



**PROPERTY MANAGEMENT SERVICES-
SARATOGA TECHNOLOGY + ENERGY PARK® (STEP®)
Request for Proposals (RFP) 3174**

Proposals Due: May 18, 2016 by 5:00 PM Eastern Time*

The New York State Energy Research and Development Authority (“NYSEERDA”) requests proposals from firms interested in providing full service, comprehensive professional building management services to maintain and preserve the grounds and building located at 10 Hermes Road, and the common areas of the 280-acre site known as the Saratoga Technology + Energy Park (“STEP”) in Malta, New York. It is expected the contract will commence on July 1, 2016. The term will be for three years, with two (1) year renewals at NYSEERDA’s option.

This is a Service Disabled Veterans Owned Business (“SDVOB”) set aside project. Only certified SDVOB proposals will be accepted. All others will be returned to the proposer.

Proposal Submission: Electronic submission is preferable. NYSEERDA will also accept proposals by mail or hand-delivery. If submitting electronically, proposers must submit the proposal in either PDF or MS Word format with a completed and signed Proposal Checklist and Disclosure of Prior Findings of Non-Responsibility, in PDF format. Proposal PDFs should be searchable and should be created by direct conversion from MS Word, or other conversion utility, rather than scanning. For ease of identification, all electronic files must be named using the proposer’s entity name in the title of the document. Proposals may be submitted electronically by following the link for electronic submissions found on this RFP’s webpage, which is located in the “Current Opportunities” section of NYSEERDA’s website (<http://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>). Instructions for submitting electronically are located in that section as Attachment E to this RFP.

If mailing or hand-delivering, proposers must submit (2) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing both a PDF or MS Word digital copy of the proposal, following the above guidelines. Mailed or hand-delivered proposals must be clearly labeled and submitted to:

**Roseanne Viscusi, RFP 3174
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

If you have technical questions concerning this solicitation, contact Kevin Hunt at (518) 862-1090, ext. 3259 or kevin.hunt@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Venice Forbes at (518) 862-1090, ext. 3507 or venice.forbes@nyserda.ny.gov.

No communication intended to influence this procurement is permitted except by contacting Kevin Hunt (Designated Contact) at (518) 862-1090, ext. 3259 or kevin.hunt@nyserda.ny.gov. Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

*Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at www.nyserda.org.

I. Introduction

The New York State Energy Research and Development Authority (NYSERDA) is a public-benefit corporation established by the State Legislature in 1975 to address the State’s energy and environmental challenges, pursuant to Title 9 of Article 8 of the Public Authorities Law of the State of New York. NYSERDA’s principal mission is to develop innovative solutions to some of the State’s most difficult energy and environmental problems, in ways that improve the State’s economy.

In August 2001, the Governor announced the creation of the Saratoga Technology + Energy Park® (“STEP®” or the “Park”), a 280-acre parcel located in the town of Malta. NYSERDA holds title to the property on behalf of the People of the State of New York. NYSERDA has been developing STEP into a community to foster the development of clean-energy and environmental technologies.

Located in STEP, the building at 10 Hermes Road (sometimes referred to as the “Building”) is a +/- 23,676 square-foot (sf) single story building constructed circa 1972, consisting of office, manufacturing and laboratory space. Over the past eleven years, numerous improvements have been made to the building including a heating, ventilating and air conditioning system, windows and doors, a backflow preventer and roof membrane.

II. Scope of Services

The selected Contractor will be required to provide full service, professional building management services necessary to maintain and preserve the building and property located at 10 Hermes Road, along with performing certain duties throughout the common areas of STEP. The Contractor will be responsible for regularly assessing the conditions of the Building and its systems; developing and implementing building operations and preventive maintenance plans, and establishing capital improvement plans necessary to maintain and preserve the Building and Park in good repair and condition, including but not limited, to landscaping, mowing and snow removal. At NYSERDA’s request, the Contractor will also oversee the design and build-out of Building renovations and improvements.

The Scope of Services to be performed is identified below, and are subject to modification.

Task 1. Operating Expense Account

The Contractor shall establish and maintain in a fiduciary capacity with a New York State bank, subject to NYSERDA approval, an account (the “Operating Expense Account”) for deposit of funds necessary to pay for supplies, equipment, and services associated with the Building operations of 10 Hermes Rd and STEP as identified in Tasks 7, 9, 10, 11, 12, 13 and 15. Such account shall be segregated from other funds maintained by the Contractor, and any interest earnings in the Operating Expense Account shall accrue to NYSERDA, and shall be used for the benefit of paying costs as herein described.

The Contractor shall purchase from funds available in the Operating Expense Account all supplies and replacement equipment which shall be necessary to properly clean, maintain and operate 10 Hermes Rd and STEP, and which is not a capital improvement, as specified in the budget, the cost of such supplies to be net of any discounts or commissions obtained for purchases.

The Contractor will review all invoices received for services, work, and supplies ordered in connection with maintaining and operating 10 Hermes Rd. and STEP, and cause such invoices to be paid from funds deposited in the Operating Expense Account.

The maximum amount to be maintained in the Operating Account is \$20,000, and minimum amount to be maintained in the Operating Expense Account is \$8,000. The Contractor will notify NYSERDA, in writing, when

the Operating Expense Account balance either reaches or will soon reach the minimum \$8,000 balance, and invoice NYSERDA for the amount required to bring the balance to the maximum amount of \$20,000.

The Contractor will not be obliged to make any advance to, or for the account of, NYSERDA, or to pay any amount except out of funds held or provided in the Operating Expense Account.

Deliverable: The Operating Expense Account will be opened within 10 business days of contract execution, and will be in the name of the Contractor. Contractor shall provide NYSERDA with instructions to deposit funds into the Operating Expense Account via electronic funds transfer. Contractor will invoice NYSERDA periodically in accordance with the Operating Account balances above, and NYSERDA will deposit the funds into the Operating Account.

By the tenth of each month, the Contractor shall forward a summary of all invoices paid through the Operating Expense Account for the previous month. Payments shall be represented on an item-by-item basis, comparing the actual cost to the budgeted cost. The summary shall also include the item-by-item aggregate costs for all such payments made during the fiscal year in question, comparing actual cost to the budgeted cost.

Task 2. Miscellaneous

2. Within the first thirty (30) days of contract execution, the Contractor will undertake the following:

1. Complete a detailed property inspection, taking a physical inventory of all NYSERDA- owned equipment. The inspection shall include an assessment of the conditions of 10 Hermes Rd. and its systems;
2. Create and update the emergency contact list, including names, and telephone and cell phone numbers;
3. Assess and review all Building- and Park-related service contracts and manufacturer's instructions and warranties;
4. Develop and implement the preventative maintenance schedule in accordance with the manufacturer's recommendations and a comprehensive Building and Park operation plan; and
5. Place two separate waste cans clearly labeled Waste and Recyclable, in the beak room at the Building.

Deliverable: Within 30 days of contract execution, the Contractor shall submit to NYSERDA the following:

1. An inventory listing. The Contractor shall keep a copy of this list, and update it annually. An updated inventory list shall be presented to NYSERDA no later than May 15 of each year of the contract;
2. The emergency contact list will be provided to NYSERDA and posted at the north, south and east entrances to 10 Hermes Rd. Should NYSERDA lease all or a portion of 10 Hermes Rd, then Contractor is to provide the tenant(s) with the emergency contact information, and review with tenant(s) all relevant building operational protocols.

Task 3. Budgeting

Two separate budgets are to be established and reported on as stipulated in Task 1, Operating Expense Account: one for the site and Building, and one for the STEP common areas.

By November 30 of each year throughout the contract, the Contractor shall prepare a draft operating budget (the "Operating Budget") for both 10 Hermes Rd and the STEP® common areas for the 12 month period from April 1 to March 31 for the following year. Once approved by NYSERDA and the Contractor has been so notified in writing, and as of April 1, the Contractor is to implement the Operating Budgets and shall be authorized to incur the obligations provided for in the approved budget. NYSERDA reserves the right to make further revisions in the approved budget at any time provided it notifies the Contractor of any such further revisions.

Deliverable: By November 15 of each year of the contract, the Contractor shall meet with NYSERDA to review the current year's operational performance and discuss the Operating Budgets for the next fiscal year. Based on the discussion, and before November 30, Contractor shall submit to NYSERDA draft Operating Budgets for the 12 month period ending March 31. NYSERDA shall review the Operating Budgets and provide written comments within five business days. The Contractor shall submit the final Operating Budgets not later than December 15 for NYSERDA's approval.

Task 4. Maintenance, Repairs and Utility Payments

The Contractor is to maintain, preserve, and keep the Building in good repair and condition, and cause to be made all necessary and proper repairs, replacements and renewals, interior and exterior, thereto in performing the following services:

- (I) Hire, or cause to be hired, paid and supervised, all persons necessary to properly maintain and operate 10 Hermes Rd, who, in each instance, will be the Contractor's and not NYSERDA's employees; cause to be discharged all persons unnecessary or undesirable; and maintain a log of all hours of work completed by all employees and subcontractors at 10 Hermes Rd and STEP®. As applicable, Prevailing Wages for Saratoga County are to be paid for work done. See Attachment F for the current Prevailing Wages, Article 9.
- (ii) Maintain, or cause 10 Hermes Rd to be maintained, in such a condition as required by this Statement of Work and as otherwise may be deemed advisable by NYSERDA (all such work to be completed in accordance with applicable State and local laws and regulations), subject only to the limitations contained within this Statement of Work. The Contractor shall ensure that all required preventive maintenance work is performed in accordance with manufacturer's specifications and all warranty work is adhered to. The Contractor shall ensure that maintenance and repairs are performed by trained technicians, which maintenance and repair shall not, to the greatest extent possible, interfere with the operations of the Building tenants, whose normal hours of operation are 8:30 AM to 5:00 PM Monday through Friday. When possible, the tenants are to be notified in advance of any work, and the anticipated time and date of work, to be completed. Repairs or alterations shall require the prior approval of NYSERDA only if such expenditure is not included in the Operating Budget (as herein defined), and shall be paid from sums on deposit in the Operating Expense Account. Emergency repairs, i.e., those immediately necessary for the preservation or safety of 10 Hermes Rd or the STEP common areas, or for the safety of the occupants of 10 Hermes Rd., or other persons, or required to avoid the suspension of any necessary service in or to 10 Hermes Rd or to avoid exposure to criminal liability, shall be made by the Contractor, without the prior approval of NYSERDA, if the Contractor is unable to communicate with NYSERDA in order to obtain such approval.
- (iii) Recommend, and with the written approval of NYSERDA, undertake, or cause, all such act and things to be done in or about 10 Hermes Rd as shall be necessary or desirable to comply with any and all orders or violations affecting 10 Hermes Rd placed thereon by any Federal, State, County or Municipal authority having jurisdiction there over, except that if failure promptly to comply with any such order or violation would or might expose NYSERDA or the Contractor to criminal liability, without the prior approval of NYSERDA if the Contractor is unable to communicate with NYSERDA to obtain such approval, it being understood that the Contractor shall notify NYSERDA promptly after receipt of any order or notice of violation, as aforesaid.

- (iv) As detailed in the Operating Budgets, solicit, bid, review, and enter into contracts in the Contractor's name for any necessary equipment maintenance, janitorial, window cleaning, trash removal, vermin extermination, landscaping, lawn care and tree maintenance, snow removal, fire alarm testing/inspection, and other services as shall be advisable. Any such contract not described in the Operating Budget which cannot by its terms be cancelled on 30 days notice or less must be authorized in writing by NYSERDA.
- (v) Tenant(s) are responsible for payment of gas and electric utility payments. NYSERDA shall be responsible for (i) any property or school tax payments; (ii) the payment of all utilities attributable to vacancy; and (iii) invoicing and collecting from tenant(s) their proportional share of all property and school taxes and utilities payments.

To the greatest extent possible, all maintenance and repair items, including but not limited to painting, carpeting, fixture replacement, appliance replacement, etc., must conform with New York State Executive Order No. 111, which can be found at <http://ogs.ny.gov/BU/DC/docs/pdf/exorder111guidelines.pdf>. New York State Executive Order No. 111 follows standards set by the Leadership for Energy & Environmental Design (LEED™).

Deliverable:

1. On or about July 1 of each year of the contract, NYSERDA shall provide Contractor with a current copy of the Prevailing Wages, Article 9, to be paid in Saratoga County, as published by the New York State Dept. of Labor. Article 8 Prevailing Wages will be provided on an as-needed basis;
2. By the 15th day following the last day of the month the Contractor is to submit to NYSERDA a report itemizing all maintenance and repair items completed during the preceding month, the company completing the job, and the total cost of the job; and
3. If asked by NYSERDA, the Contractor shall provide NYSERDA with adequate and accurate documentation regarding conformity to Executive Order No. 111.

Task 5. Equipment Replacement and Guarantees/Warranties

The Contractor will be responsible for ensuring that any equipment to be replaced is manufactured by a reputable manufacturer. The Contractor is to ensure that any new equipment be guaranteed for a minimum of one (1) year from the date of replacement and replaced at no cost to NYSERDA if found defective during that time. The Contractor will obtain cost estimates for extended warranties on new installations and consult with NYSERDA regarding the purchase of such warranties.

Deliverable: The Contractor will submit any proposed equipment and warranty purchases to NYSERDA for its review and approval, unless the item is an expenditure in the Operating Budget. The Contractor shall ensure that all work on the equipment is conducted per the product guarantee or warranty.

Task 6. Contracts

The Contractor will be responsible for soliciting, bidding and entering into contracts on NYSERDA's behalf for any necessary equipment maintenance, and services including but not limited to, janitorial, window cleaning, trash removal, vermin extermination, landscaping, lawn care and tree maintenance, snow removal and salting, fire alarm testing/inspection, and other services as advisable. Saratoga County Prevailing Wages are to be paid as applicable.

When bidding work the Contractor shall follow the guidelines found below:

When the expected cost of service for the term of the contract is:

\$50,000 and less: The Contractor shall obtain and document a minimum of three verbal quotes.

\$50,001 and over: The Contractor is to obtain written permission from NYSERDA for work to be completed. Once received, the Contractor will competitively bid the project, and prior to award, consult with NYSERDA once all bids have been received.

No one contract shall exceed a period of one year without the express written consent of NYSERDA.

The following conditions apply to competitive bidding:

1. Each bid will be solicited in a form and manner so that the bid solicitation is uniform in all bids;
2. NYSERDA is to approve the bidders list, in writing, prior to mailing;
3. Contractor will be required to solicit bids from New York State certified Minority and Women Owned Enterprises (MWBE) for all contracted operational support. The MWBE directory is found at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687>
4. Depending on the number of bids received from MWBE, Contractor may be required to contact a sampling of contacted MWBE's to ascertain the reason for lack of bids.
5. The Contractor may accept the low bid without prior approval if the expenditure is for a line item in the budget, and such expenditure together with previously incurred and estimated future expenditures for such line item, will not result in an excess of the annual budgeted amount for such line item; otherwise, written approval of a bid acceptance will be required;
6. If the Contractor desires to accept other than the lowest bid, or where competitive bids are not possible, written justification must be provided to NYSERDA for prior approval;
7. NYSERDA may accept or reject any proposed subcontractor; and
8. All bids shall be controlled and not opened until the time and date specified in the solicitation. Any variance greater than 15% between the lowest bid and the Contractor's estimate shall be evaluated to determine the validity of the bid solicitation. The Contractor shall maintain documentation of the solicitation of proposals of any and all contract awards.

All contracts for work or service requested by NYSERDA, or for work or service contemplated under the Operating Budget but in excess of the amount budgeted, shall only be undertaken with the prior written approval of NYSERDA.

The Contractor will maintain complete and accurate records of all bids received and contracts awarded, and the ensuing work scope.

For any capital improvements to 10 Hermes Rd that exceed \$20,000, the amount to be adjusted by notice from the New York State Office of General Services ("OGS"), a building permit is required from OGS. NYSERDA, in cooperation with the Contractor, shall be responsible for applying for and obtaining all building permits, to be displayed as instructed, and receiving the Temporary Approvals for Occupancy or Certificates of Occupancy, a copy of which will be kept on file at the Building.

For any contracts that the Contractor engages or enters into, the Contractor will also be responsible for ensuring that all systems drawings are in compliance with accepted drafting standards, obtain updates of all changes to wiring diagrams and drawings for the Building for both existing systems and any system that may be added to 10 Hermes Rd.

Deliverable: Prior to soliciting bids, Contractor shall provide NYSERDA with a

1. Draft of the solicitation and bid documents to be let for comment and approval; and

2. A copy of the bidder's list.

Prior to accepting a proposal, the Contractor will

3. Provide NYSERDA with a summary of all bids received, to include the company name and cost, along with other relevant information;
4. Recommend a contract awardee; and
5. Provide a copy of the executed contract.

Task 7. Emergency Services

The Contractor shall provide emergency services as needed on a twenty-four (24) hour, seven (7) days a week basis. The Contractor agrees to provide an emergency telephone service on a twenty-four (24) hour, seven (7) days a week basis. From the time of the call by NYSERDA or a tenant, the Contractor has a maximum of one hour to respond to the call. The Contractor may also request that a NYSERDA representative also respond to the emergency services request.

Emergency contact information shall be displayed at the north, east and west entrances of the building, and provided to any building tenant.

Deliverable: Should the Contractor respond to an emergency service request, within 24 hours the Contractor shall provide a written report detailing the emergency, parties involved and outcome, to NYSERDA.

Task 8. Employee Work Log

The Contractor shall maintain a log of all hours of work completed by all employees and subcontractors. As applicable, prevailing wages shall apply.

Deliverable: When requested, the Contractor shall submit to NYSERDA a report summarizing the number of all hours of work completed by all employees and subcontractors for the prior month. The employee summary shall be based on gross wages, and include benefits and payroll taxes.

Task 9. Right-to-Know/Hazard Communication Program

In accordance with the New York State Toxic Substance Act (Right-to-Know Law) and the United States Occupational Safety and Health Administration's Hazard Communication Standard, the State has established and implemented a Right-to-Know/Hazard Communication Program. The Contractor is to provide information and training to advise Contractor's employees and NYSERDA of potentially hazardous substances known to be in the work place, and supply Material Safety Data Sheets ("MSDS") for all chemicals used by the Contractor's employees or other contract vendors.

Deliverable:

1. Within 60 days of contract execution, the Contractor is to provide information and training to advise employees of the Contractor and NYSERDA of potentially hazardous substances known to be in the work place.
2. Contractor will file in a binder(s) all product labels and MSDSs for chemicals used in the Building and throughout STEP, and place the binder in a mutually acceptable location.
3. Contractor will work with Building tenant(s) to ensure that product labels and MSDSs for chemicals used by the tenant(s) on-site are filed in a binder(s) and stored at the agreed upon location. *It is not the Contractor's responsibility to obtain and file said information from Building tenant(s).* Should a Building tenant(s) resist the public storage of such information, Contractor is to so notify NYSERDA immediately.

Task 10. Building and STEP Common Area Management Services

The Contractor will be responsible for maintaining the following management services and systems, which include but are not limited to:

10 Hermes Rd:

- a. Janitorial services, as explained below;
- b. Rubbish (trash and recyclable) removal;
- c. Fire alarm and fire suppression systems;
- d. Maintain all drawings, as-builts, and other schematic drawings current as well as site/equipment manuals
- e. Plumbing;
- f. HVAC system;
- g. Window cleaning (spring and fall);
- h. Painting;
- i. Periodic carpet cleaning and replacement;
- j. Plowing of entry drives, parking lot, and delivery yard;
- k. Parking lot striping; and
- l. Providing staff to maintain and perform routine inspections and required interior and exterior maintenance.

STEP® Common Areas:

- a. Plowing of Hermes Rd and Tech Trail, NYSERDA's 252 parking spaces at the TEC-SMART parking lot (345 Hermes Rd), utility corridor, and cell tower access road;
- b. Road striping, cross walk and intersection painting;
- c. Striping of the NYSERDA's 252 parking spaces at the TEC-SMART parking lot;
- d. Sweeping of the entire TEC-SMART parking lot (spring and fall);
- e. Signage maintenance;
- f. Trash pick-up; and
- g. Trail maintenance.

Both:

- a. Lighting systems, light poles and lamps;
- b. Pest management;
- c. Electrical switchgear and electrical systems;
- d. Landscaping, tree maintenance, and maintaining walkways;
- e. Daily responsiveness to problems identified by staff of NYSERDA and tenants
- f. Lawn care and landscaping;
- g. Security;
- h. Disposal of animal carcasses;
- i. Responding in a timely fashion to tenant requests and issues as they arise;
- j. Monthly site inspections and providing written verification of such inspection;
- k. Maintain inventory, supply lists and spare parts documentation;
- l. Providing a three year capital repair and improvement plan;
- m. Provide staff to maintain and perform routine inspections and maintenance;
- n. Provide timely monthly operating report with appropriate documentation;
- o. Provide operational and preventative maintenance plans; and
- p. Filing and storage of Right-to-Know data.

Where specifications or standards are not included herein, maintenance shall be in accordance with manufacturer's recommendations and standards.

Task 11. Janitorial Cleaning

While 10 Hermes Rd remains vacant, the Contractor will be responsible for the cleaning of all office and common areas at 10 Hermes Rd on a monthly basis. At such time as the Building is partially or wholly leased, leased areas and common areas are to be cleaned not less frequently than Monday, Wednesday and Friday of each week. Exceptions are allowed for national and state holidays, in which case 10 Hermes Rd is to be cleaned the next scheduled cleaning date.

Additional janitorial cleaning may be required for major events, as defined by NYSERDA and the tenants. For any major event, an attempt shall be made to notify the Contractor not later than seven days prior to the occurrence. For tenant-sponsored events, the tenant(s) will be invoiced for the cleaning service and is responsible for payment.

Janitorial cleaning includes, but is not limited to:

1. The emptying of all waste cans, and properly disposing of the waste and recyclables
2. Vacuuming all carpeted floors in offices and common areas;
3. Shampooing carpets on an annual basis, or more frequently as needed;
4. Cleaning and/or replacement of runners;
5. Dusting of window sills and baseboards;
6. Sweeping and mopping all tiled or linoleum offices, bathrooms, common areas, and break room
7. Cleaning all mirrors, counter tops, sinks, toilets, urinals, and tables using appropriate cleansing agents;
8. Bath room walls;
9. No less frequently than weekly all office waste can liners are to be replaced;
10. Bathroom waste can liners are to be replace with every cleaning, and
11. Emergency cleanings as they arise.

Task 12. Grounds Maintenance

The Contractor will be responsible for maintaining the exterior of 10 Hermes Rd, and the STEP® common areas, including but not limited to, both sides of Hermes Rd from Dunning Street to Stonebreak Rd Extension, Hermes Road to 107 Hermes Rd and 345 Hermes Rd, the TEC-SMART parking lot, the pathway, and forest. Grounds maintenance includes the:

1. Planting and the replacement of shrubs and flowers, and the spreading of mulch and weeding of the landscaped areas. Weeding shall occur not less frequently than weekly. All flowers and plants that are planted are to conform with the landscaping plans as described in the Design Guidelines for STEP, which will be provided to the selected Contractor;
2. Periodic application of herbicides and pesticides, and over-seeding. Not later than 48 hours prior to the application of any herbicide or pesticide, Contractor is to provide NYSERDA with a written notice of the timing of said application. Contractor will obtain and appropriately file all MSDS related to the herbicide or pesticide applied;
3. Watering of all landscaped areas on an as-needed basis;
4. Mowing of lawns. This is to occur on both sides of Hermes Rd from the Dunning St entrance to Stonebreak Rd Extension, including any mowing required along Hermes Rd to 107 and 345 Hermes Rd, Tech Trail, and any roads built at STEP throughout the term of the property management contract, and in the front, sides, and back of 10 Hermes Rd. This shall be on an as-needed basis, but in no instance shall the grass length exceed four (4) inches in length;

5. Spring and fall clean-up. This includes the raking and disposal of leaves at 10 Hermes Rd, in and around the gateway sign, and along the areas described in (3) above. This also includes keeping the sidewalks and access roads at 10 Hermes Rd clean of pine needles, dirt and debris;
6. Periodic power washing of the gateway sign; and
7. Removal of litter and debris. The Contractor will be responsible for picking up all litter and debris along all roads, structures (gazebo, signs, etc), pathways and trails at STEP, and as described in (3) above.

Task 13. Snow Removal

The Contractor will be responsible for snow removal (shoveling, snow blowing, plowing, and salting) in the following areas. Alternatives to road salt are to be explored and discussed with NYSERDA.

10 Hermes Rd

1. All sidewalks and parking lots;
2. The drives accessing the Building and delivery yard;
3. At and around all shipping and receiving docks;
4. Clearing snow to provide access to the shed and all storage containers; and
5. Clearing snow away from all HVAC equipment.

STEP®

8. Hermes Rd, from Dunning St to Stonebreak Rd Extension;
9. Tech Trail;
10. The cell tower access road off Stonebreak Extension;
11. 252 parking spaces at 345 Hermes Rd, taking care not to damage the islands;
12. Clearing snow to provide access to all fire hydrants throughout STEP; and
13. Clearing snow from the trailhead parking lot and access road.

The utility corridor is to maintained to the extent that it is accessible to and safe for emergency access vehicles.

Presently, there are +/- 1.5 miles of roads at STEP to maintain, along with one common parking lot. As STEP is built-out, the additional roads and common parking lots will need to be maintained as well

When plowing Hermes Rd., the Contractor will ensure that both lanes are cleared of snow and ice to the edge of the blacktop, and there is safe and sufficient room for 2-lane traffic. The Contractor will periodically shelf the snow banks on either side of the road.

Prior to November 1 of each year, Contractor will review with the plowing subcontractor those areas that are to be maintained, and how they are to be maintained.

Following the close of each plowing season, Contractor is to review with the plowing subcontractor those areas that were damaged by the plowing subcontractor, who will be expected to restore said areas to original condition at the plowing subcontractors' expense.

Deliverable: To the greatest extent possible, the Contractor or plowing subcontractor shall plow and salt as frequently as the Town of Malta. Should there be any questions regarding plowing and/or conditions, the Contractor is to contact the Malta Town Highway Superintendent at 899-2818. The Contractor will also remove snow at the request of NYSERDA and STEP tenants, either Building or other, or when health and safety is at risk.

On a monthly basis, the Contractor will submit a summary of the dates when shoveling and plowing occurred, the number of pushes during the month, and number of cumulative pushes.

Task 14. Construction Management Services

With the prior written consent of NYSERDA, the Contractor will draft, solicit and receive bids per Task 6, Contracts, and negotiate and enter into contracts on NYSERDA’s behalf for capital repairs and improvements to 10 Hermes Rd. Contractor will coordinate any work with Building tenants, supervise all work to be performed under such contracts, authorize payment for all work performed under such contracts, and maintain accurate time sheets and records of costs. As applicable, prevailing wages are to be paid, and MWBE requirements apply.

The Contractor will engage as necessary architects’ and engineering services required for the planning and supervision of alterations and/or improvements made or proposed to be made to 10 Hermes Rd. The Contractor will receive a fee, to be negotiated and established for the life of the agreement, of the actual costs incurred for overhead/profit for bidding and overseeing such capital related projects.

In such instances when construction is completed by the Contractor, NYSERDA will reimburse the Contractor for direct construction costs plus a negotiated fee of the total cost for overhead and profit. Direct construction costs will be accounted for by completing Daily Labor, Material, Equipment and Subcontract time sheets. These time sheets are to be submitted to NYSERDA when requested. Direct labor rate costs for plumbers, electricians, carpenters, and other union represented trades shall be paid at the Saratoga County Prevailing Wage rate for the particular trade involved plus statutory labor burdens. MWBE requirements apply. The Contractor is to maintain accurate records of time sheets and materials costs.

Deliverable: Prior to undertaking any capital improvement, the Contractor is to obtain estimates as outlined in Task 6, Contracts. The Contractor is to submit the estimates to NYSERDA, who will authorize work in writing. Not more than monthly the Contractor is to invoice NYSERDA for progress payments. Each invoice submitted for capital repairs shall represent 95% of the total amount of the invoice. The remaining 5% shall represent the retainage, to be paid within 30 days of satisfactory installation and inspection of the entire job.

Task 15. Meetings

The NYSERDA project Manager and Contractor will periodically meet at 10 Hermes Rd. for the following purposes:

1. Review building management progress and quality of work;
2. Identify and resolve problems;
3. Coordinate the efforts of all concerned so that these services are rendered efficiently and effectively; and
4. Maintain a sound working relationship between the Contractor and NYSERDA.

Task 16. Change in Tenancy

As soon as it is known, a NYSERDA will notify the Contractor of any change in tenancy, including the vacating of existing tenants, change in tenants’ physical space, or leasing to new tenants. NYSERDA, Contractor and the tenant will coordinate any build-out requirements.

In instances when new tenants take possession of space, and within 7 days of same, the Contractor is to meet with the tenant’s principal employee or designee to

1. Review building procedures and schedules;
2. Provide the principal or designee with an Emergency Contact List, as described in Task 2; and

3. Notify tenant of MSDS requirements per Task 9.

Task 17. Records

The Contractor will file quarterly MWBE reports with NYSERDA, and assist NYSERDA in the preparation of any governmental filing that may be pertaining to the Building or STEP®.

The Contractor will set up and maintain orderly books, records and files containing correspondence, receipted bills, contracts and vouchers and all other documentations and papers pertaining to 10 Hermes Rd and STEP, and the operation and maintenance thereof. The Contractor shall upon request of NYSERDA make same available, and will deliver same to NYSERDA or its agents on demand from NYSERDA, provided, however, the Contractor will have no duty to maintain records or files for a period longer than six (6) years after the fiscal year in which they were created.

III. Minimum Qualifications

To be considered for award under this RFP, the Proposer must demonstrate to the satisfaction of NYSERDA's evaluation team that the Proposer has successfully managed a minimum of three commercial or industrial buildings consisting of at least 20,000 square feet in each of the past three years for other property owners. The Proposer must have a direct contractual agreement for the referenced properties and the scope of building management services must be at least as extensive as the services required by this RFP.

The Proposer must have experience in the operation of commercial or industrial building mechanical, HVAC and control systems, encompassing

- Successful troubleshooting and/or performance verification of mechanical control systems and HVAC systems;
- Successful trouble shooting and/or performance verification of other building systems including but not limited to energy management systems, fire alarm/fire suppression/security systems, and general building and lighting electrical control systems;
- Testing instrumentation;
- Performance of testing and balancing of HVAC systems;
- Planning and delivery of property management services;
- Producing capital repair and improvement plans for commercial and industrial building-oriented systems;
- Maintaining regular liaison with tenants and resolving building-oriented complaints; and
- Implementing cost control and savings measures to ensure the building is operated effectively, efficiently and within budget.

IV. Proposal Requirements

If mailing or hand-delivering, proposers must submit two (2) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing both a PDF or MS Word digital copy of the proposal to the attention of Roseanne Viscusi at the address on the front of this Request for Proposal. A completed and signed Proposal Checklist (Attachment A) must be attached to the front cover of all both paper copies of your proposal, one of which must contain an original signature. **Late proposals and proposals lacking the appropriate completed and signed Proposal Checklist will be returned.** Faxed or e-mailed copies will not be accepted. Be sure that the individual signing the checklist is authorized to commit the Proposer's organization to the proposal as submitted. Each page of the proposal should state the name of the Proposer, the RFP number, and the page number. NYSERDA reserves the right to request additional data or material to support proposals. All material submitted in response to the RFP will become the property of NYSERDA.

Procurement Lobbying Requirements - State Finance Law sections 139-j and 139-k

In compliance with §139-j and §139-k of the State Finance Law (see Section V, General Conditions below for additional information), additional forms must be completed and filed with proposals: (1) a signed copy of the Proposal Checklist including required certifications under the State Finance Law and (2) a completed Disclosure of Prior Findings of Non-Responsibility form. Failure to include a signed copy of the Proposal Checklist referenced in this solicitation may disqualify your proposal.

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the RFP number, and the page number. The proposal must be in the following format:

A. The Proposer

1. Company Information –Proposers must provide, to the greatest extent possible, the following information for each member of the proposed team:

- Name of business entity (including any “Doing Business As” names)
- Headquarters/Parent Company Location
- History of firm
- Property management experience in New York
- Internet web site address (if any)
- Details of entity’s business structure (corporation, partnership, LLC)
- Date founded
- New York State and other pertinent locations and total number of employees at each
- Briefly explain your understanding of the project requirements
- Submit proof of insurability for workers compensation and consultant liability
- Submit a current copy of the Proposer’s SDVOB certification. Refer to Attachment G for SDVOB provisions; Attachment H, SDVOB Utilization Plan, Attachment I, SDVOB Compliance Report; and Attachment J, SDVOB Waiver
- List of any outstanding litigation that would threaten the viability of the firm or the performance of this contract

2. Qualifications

The Proposer is to provide:

- a. A detailed list of buildings managed in the last three years, their respective gross and rentable square feet, and the name of the property owner for whom the property is managed;
- b. An explanation of why the Proposer is the best qualified to perform the contract and demonstrate its qualifications including an item-by-item disclosure outlining how the Proposer meets or exceeds the requirements of this RFP;
- c. A business plan, schedule of proposed deliverables, and project management system for this project using methodologies that have been successfully employed in other engagements of similar size and complexity. The plan should include, in the Proposer’s own words, their understanding of the issues and tasks of the project at hand. Proposers are required to present a detailed description of the methodology to be used by it in achieving the objectives of the project and accomplishing the Tasks described in the Scope of Services with separate and specific reference to each subsection;

- d. A description of any specific experience and qualifications in building management and any specific experience it has in each of the particular building operations and management disciplines (i.e.: mechanical systems, electrical systems, fire alarms, energy management systems, plumbing systems, etc.) along with an indication of what building management areas will be performed directly and what will be sub-contracted; and
- e. A sample (or actual if available) building management manual containing actual procedures developed, reports generated, forms utilized and other pertinent data that will assist NYSERDA in determining the technical merit of the proposal.

3. Staffing

The Proposer is to provide or describe:

- a. The size and experience of the corporate staff pool from which staff assigned to the management contract can be drawn;
- b. The level of staff to be assigned to this project. Identified staff must have direct building management related experience;
- c. The composition of the staff team the Proposer shall dedicate to this assignment including:
 - i. The names of the employees in the area responsible for this contract,
 - ii. Their function in the company, title, and number of years of service with the Provider’s firm.
 - iii. Detailed resumes for the specific individuals designated to work on this contract, specifying educational and work experiences deemed relevant to the type of work to be undertaken.
- d. Provide the name of the person designated as the “Project Leader” who will be responsible for the coordination of work efforts of the other individuals. Information to be provided regarding the project leader is to include:
 - i. Length of career in providing Building Management Services
 - ii. Professional designations
 - iii. Number and size of buildings managed in the last three years
- e. Indicate the anticipated work to be performed directly and to be subcontracted. Where any subcontractor shall be used in a particular discipline describe, if known, the subcontractor’s qualifications in detail.

4. MWBE Utilization Plan

See Attachment C, MWBE Provisions. The MWBE Utilization Plan (Attachment D) must be completed and submitted with the proposal.

If the Proposer is not MWBE-certified, describe your experience in subcontracting with such businesses. Explain your methodology for attracting and subcontracting with MWBE-certified businesses, and how you intend to meet NYSERDA’s MWBE goals.

5. References

Each Proposer must submit a list of at least three (3) references documenting its experience, including the following information for all building management services provided over the last three years, or currently in process:

- a. A listing of all buildings where the Proposer is the building manager highlighting those buildings that have leases with the State of New York or other governmental organizations.
- b. Proposer's list of notable accomplishments including name of entity or company serviced, transaction size, level of difficulty, and dates from onset to conclusion.
- c. Team personnel assigned to the project.
- d. Name and Title of Reference.
- e. Telephone number(s).

Individuals identified as references will be assured of anonymity to the fullest degree possible under the Freedom of Information Law.

NYSERDA retains the right to request any additional information pertaining to the Proposer's ability, qualifications, and procedures used to accomplish all work under the contract as it deems necessary to ensure safe and satisfactory work.

6. Cost of Services

Proposers must submit their fee proposal, as found in Attachment K, for required services necessary to provide NYSERDA with the required deliverables. Prevailing Wages for Saratoga County are applicable. Each Proposal must include:

- a. The annual Management Fee, to be paid in equal monthly installments, to be charged for the first three years of the agreement as well as the two renewal periods. This must be a fixed dollar amount and not a percentage based on expenses. For the purposes of the agreement, the Management Fee shall include the cost of off-site corporate building management and administrative personnel, all overhead and profit, and all administrative expenses including payroll processing cost, auditing, accounting, reporting or other requirements, and excluding depreciation, amortization, and interest expenses.
- b. A detailed listing of any other expenses or fees to be paid directly to the Proposer (excluding those additional services provided below). These expenses shall be based on the actual costs incurred with no mark-up allowed. These items should include a list of the Proposer's on-site employee(s) (in Full Time Equivalent) by title, their respective salary(s), all fringe benefits, any other ancillary items provided to employees (such as 401K, leased vehicles, paid parking, etc.) together with a list of any other items and their respective cost to be charged by the Proposer as part of the agreement. If periodic building related services (e.g. electricians, plumbers) are to be provided by employees of the Proposer, the listing should include those titles and their respective hourly rates and fringe benefits. Unless otherwise agreed to by NYSERDA, reimbursement for these items will be limited to the amount set forth in the Agreement. Any expenses not specifically included will not be eligible for reimbursement and must be absorbed by the Management Fee.
- c. A fee proposal and detailed explanation for additional services that may be performed in addition to the foregoing such as to supervise or secure renovation or construction services, including capital repairs and replacements. The proposal must clearly identify what types of services will be separately billed to NYSERDA as opposed to those that are included in the Management Fee, or other expenses or fees included in Item (b) above. This fee should be shown as a percentage of the direct construction costs but may not exceed 15%.

If construction related services are provided by other employees of the Proposer (e.g. engineers, electricians, plumbers), the listing should include those titles and their respective hourly rates. Unless otherwise agreed to by NYSERDA, the rate will be those set forth in the Agreement.

B. Proposal Evaluation

Proposals submitted in response to this RFP will be reviewed, and scores assigned based on the information provided and satisfactory references. NYSERDA retains the right to request any additional information pertaining to the Proposer's ability, qualifications, and procedures used to accomplish all work under the contract as it deems necessary to ensure safe and satisfactory work. Proposals will be reviewed by a technical evaluation panel consisting of NYSERDA staff and external individuals.

1. Selection Criteria

Each proposal will be evaluated using the following criteria:

A. Approach and Scope of Services

1. Completeness. The proposal is complete and follows the outline in Section III of this RFP;
2. Quality of approach and methodology for performing the effort clearly demonstrates an understanding of the applicable issues and requirements for building management;
3. Quality, clarity and completeness of scope of services, including the extent to which alternative approaches and tasks will achieve objectives; and
4. Quality, clarity and completeness of the sample (or actual, if provided) building management manual.

B. Experience

1. Quality, extent and relevance of Proposer's operational experience (including hiring and dealing with sub-contractors) in conducting all facets of building operations;
2. Quality, extent and relevance of Proposer's building management experience, including the experience of subcontractors, in conducting similar efforts, particularly of a magnitude and setting similar to that described by this RFP; and
3. Quality, extent and relevance of experience, education and training of key personnel, including subcontractors.
4. References
 - a. Proposer's service capability, reputation, facilities, equipment and past performance.
 - b. Proposer's previous performance in contracts or business dealings with municipal, state or federal agencies or authorities, such as NYSERDA.

C. Organization, Staffing and Management Plan

Quality of project organization and management plan; extent to which it will provide for successful, timely and fully compliant program implementation as evidenced by the:

- a. Satisfactory response time for responding to emergencies;
- b. Plan for controlling costs and effort;
- c. Coordination of staff and subcontractors;
- d. Detailed resumes for the specific individuals designated to work on this contract, specifying educational and work experiences deemed relevant to the type of work to be undertaken;
- e. Identify the individual designated as the Project Lead who will be responsible for the coordination of work efforts of staff and subcontractors. Information to be provided includes
 - i. Length of career in building management services;

- ii. Relevant experience; and
- iii. Professional designations.
- f. Number and size of buildings manages in the past 3 years; and
- g. Reporting methodologies.

D. MWBE Utilization Plan

If the Proposer is not MWBE-certified, how will you attain NYSERDA’s MWBE goals? What is the quality and thoroughness of the Proposer’s plan to attract and contract with MWBE-certified businesses to provide services at STEP?

E. References

Proposers are to submit a list of three references documenting its experience, including the following information for all building management services provided over the past three years, or currently in-process:

- a. A listing of all buildings where the Proposer is the building manager, highlighting those buildings that have leases with the State of New York or other governmental units;
- b. Proposer’s list of notable accomplishments, including the name of the entity serviced, transaction size, level of difficulty, and dates from onset to conclusion;
- c. Team personnel assigned to the project;
- d. Name and title of reference; and
- e. Telephone number.

Individuals identified as references will be assured of anonymity to the fullest extent possible under the Freedom of Information Law.

NYSERDAS retains the right to request any additional information pertaining to the Proposer’s ability, qualifications, and procedures used to accomplish all work under the contract as it deems necessary to ensure safe and satisfactory work.

F. Cost

The pricing proposal will be evaluated for reasonableness of cost for the total effort. Pricing proposals must be complete, accurate and well documented. Any pricing conditions or contingencies must be clearly stated.

All lump sum prices must be inclusive of all direct and non-direct costs as well as all overhead, fees and profit.

V. GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to accept it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law,

Section 89(5) and the procedures set forth in 21 NYCRR Part 501 www.nyserda.org/nyserda.regulations.pdf. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

Omnibus Procurement Act of 1992 - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
Division For Small Business
30 South Pearl Street
Albany, NY 12245

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, NY 12245

New York Executive Law Article 15-A - NYSERDA is required 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 NYSERDA contracts. The MWBE participation goals and obligations of the selected Contractor are set forth in Attachment C.

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

New York Executive Law Article 17-B – NYSERDA is required under law to promote opportunities for maximum feasible participation of certified Service-Disabled Veteran-Owned Businesses (SDVOBs). The SDVOB participation goals and obligations of the selected Contractor are set forth in Attachment I.

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. *See*, ST-220-TD (available at http://www.tax.state.ny.us/pdf/2006/fillin/st/st220td_606_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department.

The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. *See*, ST-220-CA (available at http://www.tax.state.ny.us/pdf/2006/fillin/st/st220ca_606_fill_in.pdf). The Department has developed guidance for contractors which is available at http://www.tax.state.ny.us/pdf/publications/sales/pub223_606.pdf.

Contract Award - NYSERDA anticipates making one award under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA expects to notify proposers in approximately 8 weeks from the proposal due date whether your proposal has been selected to receive an award.

Limitation - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest.

Disclosure Requirement - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

VI. Attachments:

- Attachment A - Proposal Checklist
- Attachment B - Disclosure of Prior Findings of Non- Responsibility
- Attachment C – MWBE Provisions
- Attachment D- MWBE Utilization Plan
- Attachment E – Electronic Proposal Submission Instructions
- Attachment F – Prevailing Wages, Article 9
- Attachment G – SDVOB Provisions
- Attachment H – SDVOB Utilization Plan
- Attachment I – SDVOB Compliance Report
- Attachment J – SDVOB Waiver
- Attachment K – Cost Proposal
- Attachment L – Sample Agreement