

New York State Board of Law Examiners

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Executive Director

Request for Bids

Bid Number: SBLE 2016-05
Bid Title: Equipment Rental, NYS Bar Exam – NYC and Westchester
Opening Date: May 16, 2016
4:00 PM
Contact: Mark Kaplowitz

BID RESPONSE FORM

OFFICE OF GENERAL SERVICES “GENERAL SPECIFICATIONS” ARE FULLY INCORPORATED HEREIN.

Notice to Bidders:

Pursuant to the Rules and Regulations of the Chief Administrator for the Courts, sealed responses for furnishing the item(s) in this Solicitation will be received at the above address. When submitting a response, you must:

1. Complete this form in its entirety using blue ink or typewriter and return with all other documents.
2. Explain any deviations or qualifications if your response deviates from the specifications. If necessary, attach a separate sheet setting forth such explanations.

3. Sign the solicitation forms. The Bid response must be completed in the name of the respondent (corporate or other) and must be fully and properly executed by an authorized person.

4. INDICATE THE BID NUMBER, THE OPENING DATE AND TIME, AND THE PHRASE “SEALED BID – DO NOT OPEN” ON THE ENVELOPE CONTAINING THE SEALED RESPONSE.

5. Mail the bid response to the above address in sufficient time for it to be received before the bid opening. **LATE RESPONSES WILL BE REJECTED.**

BIDDER HEREBY CERTIFIES THAT THE QUOTED PRICES ARE APPLICABLE TO ALL CUSTOMERS FOR COMPARABLE QUANTITIES, QUALITY, STYLES OR SERVICES.

Bidder's Firm Name

Street

Bidder's Signature

Printed or Typed Copy of Signature

Email Address

Employer's Federal Identification Number

City

State

Zip

Official Title

Phone Number

DOCUMENTS ENCLOSURE CHECKLIST

The following documents must be executed (signed) and included in the bidder's proposal. Failure to do so may disqualify the bidder's response:

- _____ Bid Response Form (Page 1 of this document)
- _____ Bid Sheet
- _____ Attachment I – Non-Collusive Bidding Certificate, Acknowledgement of Individual/Acknowledgement of Corporation, Appendix A – Standard Clauses for All Contracts
- _____ Attachment III – Vendor Responsibility Questionnaire
- _____ Attachment IV – Procurement Lobbying Forms: Disclosure of Prior Non-Responsibility Determination (UCS 420), Affirmation of Understanding and Agreement (USC 421)
- _____ Proof of general liability, workers' compensation and disability insurance
- _____ List of three references (name, address, phone number, email)
- _____ Documents Enclosure Checklist (this page)

To be complete, a bidder's bid response must include ALL of the above documents. Please include the original and ONE copy of each form submitted. All documents requiring an original signature must bear the BLUE INK signature of the same authorized individual. Signatory notarization must be that of the person whose signature is affixed to all required documents.

Bidder's Name: _____

Authorized Officer's Name and Title:

Signature: _____ Date: _____

General Specifications

I. The RFB Documents

A. Bid Response Form

Bidders must complete the Bid Response Form.

B. Bid Sheet

Bidders must complete the Bid Sheet. Bidders are strongly encouraged to read the General and Detailed Specifications prior to completing the Bid Sheet and submitting a bid. An excel version of the Bid Sheet is available by downloading it from the Contract Reporter website at www.nyscr.org, or by requesting it from Mark Kaplowitz at (518) 453-5990. If you are using the excel spreadsheet provided by the Board, you need only enter the values requested in the white cells; the grey cells will be calculated for you. If you do not use the excel spreadsheet, you must do the calculations yourself.

C. Attachments

1. *Attachment I – Non-Collusive Bidding Certificate, Acknowledgement, Appendix A*

All bidders must read and complete the Non-Collusive Bidding Certificate and either the Acknowledgement of Individual or the Acknowledgement of Corporation.

2. *Attachment III - Vendor Responsibility Questionnaire*

The NYS Board of Law Examiners (SBLE) is required to conduct a review of a prospective contractor to provide reasonable assurances that the vendor is responsible. The required Vendor Responsibility Questionnaire is designed to provide information to assist the SBLE in assessing a vendor's responsibility prior to entering into a contract with the vendor. Vendor responsibility is determined by a review of each prospective contractor's legal authority to do business in New York State, business integrity, financial and organizational resources, and performance history (including references).

If your bid totals more than \$50,000.00, you must complete and submit a paper Questionnaire, which can be found at: www.osc.state.ny.us/vendrep for both for-profit and not-for-profit business entities. If your bid totals less than \$50,000.00, you need not submit a paper questionnaire unless one is requested from you. (Please note – the SBLE does not participate in the Office of the State Comptroller's on-line VendRep program.)

3. *Attachment IV- Procurement Lobbying Law*

All bidders must read Attachment IV and complete the Disclosure of Prior Non-Responsibility Determination (UCS 420) and Affirmation of Understanding and Agreement (USC 421).

D. Insurance

1. *Commercial General Liability/Automobile Insurance*

All bidders must include with their response a certificate documenting that they have commercial general liability and automobile insurance coverage for at minimum, the coverage limits listed below or greater

if required by applicable law, from an insurance company licensed to do business in New York State. The awarded contractor will be required to maintain such insurance in force throughout the term of the contract. Contractor's insurance policies must name the SBLE as an additional insured and be primary insurance with respect to the SBLE. In addition, the following must be named as additional insureds: New York Convention Center Operating Corporation, New York Convention Center Development Corporation, Empire State Development Corporation, Triborough Bridge and Tunnel Authority.

Commercial General Liability Insurance (bodily injury and property damage on an occurrence basis), including automobile insurance, contractual and products/completed operations liability coverage, with minimum limits as follows:

Bodily injury to any one person \$ 1,000,000
Bodily injury aggregate per occurrence \$ 1,000,000
Property damage in any one accident \$ 500,000
Property damages aggregate per occurrence \$ 1,000,000

2. *Workers' Compensation Insurance*

The awarded contractor must provide proof that it has in place workers' compensation coverage as required under New York State Law. If the contractor is exempt from such coverage, proof of exemption must be provided. Only the following forms will be accepted (note that the Acord CANNOT be accepted for proof of workers compensation coverage):

- Form C-105.2 - Certificate of Workers' Compensation Insurance issued by private insurance carriers; or
- Form U-26.3 issued by the State Insurance Fund; or
- Form SI-12 - Certificate of Workers' Compensation Self-Insurance; or
- Form GSI-105.2 - Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- Form CE-200 - Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

3. *Disability Benefit Insurance*

The awarded contractor must provide proof that it has in place disability benefit insurance coverage as required under New York State Law. If the contractor is exempt from such coverage, proof of exemption must be provided. Only the following forms will be accepted (note that the Acord CANNOT be accepted for proof of workers compensation coverage):

- Form DB-120.1 - Certificate of Disability Benefits Insurance, or
- Form DB-155 - Certificate of Disability Benefits Self-Insurance; or
- Form CE-200 - Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

E. References

All bidders must include with their response the names of at least three (3) clients, private or governmental entities (including contact persons and phone numbers) for whom equipment rental and delivery services have been provided **within the prior five (5)-year period. At least one reference must be from an entity which performs testing or which otherwise uses tables as a writing surface.**

F. Other Requirements - Appendix A – Standard Clauses for New York State Contracts

The awarded contractor must agree to be bound to, among other things, the terms of Appendix A - Standard Clauses for New York State Contracts a copy of which is attached to this Request for Bids (Appendix A).

II. Packaging, Identifying and Delivering of Bids/Proposals

Bidders shall complete and submit all items identified on the Documents Enclosure Checklist (as well as a signed copy of the Documents Enclosure Checklist itself). Bidders must submit the original and one copy by the bid opening date and time. Failure to provide all original documents or the failure to provide the requested number of copies may result in disqualification of a bidder's response. Bidders may **not** submit their bid responses online or via email. Bids/Proposals must be **clearly addressed and submitted** to:

Mark Kaplowitz
NYS Board of Law Examiners
Corporate Plaza – Building 3
254 Washington Avenue Ext
Albany, NY 12203

All envelopes must also be labeled with the following information on two sides:

“Deliver immediately to Mark Kaplowitz”
“Sealed bid - Do not open”

Failure to seal and mark the bid as prescribed may result in non-delivery and/or rejection of the bid. Please note that bids must be received by the above-named SBLE-designated person by the RFB opening date or the bid will be declared a “late bid” and may be disqualified. It is recommended that bidders allow several extra days for shipping in order to meet the deadline.

III. Binding Nature of Bid/Proposal on Bidders

All bids shall remain binding on bidders until such time as the SBLE provides written notification of its intent to award the contract to a specific bidder or until the bidder withdraws its bid/proposal in writing, whichever occurs first.

IV. Estimated Quantities

All quantities stated herein are estimated based upon past and current activity. No guarantees of any specific amounts are implied and none will be given. Per unit prices listed on the Bid Sheet must apply to the estimated quantity and for any quantity 25% higher or 25% lower than the estimated quantity. The contract will be for the actual quantity needed as determined by the SBLE.

V. Rejected and Unacceptable Bids/Proposals

The SBLE reserves the right to reject any and all bids submitted in response to this solicitation. In addition, the SBLE may reject any bids from any bidders who are in arrears to the State of New York upon any debt or contract; or who have previously defaulted on any contractual obligations, (as surety or otherwise), or on any obligation to the State of New York; or who have been declared not responsible or disqualified by any agency of the State of New York; or who have any proceeding pending against them relating to the responsibility or qualification of the bidders to receive public contracts. The SBLE also reserves the right to reject any bidder whose facilities and/or resources in the opinion of SBLE are either inadequate, too remote from the SBLE examination locations to render services in a timely manner in accordance with all requirements of this solicitation, who do not provide references for comparable work, whose references report significant failure to comply with specifications, and/or who otherwise in the opinion of the SBLE are unable to meet specifications.

VI. Questions

Any and all questions bidder may have in connection with this solicitation are to be directed to Mark Kaplowitz. The deadline to submit questions is **May 5, 2016 at 4:00 PM**. No questions will be entertained after this deadline. Questions will receive a written response and will be provided to all bidders requesting this RFB.

IMPORTANT: All questions regarding this solicitation must be directed solely to the attention of the above-designated person. Contact by any prospective bidder, or any representative thereof, with any other personnel of the SBLE in connection with this RFB may violate the Procurement Lobbying Act of 2005 (see Attachment IV), will jeopardize the respective bidder's standing and may cause rejection of its proposal.

VII. Compliance with laws

The awarded contractor shall be compliant with all applicable federal, state and local laws, rules and regulations prior to and during the provision of all services under the contract resulting from this RFB.

VIII. Implied requirements

Products and services that are not specifically requested in this solicitation, but which are necessary to provide the functional capabilities proposed by the bidder, shall be included in the offer except as specified herein.

IX. Silence of specifications

The apparent silence of the specifications contained as a part of this package as to any detail or to the apparent omission of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.

X. Independent Contractor Status

It is expressly understood and agreed that the awarded contractor's status shall be that of an independent provider of services and that no officer, employee, servant or subcontractor of the contractor is an employee of the UCS, OCA, SBLE or State of New York. The awarded contractor shall be solely responsible for the work, assignment, compensation, benefits and personal conduct and standards of all such persons assigned to the

provision of services. Nothing herein shall be construed to impose any liability or duty on the UCS, OCA, SBLE or State of New York to persons, firms, consultants or corporations employed or engaged by the awarded contractor either directly or indirectly in any capacity whatsoever, nor shall the UCS, OCA, SBLE or State of New York be liable for any acts, omissions, liabilities, obligations or taxes of any nature including, but not limited to, unemployment and Workers' Compensation insurance of the awarded contractor or any of its employees or subcontractors.

XI. Subcontracting

The awarded contractor shall not subcontract any portion of their work without the knowledge and prior written approval of the SBLE. Subcontracting of any services described herein shall be subject to the following:

1. Bidder must identify each proposed subcontractor, type of service(s) to be performed, length and nature of bidder's relationship with proposed subcontractor and must provide any and all additional information regarding the proposed subcontractor as the SBLE considers reasonable and necessary.

2. All proposed subcontractors must be identified in bidder's proposal and any additions and/or changes shall be subject to the approval of SBLE prior to engagement by contractor and any such approved subcontractor shall be held to the same performance standards as awarded contractor.

3. The SBLE will communicate only with awarded contractor and the awarded contractor shall remain wholly liable for the performance of any such subcontractor, its employees, agents, consultants or representatives. The names must be submitted in ample time to permit acceptance or rejection of each proposed subcontractor by SBLE without causing delay in the services required by this contract.

Detailed Specifications

I. Purpose and Scope

The New York State Board of Law Examiners is soliciting sealed bids for the provision of tables, chairs and miscellaneous equipment for the New York State bar examination which will be held on July 26-27, 2016. The equipment (tables and chairs) will be used by candidates taking the New York State bar examination. Table quality must be suitable for handwriting essay questions and filling in multiple choice answer questions on answer sheet grids.

II. Term of Award

The awarded contract will be for the July 2016 bar examination commencing on or about July 25, 2016 to July 28, 2016. The contract shall be subject to the approval of the New York State Attorney General and/or New York State Comptroller.

III. Price Adjustment

All pricing shall remain firm throughout the term of the contract.

IV. Pricing

All pricing submitted pursuant to this Request for Bid shall be net and include all costs for the performance of the services described herein. Pricing shall be submitted only on the Bid Sheet, and in the format prescribed. Bidder must enter a price or “No Charge” (“N/C”) for any and each item for which a bidder does not intend to assess any costs. The submission of an inaccurate or incomplete Bid Sheet may result in rejection of the bid. Bidders are cautioned to be thorough and accurate in all calculations. The unit price shall prevail with respect to any discrepancies. The SBLE reserves the right to negotiate pricing it deems unreasonable for items not calculated in the totals. The SBLE is tax exempt.

V. Method of Award

Award shall be made to the **lowest responsible** bidder meeting all the required specifications. Vendors must bid on both locations. A bidder shall be defined as “responsible” in accordance with, but not limited to, references, past performance history, financial stability, the criteria set forth in Attachment III-Vendor Responsibility Questionnaire, and the criteria set forth in the paragraph headed “Rejected and Unacceptable Bids/Proposals” as well as any other criteria necessary and reasonable to establish the bidder’s responsibility.

VI. Contractor Personnel (Contact)

The awarded contractor shall designate a staff member to act as the key contact for the SBLE for the term of the contract and shall provide the SBLE with this designated person’s name, phone and fax numbers, as well as an email address.

VII. Contractor Invoicing

Payment shall be made after the services have been provided. Within 30 days of delivery of the required equipment, the contractor shall prepare an invoice which accurately reflects all equipment delivered. Invoicing/billing shall be in a format agreed upon between the SBLE and the contractor, but in no instance shall it be contrary to any federal, state and/or local government regulations. Payments to the awarded contractor will be processed in a timely manner upon receipt of invoice.

VIII. Equipment

The awarded contractor shall deliver the required equipment to the locations detailed below. Vendors must submit to a site visit for inspection of table quality upon demand by the Board. The Board reserves the right to reject any bid if table quality is deemed insufficient for the Board needs (writing). All delivery arrangements/terms shall be agreed to by the contractor and the SBLE in conjunction with representatives of the specified locations. Equipment will be set up at the specified locations by employees of the locations and/or SBLE. Labor charges, if any, detailed by the bidder on the Bid Sheet shall relate only to the loading of trucks at the contractor’s warehouse.

The minimum requirements are:

Tables: Smooth top, laminate or equivalent, suitable for writing; NO WOOD.

Chairs: folding chairs.

The quantities and locations are as follows:

Manhattan – Javits Center

3,000 6 foot tables x 18"
90 6 foot tables x 30"
6,600 folding chairs
10 easels
195 8 foot tables
600 Coat Hangers
30 Coat racks
68 10 foot sections of rope
72 stanchions for rope

White Plains

55 6 foot tables x 30"
110 folding chairs
7 card tables

Vendors must submit to a site visit for inspection of table quality upon demand by the Board.
Delivery/labor/trucking charge, if any, for equipment rental at each location must be clearly stated. The Board is tax exempt.