



CP 20-06-A
Request for Proposal
for
Professional Services



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Raw Water Transmission Upgrades -
Phase 2

1.0 INTRODUCTION

- 1.1 The Mohawk Valley Water Authority (MVWA) is requesting proposals from consulting firms with demonstrated experience in projects involving slope stabilization, geotechnical analysis, and drainage improvements. This RFP is for design, bidding, & construction phase engineering and observation services to install approximately 1.0 mile of 48"-54" diameter Raw Water Transmission Main. Services to be provided are detailed in Section 3 "Scope of Services" and include:

Task 1 – Design Phase Services

Task 2 – Bidding Phase Services

Task 3 – Construction Phase - Engineering (*Office & Field*)

Task 4 – Construction Phase - Construction Observation (*Field*)

- 1.2 Response to this RFP shall be submitted by electronic format to rfp@mvwa.us, or available on the consultant's FTP site by 4:00 P.M. local time on December 29, 2021.
- 1.3 Questions regarding this RFP should be directed to Benjamin Smith via email (bsmith@mvwa.us). Questions and responses that affect the scope of services will be in writing and distributed to all recipients.
- 1.4 Pre-proposal site visits are allowed and shall be arranged by contacting Benjamin Smith via the email listed above.

2.0 PROJECT DESCRIPTION

- 2.1 General – MVWA is increasing Raw Water Transmission Capacity to support current and future development within the service area. Preliminary Design for alignment has been completed, as has preliminary geotechnical and archaeological investigations.

2.2 Key Project Components:

- 2.2.1 Approximately 1-mile of new transmission main utilizing 48" & 54" diameter piping.
- 2.2.2 Design and installation of new valves to provide adequate isolation needs.

2.2.3 Connection points to existing Raw Water Transmission Mains.

2.2.4 Additional easements may be required for construction. Coordination with Brookfield Power, New York Power Authority, Iroquois Gas, and individual property owners is anticipated.

2.3 Supplemental Information is available as part of this RFP and can be obtained by contacting Jolie Murray (jmurray@mvwa.org). Supplemental Information includes Preliminary Design Drawings, Geotechnical Results, Archaeological Survey, Environmental Survey.

2.4 Project Completion Timeline – MVWA intends for construction to be deemed Substantially Complete by July 14, 2023. Final completion shall be by August 18, 2023.

2.5 SEQR – N/A for Proposal.

2.6 Funding - The project will be funded from MVWA bonds and NYSEFC Grant Funds. No assistance from the Consultant is required relative to securing additional funding. NYSEFC Contractual Requirements will be required to be included in Construction Documents.

2.7 SPDES Permit – The Consultant shall prepare the project’s NYSDEC SPDES application for the General Permit for Construction Activities. The associated Storm Water Pollution Prevention Plan is also required.

3.0 SCOPE OF SERVICES

3.1 Task 1 – Design, Engineering Report and Construction Documents

3.1.1 The Consultant shall prepare plans, specifications, and related contractual documents (*Construction Documents*) for bidding and construction of the project described in Section 2. “Project Description” and as determined through discussions with the MVWA.

3.1.2 Construction Documents shall be prepared in accordance with applicable NYSDEC and MVWA requirements.

3.1.3 Consultant shall be responsible for securing current New York State Schedule of Wage Rates for this project and distributing subsequent updates to all parties involved throughout construction.

3.1.4 Consultant shall generate formal minutes for all meetings. Distribute to the MVWA and all parties involved. For cost-estimating purposes, plan on virtual progress meetings, unless otherwise noted, to minimize travel time related to this project.

3.1.5 Task 1 Services shall be divided into the following general tasks. Please note additional tasks may be necessary to execute the project successfully and shall be clearly defined in scope section of submitted proposal:

1) Project Initiation

- a) Coordinate meeting(s) with the MVWA to review recommendations/requirements of the project to arrive at a mutual understanding of the proposed project scope
- b) Kick-off meeting at MVWA offices (in-person).

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- c) Develop Pipe Material selection Technical Memorandum highlighting a selection matrix for suitable pipe materials. Memorandum shall include a recommended path forward for pipe material use for this specific project that would be discussed & agreed upon with Owner before being carried through the remainder of design phase.

- d) One (1) virtual meeting with MVWA to discuss Technical Memorandum findings/conclusions.

- e) One (1) site meeting with MVWA, prior to development of Design Drawings

2) 60% Design Phase

- a) Prepare Design Drawings (60%), Specifications and Costs shall be of sufficient detail to permit review and comment by the MVWA.

- b) Provide a detailed estimate of probable construction cost for the project including an appropriate contingency.

- c) Draft Basis of Design Report

- d) Draft Permitting Documents

- e) One (1) review meeting with MVWA after submittal of 60% design drawings to receive MVWA comments and discuss design progress, schedule, and costs.

3) 95% (Draft Final) Design Phase

- a) Review and incorporate comments and revisions on the Preliminary Design into the Draft Final Design Construction Documents.

- b) Submit Draft Final Construction Documents and BOD report for approval to MVWA and other reviewing agencies.

- c) Final Permitting Documents

- d) Provide a final detailed estimate of probable construction cost for the project by the work included in each Bid Package.

4) Final Design Phase

- a) Review and incorporate Regulatory Agency and MVWA comments and revisions

on the Draft Final Design into the Final Design Documents to be used for Bidding Phase.

3.2 Task 2 - Bidding Phase Services

3.2.1 Provide the following services related to bidding and award of the contract(s):

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3.2.1.1 Consultant shall provide an electronic copy and one set of reproducible for the Bid Package. MVWA will reproduce, distribute and log all packages issued for bid.

3.2.1.2 Assist in the bidding process by attending pre-bid conferences, answering questions submitted by contractors and prepare addendums when necessary.

3.2.1.3 Review bids submitted by contractors. Prepare bid tab, check references, and forward recommendation to the MVWA for award.

3.3 Task 3 - Construction Phase Engineering (Office & Field)

3.3.1 The Consultant shall provide the following office services:

3.3.1.1 Coordinate and preside over the pre-construction meetings. Prepare a Project Directory and meeting minutes. MVWA will coordinate subsequent project meetings and prepare the minutes of these as needed.

3.3.1.2 Coordinate, track, and review all contractor submittals. The MVWA will be provided digital copies of submittals for record-keeping purposes.

3.3.1.3 Answer and respond in writing to contractor questions.

3.3.1.4 Review payment requests and recommend for payment by MVWA.

3.4 Task 4 - Construction Phase Observation (Field)

3.4.1 The Consultant shall provide the following on-site construction services:

3.4.1.1 Provide daily construction reports.

3.4.1.2 Coordinate monthly construction meetings.

3.4.1.3 Observe contractor's daily activities.

3.4.1.4 Organize and maintain project files.

3.4.1.5 Review contractor Payment Requests.

3.4.1.6 Take daily construction progress photos.

3.4.1.7 Confirm and Record Contractor field measurements.

3.4.1.8 Communicate with MVWA regarding contractor tasks and site schedule.

3.4.1.9 Coordinate Contractor's preparation of Project Record Drawings.

4.0 TERMS AND CONDITIONS

- 4.1 The services in this proposal shall be awarded by Board resolution. Consultant shall prepare an Agreement for Services for review by the MVWA and execution by the MVWA Executive Director.
- 4.2 The contents of the successful firm's proposal will become part of the Agreement for Services.

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4.2.1 The MVWA reserves the right to accept or reject any or all submissions when it is in the best interest of the MVWA to do so.

4.2.1.1 The MVWA is not liable for any costs incurred prior to the issuance of an executed Agreement or a written notice to proceed.

5.0 COMPENSATION

- 5.1 Tasks 1 & 2 - The proposal shall indicate a lump sum fee for Tasks 1 & 2. The fee shall include the Consultant's personnel and all direct expenses to complete the work and provide man-hours by technical and administrative employee classification for each Task. It is recommended that Consultant provide further breakdown of anticipated man-hours to illustrate the level of effort for subtasks.
- 5.2 Task 3 - Provide an estimated fee for Task 3 based on the anticipated Time & Expense costs (T+E). The final amount under Task 3 will vary based on construction factors, staff utilized and related factors.
- 5.3 Task 4 - Provide an estimated fee for Task 4 based on the anticipated Time & Expense costs (T+E). Include the field representative's hourly billing rates for regular and overtime services. Also list the estimated direct expenses separately. Payments shall be made based on work completed as approved upon by the MVWA. The final amount under Task 4 may vary based on construction factors. Firm management and administrative costs shall be included in the hourly rates for regular and overtime hours.
- 5.4 Additional Services - Additional Services will be negotiated and authorized in writing to cover tasks that may arise and are not covered in Sections 3.1 through 3.4. Provide individual hourly billing rates for the Project Manager, Project Engineer, Project Technician, and administrative support staff. Additional direct expenses will be paid at cost.

6.0 CONSULTANT LIABILITY INSURANCE

- 6.1 The Consultant and all sub consultants are required to carry malpractice liability insurance. A statement of liability insurance limits will be required with the Agreement. This statement must include Liability Insurance Coverage of at least Two Million (\$2,000,000) dollars for the consultant.

7.0 SUBMISSION REQUIREMENTS

- 7.1 General - The proposal shall follow the format outlined in this section. The number of single sided pages indicated is only a guideline with a goal of conciseness. Please do not submit irrelevant data or information. It is permissible to provide links to firm website where additional relevant information

may be reviewed.

- 7.1.1 Contact Information - Provide the complete name, e-mail, address, and telephone numbers of the individual who is proposed to be the Consultant's project manager and primary communications contact for this project. Also provide firm name, address, e-mail, and phone numbers for each of the sub-consultants, if any. One (1) page.

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- 7.1.2 Firm Experience - Please indicate your firm's and all sub-consultant's prior experience in working with similar or more similarly-sized projects including past project dollar values. Max (4) pages. Past Project information shall include corresponding reference(s).

- 7.1.3 Personnel Qualifications & Experience - Please provide a one (1) page summary of each team member; names, roles and responsibilities, years of experience and listing of relevant project experience.

7.1.3.1 MWBE Participation of 30% is required (15% MBE, 15% WBE). See Appendix A.

7.1.3.2 SDVOB Participation of 6% is required. See Appendix A.

- 7.1.4 Technical Understanding & Approach - Provide your understanding of the project scope and your firm's approach to accomplishing Tasks 1, 2, 3 & 4. It is permissible to reference the RFP Tasks and add specific information on how your firm will approach the work. Please clearly indicate how your firm's approach is a benefit to the MVWA in terms of project performance, costs, schedule, and any other related factors. Max (4) pages.

7.1.4.1 Time Schedule - Please provide a proposed schedule indicating the date your firm is available to start the required work and potential dates for completion of each of the tasks described. Suggested (2) pages.

- 7.1.5 Compensation - Provide the fee proposal and task man-hour breakdown as required under Section 5. "Compensation".

7.2 Liability Insurance - Copies are not required with the Proposal.

7.3 Agreement - Not required with the Proposal.

8.0 SELECTION CRITERIA

8.1 Proposals received in response to this RFP will be reviewed by Senior Level Staff at MVWA. Interviews are not anticipated at this time. MVWA reserves the right to conduct interviews if deemed necessary by RFP Review Team. The qualifications of the firms will be evaluated based upon the criteria below and subsequently ranked in order of most qualified to least qualified. The firms and rankings will be presented to the Executive Director and Comptroller for discussion and recommendation to the Capital Projects Committee. MVWA twelve (12) Member Board will consider Award after recommendation by Capital Projects Committee. A resolution by the full Board is necessary to enter into a contract with the selected firm.

8.2 The following selection criteria will be used to rank the responding firms:

CRITERIA	WEIGHT
1. Scope of Services; Project understanding, technical approach, and completeness.	20%
2. Proposed Schedule	10%
3. Firm & Personnel Credentials; Experience on projects of similar type and scope.	30%
4. Compensation: cost effectiveness of services based on scope and credentials.	30%
5. MVWA Past Experience, Responsiveness, and Reference Responses	10%
TOTAL	100%

APPENDIX A

MWBE & SDVOB DOCUMENTS

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MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES (MWBE)

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A, Mohawk Valley Water Authority (MVWA) recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of MVWA contracts.

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

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BUSINESS PARTICIPATION OPPORTUNITIES FOR MWBEs

For purposes of this solicitation, MVWA hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). A contractor ("Contractor") on the subject contract ("Contract") must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that MVWA may withhold payment pending receipt of the required MWBE documentation. The directory of New York State Certified MWBEs can be viewed at: <http://www.esd.ny.gov/mwbe.html>.

For guidance on how MVWA will determine a Contractor's "good faith efforts" refer to 5 NYCRR §142.8.

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

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

By submitting a bid or proposal, a bidder on the Contract ("Bidder/") agrees to submit the following documents and information as evidence of compliance with the foregoing:

- A. Bidders are required to submit a MWBE Utilization Plan with their bid or proposal. Any modifications or changes to the MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to MVWA.
- B. MVWA will review the submitted MWBE Utilization Plan and advise the Bidder of MVWA acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to the MVWA, 1 Kennedy Plaza, Utica, NY 13502, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is

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found by MVWA to be inadequate, MVWA shall notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver in a timely manner may be grounds for disqualification of the bid or proposal.

- D. MVWA may disqualify a Bidder as being non-responsive under the following circumstances:
- a) If a Bidder fails to submit a MWBE Utilization Plan;
 - b) If a Bidder fails to submit a written remedy to a notice of deficiency;
 - c) If a Bidder fails to submit a request for waiver; or
 - d) If MVWA determines that the Bidder has failed to document good faith efforts.

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

Contractors are required to submit a Contractor's Quarterly M/WBE Contractor Compliance & Payment Report to the MVWA, 1 Kennedy Plaza, Utica 13502 by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

BUSINESS PARTICIPATION OPPORTUNITIES FOR SDVOBS

For purposes of this solicitation, MVWA hereby establishes an overall goal of 6.5% for Service-Disabled Veteran-Owned Business Program ("SDVOB") participation. A contractor ("Contractor") on the subject contract ("Contract") must document good faith efforts to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that MVWA may withhold payment pending receipt of the required SDVOB documentation. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/Veterans/>.

For guidance on how SDVOB will determine a Contractor's "good faith efforts" refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth

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in the Contract, such finding constitutes a breach of Contract and MVWA may withhold payment from the Contractor as liquidated damages.

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

By submitting a bid or proposal, a bidder on the Contract ("Bidder/") agrees to submit the following documents and information as evidence of compliance with the foregoing:

- E. Bidders are required to submit a SDVOB Utilization Plan with their bid or proposal. Any modifications or changes to the SDVOB Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised SDVOB Utilization Plan and submitted to MVWA.
- F. MVWA will review the submitted SDVOB Utilization Plan and advise the Bidder of MVWA acceptance or issue a notice of deficiency within 30 days of receipt.
- G. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to the MVWA, 1 Kennedy Plaza, Utica, NY 13502, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by MVWA to be inadequate, MVWA shall notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver in a timely manner may be grounds for disqualification of the bid or proposal.
- H. MVWA may disqualify a Bidder as being non-responsive under the following circumstances:
 - e) If a Bidder fails to submit a SDVOB Utilization Plan.
 - f) If a Bidder fails to submit a written remedy to a notice of deficiency.
 - g) If a Bidder fails to submit a request for waiver; or
 - h) If MVWA determines that the Bidder has failed to document good faith efforts.

Contractors shall attempt to utilize, in good faith, any SDVOB identified within its SDVOB Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made after Contract Award may be made at

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any time during the term of the Contract to MVWA but must be made no later than prior to the submission of a request for final payment on the Contract.

Contractors are required to submit a Contractor's Quarterly SDVOB Contractor Compliance & Payment Report to the MVWA, 1 Kennedy Plaza, Utica 13502 by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all the terms and conditions of Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor, shall undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

Bidder further agrees, where applicable; to submit with the bid a staffing plan identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit to the MVWA, a workforce utilization report identifying the workforce utilized on the Contract if known.

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

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



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INSTRUCTIONS: This form **MUST** be submitted with any bid, proposal, or proposed negotiated contract prior to contract award. This Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each NYS-certified Minority and Women-owned Business Enterprise (M/WBE), including the offeror if a NYS-certified MWBE, and estimated (or actual if known) annual dollar value under the contract and reflect the MWBE participation goals specified in the contract or procurement document.

Will there be M/WBE participation for services provided under this contract? ☐ YES (Complete the form.) ☐ NO (If No, please complete Request for Waiver.)

Contract Overview			
Offeror/Contractor Name: _____ Telephone: _____ SFS Vendor ID: _____			
Address: _____ Federal ID No: _____ ID: _____			
City, State, Zip: _____ Solicitation No: _____			
NYS Certified M/WBE Fill out box below for each NYS Certified M/WBE Contractor or Subcontractor	Classification	Description of Scope of Work (Subcontractors/Supplies/Services)	Annual Dollar Value of Subcontracts/Supplies/Services
Name: _____ Address: _____ City, State, Zip: _____ Telephone: _____ Fed. ID. No: _____ SFS Vendor ID: _____	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> DUAL	<input type="checkbox"/> DIRECT (Spending directly fulfilling contract obligations.) Description: _____ <input type="checkbox"/> INDIRECT (Spending in support of company operations.) Description: _____ <input type="checkbox"/> Copy of written agreement attached (Required for teaming.)	\$ _____
Name: _____ Address: _____ City, State, Zip: _____ Telephone: _____ Fed. ID. No: _____ SFS Vendor ID: _____	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> DUAL	<input type="checkbox"/> DIRECT (Spending directly fulfilling contract obligations.) Description: _____ <input type="checkbox"/> INDIRECT (Spending in support of company operations.) Description: _____ <input type="checkbox"/> Copy of written agreement attached (Required for teaming.)	\$ _____

☐ **VENDOR CERTIFICATION:** I hereby affirm that the information supplied in this utilization plan is true and correct.

SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR/CONTRACTOR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 142, AND THE ABOVE REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND/OR TERMINATION OF THE CONTRACT.

Signature: _____

Date: _____

Print Name: _____

Telephone: _____

Title: _____

Email: _____



MI/NDI UTILIZATION PLAN

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FOR AUTHORIZED USE ONLY	
Utilization Plan Approved: <input type="checkbox"/> Y <input type="checkbox"/> N	Date: _____
Notice of Deficiency Issued: <input type="checkbox"/> Y <input type="checkbox"/> N	Date: _____
Notice of Acceptance Issued: <input type="checkbox"/> Y <input type="checkbox"/> N	Date: _____
Reviewed By:	Date: _____
Comment(s):	



REQUEST FOR WAIVER

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Please see bid specifications for documentation requirements. By submitting this form and the required information, the offeror/contractor certifies that every Good Faith Effort has been taken to promote M/WBE participation pursuant to the M/WBE participation requirements set forth under the contract.

CONTRACT OVERVIEW

Offeror/Contractor Name: _____ Telephone: _____

Address: _____ Federal ID No. _____ SFS Vendor ID: _____

City, State, Zip: _____ Solicitation/Contract: _____

Type of Procurement: Competitive Bid ☐ Other ☐ Bid Response Due Date: _____ Est. or Actual Cost: _____

WAIVER REQUEST ("X" ALL boxes that apply)

1. ☐ MBE Waiver – A waiver of the MBE Goal for this procurement is requested. ☐ Total ☐ Partial
2. ☐ WBE Waiver – A waiver of the WBE of the WBE Goal for this procurement is requested. ☐ Total ☐ Partial
3. ☐ Waiver – Pending ESD Certification – Check here if subcontractors or suppliers of Contractor are not certified M/WBE but an application has been filled with Empire State Development. Supplier Name: _____ Date of Filing: _____ Reference submission Instruction on Page 2, Item 1.
4. ☐ Vendor does not subcontract construction/professional services.
5. ☐ Vendor subcontracts some of this type of work but at lower % than bids/solicitation describes.
6. ☐ Vendor has solicited NYS Certified M/WBE firms for purposes in complying with participation goals without success. Reference submission Instruction on Page 2 – 10.
7. ☐ Other:

Provide a summary of your Justification for requesting a waiver:

☐ By checking this box you verify that you went through the NYS ESD M/WBE Directory of Certified firms to view companies that you may be currently using or may use on this bid.

SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR/CONTRACTOR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 142, AND THE ABOVE REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN FINDING OF NON-COMPLIANCE AND/OR TERMINATION OF THE CONTRACT.

Submit copy via email to: jmurray@mvwa.us or fax to: 315-792-0358. Originals are to be mailed to: Mohawk Valley Water Authority, Attn: Jolie Murray, 1 Kennedy Plaza, Utica, NY 13502



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Instructions for Completing the Monthly SDVOB Compliance Report – SDVOB 101

The SDVOB Monthly Reporting Form is to be completed by the Contractor/Vendor, and submitted **by the 10th day of each month for** **the Contractor/Vendor**. This form should include **all** (i.e., SDVOB and non-SDVOB) Subcontractors and/or suppliers assigned by the Contractor/Vendor to perform work during the contract. This reporting should also include income earned by your Subcontractors and/or Suppliers to SDVOB contracts.

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Complete the form as specified below.

Contract No.	Indicate the MVWA Contract No.
Contractor/Vendor Name and Address	Provide your firm's name and address.
Federal ID No.	Enter your firm's Federal ID No.
Goals	Indicate SDVOB participation goals.
Reporting Period	Fill in the month and year of reporting period. One copy must be submitted with final payment application.
Contract Name	Fill in the name of the contract
Firm Name and Address	Provide the name, address and phone number of all Subcontractors/Suppliers assigned by the Contractor/Vendor on this contract or purchase agreement(s).
Federal ID No.	Enter the Subcontractor's/Supplier's Federal ID No. If no Federal ID No. has been assigned, provide only the owner's last four (4) digits of his or her Social Security No.
Payment This Month	Indicate the amount paid <i>this month</i> to each SDVOB Subcontractor/Supplier. If there was no income activity for the Subcontractor/Supplier, please check the box indicating "No Payment This Month."
Contract Amount	Enter the total contract amount or purchase agreement(s) amount for each contract or total monthly sales, which ever applies
Description of Work/Supplies	Briefly describe the work performed or supplies provided by each Subcontractor/Supplier.

Submit to:

MVWA

SDVOB UTILIZATION PLAN

☐ Initial Plan ☐ Revised plan Contract/Solicitation # _____

INSTRUCTIONS: This Utilization Plan must contain a detailed description of the supply and/or services to be provided by each New York State Certified Service-Disabled Veteran-Owned business (SDVOB) under the contract. In submission of this Plan, the Bidder/Contractor commits to working in good faith for the utilization of SDVOB subcontractors and suppliers as required by the SDVOB goals contained in the solicitation/contract. Making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Firms that do not perform commercially useful functions may not be counted toward SDVOB utilization. Attach additional sheets if necessary.

BIDDER/CONTRACTOR INFORMATION		SDVOB Goals In Contract
Bidder/Contractor Name:	NYS Vendor ID:	%
Bidder/Contractor Address (Street, City, State and Zip Code):		
Bidder/Contractor Telephone Number:	Contract Work Location/Region:	
Contract Description/Title:		

CONTRACTOR INFORMATION			
Prepared by (Signature):	Name and Title of Preparer:	Telephone Number:	Date:
Email Address:			

If unable to meet the SDVOB goals set forth in the solicitation/contract, bidder/contractor must submit a request for waiver on the SDVOB Waiver Form.

SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:	Federal Identification No.:	Telephone No.:	
Address:	Email Address:		
Detailed description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____%			

SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:	Federal Identification No.:	Telephone No.:	
Address:	Email Address:		
Detailed Description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____%			

FOR MVWA USE ONLY				
MVWA Authorized Signature:	<input type="checkbox"/> Accepted	<input type="checkbox"/> Accepted as Noted	<input type="checkbox"/> Notice of Deficiency	
NAME (Please Print):	SDVOB %/\$ _____	Date Received:	Date Processed:	
Comments:				
NYS CERTIFIED SDVOB SUBCONTRACTOR/SUPPLIER INFORMATION: The directory of New York State Certified SDVOBs can be viewed at: https://ogs.ny.gov/Veterans/default.asp Note: All listed Subcontractors/Suppliers will be contacted and verified by MVWA.				

ADDITIONAL SHEET

Bidder/Contractor Name:	Contract/Solicitation # _____
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SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:		Federal Identification No.:	Telephone No.:
Address:		Email Address:	
Detailed Description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____ %			
SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:		Federal Identification No.:	Telephone No.:
Address:		Email Address:	
Detailed Description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____ %			
SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:		Federal Identification No.:	Telephone No.:
Address:		Email Address:	
Detailed Description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____ %			
SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:		Federal Identification No.:	Telephone No.:
Address:		Email Address:	
Detailed Description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____ %			
SDVOB Subcontractor/Supplier Name:			
Please identify the person you contacted:		Federal Identification No.:	Telephone No.:
Address:		Email Address:	
Detailed Description of work to be provided by subcontractor/supplier:			
Dollar Value of subcontracts/supplies/services (When \$ value cannot be estimated, provide the estimated % of contract work the SDVOB will perform): \$ _____ or _____ %			

APPLICATION FOR WAIVER OF SDVOB PARTICIPATION GOAL

(must be submitted before requesting final payment on the Contract)

Section 1: Basic Information

Contractor's Name:		Federal Identification Number:	
Street Address:		E-mail Address:	
City, State, Zip Code:		Telephone: () -	
Contract Number:		SDVOB CONTRACT GOALS	
		%	

Section 2: Type of SDVOB Waiver Requested

<input type="checkbox"/> Total	<input type="checkbox"/> Partial	If partial waiver, please enter the revised SDVOB percentage:	%
Please explain the reason for the waiver request:			

Section 3: Supporting Documentation

Provide the following documentation as evidence of your good faith efforts to meet the SDVOB goals set forth in the contract and in support of your waiver application:

- ☐ **Attachment A.** Copies of solicitations to SDVOBs and any responses thereto.
- ☐ **Attachment B.** Explanation of the specific reasons each SDVOB that responded to Bidders/Contractors' solicitation was not selected.
- ☐ **Attachment C.** Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by MVWA with certified SDVOBs whom MVWA determined were capable of fulfilling the SDVOB goals set forth in the contract.
- ☐ **Attachment D.** Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs.
- ☐ **Attachment E.** Other information deemed relevant to the request.

Section 4: Signature and Contact Information

By signing and submitting this form, the contractor certifies that a good faith effort has been made to promote SDVOB participation pursuant to the SDVOB requirements set forth under the solicitation or Contract. Failure to submit complete and accurate information may result in a finding of noncompliance, non-responsibility, and a suspension or termination of the contract.

Prepared By: (Signature)	Date:
Name and Title of Preparer (Print or Type)	

For MVWA Use Only

Reviewed By:

Date:

Decision:

☐

Full SDVOB waiver granted

☐

Partial SDVOB waiver granted; revised SDVOB goal: _____ %

☐

SDVOB waiver denied

OFFICIALLY CLOSED

Approved By:

Date:

Date Notice of Determination Sent:

Comments

CONTRACTOR'S MONTHLY SDVOB COMPLIANCE REPORT (DUE ON THE 10TH DAY OF EACH MONTH FOR THE PRECEDING MONTH'S ACTIVITY AS EVIDENCE TOWARDS ACHIEVEMENT OF THE SDVOB GOALS ON THE CONTRACT)

Contract No.: _____

OFFICIALLY CLOSED

Contractor/Vendor Name, Address and Phone No.:		Contract Name		SDVOB Goals		Reporting Period	
				%		Month	Year
SDVOB Firm Name, Address and Phone Number (List All Firms)		Description of Work or Supplies Provided		SDVOB Payment		Contract Amount	
Federal ID No.:				<input type="checkbox"/> No Payment This Month			
Federal ID No.:				<input type="checkbox"/> No Payment This Month			
Federal ID No.:				<input type="checkbox"/> No Payment This Month			
Federal ID No.:				<input type="checkbox"/> No Payment This Month			
_____		_____		_____		_____	
Signature		Print Name and Title		Date		For MVWA Use Only	
Submission of this form constitutes the Contractor's acknowledgement as to the accuracy of the information contained herein. Failure to submit complete and accurate information may result in a finding of noncompliance, non-responsibility, suspension and/or termination of the Contract.						Reviewed By:	
						Date:	

APPENDIX B

OFFICIALLY CLOSED

FINAL DELIVERABLES BY TASK

OFFICIALLY CLOSED

Deliverable

Task 1

- a) **Technical Memorandum**
- b) **Draft BOD**
- c) **60% Design drawings and cost estimate**
- d) **95% Design drawings, Final BOD report, and Final cost estimate**
- e) **Copy of all required documentation to obtain easements and permitting documentation**
- f) **Permitting Documentation**

Task 2

- a) **Complete bid package documents**
- b) **Pre-bid meeting minutes**
- c) **Bid tab and recommendations**

Task 3

- a) **All meeting minutes and project directory**
- b) **Project submittals**

Task 4

- a) **Monthly status report**
- b) **Construction photos at construction milestones, major activities**
- c) **Record drawings**
- d) **Updated schedule as needed**