tax liens, debarments, safety records, adherence to labor laws and regulations including MWBE requirements, past performance records and non-responsive bids, and prior non-responsibility determinations.

**Form CCA-2:** Prime contractors must complete an online vendor questionnaire (Form CCA-2, "For-Profit Construction") within 72 hours of their notice of being the apparent low bidder. OGS will send an e-mail to the low bidder with instructions. The questionnaire resides in the electronic vendor system administered by the Office of the State Comptroller (OSC). OSC can be contacted if help is needed in completing the questionnaire, and they are good at responding to questions.

The CCA-2 form has about 30 questions and requires a list of recent completed projects and a list of current ongoing projects. It also requires a recent company financial statement. Some vendors are reluctant to put in their financial information, but please note that the questionnaire is

password-protected and no one has access to the information but the designated VendRep reviewers.

**Note:** It is very important to answer all questions truthfully and to disclose all issues. Failure to disclose issues may lead to disapproval and/or a determination of non-responsibility. However, we prefer to help vendors resolve any issues they may have so that the award can go forward.

**Vendor ID:** Every vendor doing business with NYS must have an OSC Vendor Identification number (not to be confused with the federal tax ID). The Vendor ID number is required in order to fill out the CCA-2. Any interested vendors who are new and do not have one already are encouraged to apply for one ahead of the bid to avoid any delay. OGS will assist new vendors in obtaining one.

**Subcontractors:** All subcontractors must be submitted, reviewed, and approved before the sub is allowed on site. Prime contractors must submit them electronically on Form BDC-329. All subs doing \$100,000 or more of work must also do the CCA-2 questionnaire for review.

## **QUESTIONS:**

Mr. Singleton concluded the presentation and asked if there were any questions. No further questions were asked. The meeting was adjourned at approximately 11:05 a.m. The Power Point and minutes of the presentation will be posted on the OGS website.

## **NETWORKING SESSION**

After the presentation there was an opportunity for primes, subs, and MWBE's to meet and talk with each other.

## **SITE VISIT WALK-THROUGH:**

A guided walk-through followed the session for interested vendors to see the field area where the training facility would be built.

For information on OGS's Pre-Bid Inquiry and Response Policy, please see the following link:

<https://online.ogs.ny.gov/dnc/contractorConsultant/esb/PreBidInquiryResponsePolicy.asp>

*Nov. 2, 2016*