

**REQUEST FOR PROPOSALS  
FOR CONSULTING ENGINEERING SERVICES  
WATERLINE REPLACEMENT PROJECTS 2019-2020**

**ECWA Project No. 201900001**

**A. General**

The Erie County Water Authority (Authority) will accept proposals for consulting engineering services for the 2019-2020 waterline replacement projects.

The Authority reserves the right to modify or cancel this Request for Proposals and/or the projects; to reject any or all proposals; and to waive any or all irregularities. This Request for Proposals does not obligate the Authority to award a contract for any of the projects or to reimburse any costs associated with the preparation of any proposal.

The Request for Proposal (RFP) is being conducted pursuant to the New York State Finance Law §§139-j and 139-k and the Erie County Water Authority's Procurement Disclosure Policy. The Procurement Disclosure Policy is available by accessing the Erie County Water Authority's web site – <http://www.ecwa.org>, under the caption "Doing Business with ECWA".

**B. Project Description**

The Authority is planning several waterline projects for 2019 and 2020. The projects will involve the replacement or rehabilitation of existing waterlines at various locations in the Authority's Direct Service Area. The projects are scheduled for design in 2019 and construction in 2020.

**Contract A** will consist of the installation of approximately 5,300 linear feet of new distribution waterline on multiple streets in the Village of Sloan. The project will consist of the replacement of existing waterline on Gates Street (from Stiglmeier to Crocker), on Franklin Avenue (from Harlem to Crocker), on Gierlach Street (from Harlem to Crocker), on Crocker (from Gates to Gierlach), and on Reiman Street (from Crocker to west of Halstead Avenue). The existing waterlines will be abandoned in place, (noting that some streets have multiple existing waterlines). The sizes and types of the new waterlines will be determined as a part of the design project but will be a minimum 12-inch diameter.

**Contract B** will consist of the installation of approximately 6,700 linear feet of new distribution waterline on Cayuga Creek Road from opposite 177 Cayuga Creek Road to the southeast corner of the William Street/Cayuga Creek Road intersection in the Town of Cheektowaga. An existing 24-inch waterline will remain in service, but an existing 6-inch will be abandoned in place. The size and type of the new waterline will be determined as a part of the design project but will be a minimum 12-inch diameter. A creek crossing is expected on Cayuga Creek Road just south of the William Street intersection (by bridge suspension, boring, pipe bursting or horizontal directional drilling).

**Contract C** will consist of the replacement of approximately 6,700 linear feet of new distribution waterline on multiple streets with leak histories in the Towns of Hamburg and West Seneca and the City of Lackawanna. The project will consist of the replacement of existing waterline on Monroe Avenue (from Scranton to the dead end), on Jefferson Avenue (from Scranton to the dead end), and on Lakeview Avenue (from Burke to 2180 Lakeview) in the Town of Hamburg, on Shirley Drive (from western connection of Berg Road to 110 Shirley) in the Town of West Seneca, and on Electric Avenue (from Roland to Warsaw), and on Clay Street (from Center to the dead end) in the City of Lackawanna. The existing waterlines will be abandoned in place. The sizes and types of the new waterlines will be determined as a part of the design project but will be a minimum 8-inch diameter. A creek crossing is expected on Electric Avenue within the project limits intersection (by bridge suspension, boring, or horizontal directional drilling).

**Contract D** will consist of the installation of approximately 4,600 linear feet of new transmission waterline on Greiner Road from Transit Road to Harris Hill Road in the Town of Clarence. The existing 12-inch waterline (from Transit to Harris Hill Rd) will remain in service, but the existing 6-inch (from Transit to Vista) will be abandoned in place. The size and type of the new waterline will be determined as a part of the design project but will be a minimum 16-inch diameter.

**Contract E** will consist of the installation of approximately 6,500 linear feet of new distribution waterline to replace undersized waterlines on various streets in the Towns of Amherst and Cheektowaga. The project will consist of the replacement of existing waterline on Garland Drive (from Eggert to School Circle), on Fairchild Drive (from Eggert to Hendricks), on School Circle (from Eggert to Crosby), on Bissell Drive (from Hendricks to Garland), on Olney Drive (from Hendricks to School Circle), and on Crosby Blvd (from Maynard to School Circle) in the Town of Amherst, and on Anna Court (from Lorraine Lane into cul-de-sac), on Treehaven Road (from Century to city line), on Kensington Avenue (from 1604 Kensington to city line), on Avery Place (from Herbert Ave to 70 Avery), and on Elm Court (from Washington Highway into cul-de-sac) in the Town of Cheektowaga. The existing waterlines will be abandoned in place. The size and type of the new waterlines will be determined as a part of the design project, but will be a minimum 8-inch diameter.

**Contract F** will consist of the replacement of critical infrastructure, approximately 4,000 linear feet of new distribution and transmission waterline installation (and approximately 1,600 linear feet of pipe abandonments) on multiple streets in the Cities of Tonawanda and Lackawanna, Village of Blasdell, and Towns of Cheektowaga, West Seneca, and Hamburg. The project will consist of the replacement of existing waterlines on Alexander Street (from Young to Ellicott Creek Rd), and on Ellicott Creek Road (from Daniel to the dead-end) in the City of Tonawanda, on North Gates (crossing Ridge Road intersection) in the City of Lackawanna, abandonment of the existing 6-inch waterline on South Park Avenue (from Maple to Miller), replacement on Hemenway Road (crossing the New York State Thruway I-90 including on/off ramps by boring or horizontal directional drilling) in the Town of Cheektowaga, on Union Road north of Gilfillian Avenue (crossing the NYS 400 east of the overpass by boring, pipe bursting or horizontal directional drilling), on Ridge Road (from 2020 to 3001 Ridge Road, crossing Cazenovia Creek by bridge suspension, excavation, pipe bursting, boring, or horizontal directional drilling), on Orchard Park Road (from 25 Orchard Park Road to 2801 Seneca Street, crossing Cazenovia Creek by bridge suspension, excavation, pipe bursting, boring, or horizontal

directional drilling) in the Town of West Seneca. This project also includes the abandonment of an existing waterline crossing at 2800 Hamburg Turnpike (NYS Route 5) with installation of a new hydrant. The existing waterlines will be abandoned in place. The size and type of the new waterlines will be determined as a part of the design project but will be a minimum 24-inch diameter crossing Cazenovia Creek on Orchard Park Road, minimum 12-inch diameter crossing Cazenovia Creek on Ridge Road and at Gates Avenue, and minimum 8-inch diameter at all other locations.

### **C. Scope of Work**

The general scope of work for each phase is summarized below. The methods of payment shall be per the Authority standard form of Professional Services Contract, a copy of which is available upon request.

#### **1. Survey**

Upon authorization from the Authority, the Consultant shall complete the following services.

- a. Obtain field topographic survey data for the preparation of construction plans required for final design of the project. Survey data is to be according to NAD83 and NAVD88 datums and the New York State Plane Coordinate System – West Zone.

#### **2. Design**

Upon authorization from the Authority, the Consultant shall complete the following services.

- a. Prepare detailed design drawings, specifications and contract documents. Tasks include, but are not limited to:
  - 1) Conferences with the Authority, agencies, etc.
  - 2) Review of available drawings and records furnished by the Authority.
  - 3) Preparation of base drawings in AutoCAD version 2014 from the survey data obtained in the survey phase and the available records furnished by the Authority.
  - 4) Hydraulic analysis to determine the size of the proposed transmission watermain.
  - 5) Evaluate the use of temporary waterlines to facilitate the installation of the proposed waterlines in areas where extensive rock excavation is anticipated.
  - 6) Evaluate the use of trenchless technologies such as re-lining and pipe bursting.
  - 7) Preparation of engineering calculations to support the design of the improvements, including related civil, mechanical, electrical, structural, and architectural features of the project.
  - 8) Submission of the plans to various utility companies and agencies, as required, to incorporate all existing utilities within the project limits.
  - 9) Coordination with all municipalities and agencies having jurisdiction within the project limits.
  - 10) Preparation of final plans, profiles, and job specific detail drawings that include editing of the Authority's standard detail drawings where appropriate.

- 11) Preparation of contract specifications that include editing of the Authority's standard "front end" specifications and standard technical specifications where appropriate and preparation of additional technical specifications as required.
  - 12) Obtaining New York State Wage Rates and inserting them into the specifications.
  - 13) Preparation of a quantity take-off and a construction cost estimate.
  - 14) Preparation of an engineering report and submission with contract specifications, drawings, application forms and fees to Erie County Health Department for approval.
  - 15) Attendance at a final design meeting with the Authority.
- b. Prepare engineering data, where necessary, with regard to regulatory permit applications as required to obtain local, state, federal and public utility approval for the initiation and construction of the work.
  - c. Furnish to the Authority five (5) sets of drawings, specifications and other contract documents, for final review by the Authority and other approving agencies.
  - d. Prepare documentation for compliance with New York State SEQR (Type II actions) and Storm Water Pollution Prevention Plans (SWPPP).
  - e. Prepare a schedule for the project utilizing the Authority's standard format. The project schedule shall be updated bi-weekly and as needed.

### 3. **General Services**

Upon authorization from the Authority, the Consultant shall complete the following services.

- a. Furnish twenty (20) sets of contract drawings, final specifications, and other documents required for bidding and construction purposes for each contract.
- b. Conduct a pre-bid meeting when appropriate.
- c. Prepare and distribute addenda.
- d. Provide assistance to the Authority in securing bids, tabulating bid results, analyzing bid results, and making recommendations on the award of each construction contract.
- e. Provide pre-construction meeting notice to all municipalities, utility companies, fire districts, and all other interested parties, conduct a pre-construction meeting and distribute minutes.
- f. Supply an approved contractor's schedule for construction of the project.
- g. Provide detailed initial stakeout (once only), including bench marks, reference and axis lines along the routes of the construction or where necessary.
- h. Give consultation and advice to the Authority during construction.
- i. Prepare elementary sketches and supplementary sketches, if required, to resolve actual field conditions encountered.
- j. Interpret contract documents and resolve problems as to amount, quality, acceptability, and fitness.
- k. Review the contractor's submittals of material and/or equipment for compliance with the Consultant's design concept and take appropriate action such as but not limited to: "approved", "approved as corrected", "revise and resubmit"; or "not approved".

- l. Furnish general construction inspection as to quality and quantity of the contractor's work as the construction progresses in order to recommend partial payment.
- m. Coordinate with all Authority's customers within the project area regarding the construction work.
- n. Schedule and attend progress meetings.
- o. Report to the Authority bi-weekly on the progress of the work with a written bi-weekly summary of the work performed in that time period, providing project schedule updates and forecasting future work and project costs. Also include daily inspector reports.
- p. Notify the Authority when a change in the work is proposed which will cause an adjustment in the contract cost. Evaluate whether the proposed change is justified and reasonable, and if necessary prepare change orders, field directives, and make recommendations for approval. Discuss changes in the plans or procedures authorized by the Consultant with the Authority prior to implementation. Obtain approval for all change orders from the Board of Commissioners prior to implementation.
- q. When new waterlines are placed into service, notify the appropriate fire districts in writing, identifying addresses of new hydrants placed into service and existing hydrants soon to be removed from service. A copy of this letter shall also be sent to the Authority.
- r. Check line and grade for preparation of record drawings.
- s. Make a final inspection, furnish a report on project completion, and make recommendations for final payments to contractors and for the release of retained amounts, if any.

4. **Resident Inspection**

Upon authorization from the Authority, the Consultant shall complete the following services.

- a. Provide technical inspection of construction by a full-time resident engineer and/or inspectors as required, who will:
  - 1) Inspect all work to determine the progress, quality, quantity and conformance of the work in accordance with contract documents.
  - 2) Notify customers in writing prior to start of construction.
  - 3) Prepare daily inspector reports.
  - 4) Review, verify and approve requests for monthly and final payments to contractors, based on quantities of work put in place.
  - 5) Provide bi-weekly updates summarizing the Resident Inspection costs and projecting future Resident Inspection costs for the duration of the project.

5. **Record Drawings**

Upon authorization from the Authority, the Consultant shall complete the following services.

- a. Provide record drawings, including the basemapping, (on AutoCAD Version 2014) of all completed work according to the latest ECWA As-Built Standards. Update the existing ECWA valve and hydrant details to reflect the completed work. Furnish one set of mylar transparencies and all AutoCAD files on CD of these drawings to the Authority.

- b. Provide horizontal and vertical coordinates using survey grade Real Time Kinematic (RTK) GPS with horizontal centimeter level accuracy and best possible vertical precision given the environmental conditions during collection for all mainline valves, hydrants, hydrant valves, permanent blow-offs, and meter pits. Coordinates shall be presented as points within an ESRI geodatabase feature class, or provided in Microsoft Excel, Microsoft Access, or .dbf format. At a minimum, the coordinate file shall contain a Northing, Easting, Elevation, horizontal precision, vertical precision, and Description for each feature.
- c. Provide copies of all photographs (digital and print) taken during the course of the design and construction work.
- d. Record Drawings and coordinates to be based on the NY State Plane Coordinate System – West Zone. Data is to be according to NAD83 and NAVD88 datums. Coordinates shall be provided in Microsoft Excel, Microsoft Access, or .dbf format. At a minimum, the coordinate file shall contain a Northing, Easting, Elevation, and Description for each feature.
- e. Submit mylar transparencies, AutoCAD files, and GPS coordinates no later than one month after final payment of the Construction Contract is recommended for approval and in accordance with Authority Standards.

6. **Special Services**

The Authority may require the Consultant to provide or arrange for and assist in obtaining one or more of the following special services in carrying out the project. Because it is not possible to determine in advance the need for or the cost of such services, these are included as separate elements of cost which shall be separately negotiated. These services include:

- a. Soils Investigations - including test borings, pavement cores, and the related analysis.
- b. Detailed mill, shop and/or laboratory inspection of materials and equipment.
- c. Land surveys, maps, plates, descriptions and title investigations which may be required to acquire lands, easements, and rights-of-way for the proposed facilities.
- d. Additional copies of reports, contract drawings and documents.
- e. Extra travel and subsistence for the Consultant and his staff beyond that normally required under ordinary circumstances, when authorized by the Authority.
- f. Assistance to the Authority serving as an expert witness in litigation arising from project development or construction.
- g. New York State SEQR (Type I and Unlisted Actions).
- h. Air, water, and/or soil sampling, testing, and/or analysis.
- i. Operation and maintenance manuals.
- j. Start-up services.
- k. Hazardous material testing and assessment.
- l. Wetlands investigations, delineation, and mitigation.

**D. Information Requests**

All questions and requests for information are to be directed to the designated ECWA Contact Person, Mr. Leonard F. Kowalski, P.E., Senior Distribution Engineer at 716-685-8220, in accordance with New York State Finance Law §§139-j and 139-k.

## **E. Proposal Requirements**

Firms may submit proposals for one or both projects. Separate proposals are not required. Proposals are to be concise, specific and straightforward. All pertinent information is to be contained in the proposal. The use of artwork, special covers, and extraneous information in the proposals is discouraged. Proposals are to remain valid for a minimum of 60 days. Each proposal is to include the following:

- Item 1 - Qualifications and related experience, particularly on the type of projects outlined above.
- Item 2 - Project understanding, technical approach and detailed scope of services. Identify any suggested modifications to the Scope of Work in Section C.
- Item 3 - Project staffing for all key personnel and subcontractors; current workload; and office location(s) where work will be performed for each project.
- Item 4 - Qualifications of resident inspector(s) including applicable education, training, experience, and NICET certification.
- Item 5 - Work performed for the Authority in 2016, 2017, and 2018.
- Item 6 - Current remaining workload with the Authority.
- Item 7 - Completed attachment titled Section 139 of State Finance Law per attached.
- Item 8 - Proof of insurance in accordance with the attached Erie County Water Authority Insurance Requirements for Professional Services per attached.
- Item 9 - Fee proposal which is to include a breakdown of engineering fees for each construction contract showing personnel, hours, hourly rates, overhead rates, and subcontractor costs for each phase per the scope of work. Assume 2,000 hours for resident inspection. All consultants shall include Special Services lump sum cost of \$15,000 for the purposes of this proposal.

**Proposals will be accepted until 4:00 p.m. on Friday, ?????????? ??, 2019.** Four copies of each proposal are to be delivered to Erie County Water Authority, 3030 Union Road, Buffalo, New York 14227 to the attention of Mr. Russell J. Stoll, P.E., Executive Engineer. Proposals received after this time will not be considered and will be returned unopened. All proposals being mailed (including Federal Express, UPS, Priority Mail, etc.) or hand delivered shall be directed to the attention of Mr. Stoll in a sealed envelope and be clearly marked on the outside of the mailing or hand delivered envelope as follows: “PROPOSAL – WATERLINE PROJECTS”

## **F. Evaluation and Selection**

All proposals will be evaluated by a small in-house committee made up of Authority personnel familiar with the proposed project. Interviews and/or presentations of the proposals will be requested if needed. The proposals will be evaluated based on the criteria listed above.

The final scope of work and fee for the engineering services for the project will be negotiated with the selected firm. A Professional Service Contract will then be executed pending successful negotiation and authorization by the Authority Board of Commissioners. All firms submitting proposals will be notified of the selection results. It is anticipated that the selection process will be completed in ???????? 2019 and that the agreement will be executed in ???????? 2019.



## **FORMS A, B, and C**

### SECTION 139 OF STATE FINANCE LAW

Pursuant to State Finance Law §§139–j and 139–k, this Invitation to Bid includes and imposes certain restrictions on communications between a Governmental Entity and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest notice of intent to solicit offers, through final award and approval of the Procurement Contract by the Governmental Entity. The designated contact is identified in the Notice to Bidders. Governmental Entity employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4-year period, the Offerer/bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found in §§139–j and 139–k of the New York State Finance Law and the Erie County Water Authority’s Procurement Disclosure Policy.

Form A - Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law.

Form B - Offerer’s Certification of Compliance with State Finance Law.

Form C - Offerer’s Disclosure of Prior Non-Responsibility Determinations.

Contract Termination Provision.

**FORM A**

**Offerer's Affirmation of Understanding of and Agreement Pursuant to State  
Finance Law §139-j(3) and §139-j(6)(b)**

**Instructions:**

A Governmental Entity must obtain the required affirmation of understanding and agreement to comply with procedures on procurement lobbying restrictions regarding permissible contacts in the restricted period for a procurement contract in accordance with State Finance Law §139-j and §139-k. It is required that this affirmation be obtained as early as possible in the procurement process, but no later than when the Offerer submits its proposal.

Offerer affirms that it understands and agrees to comply with the procedures of the Government Entity relative to permissible contacts as required by State Finance Law §139-j(3) and §139-j(6)(b).

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

**FORM B**

**Offerer's Certification of Compliance  
With State Finance Law §139-k(5)**

**Instructions:**

A Governmental Entity must obtain the required Certification that the information is complete, true, and accurate regarding any prior findings of non-responsibility, such as non-responsibility pursuant to State Finance Law §139-j. The Offerer must agree to the Certification and provide it to the procuring Governmental Entity. It is required that the Certification be obtained as early as possible in the process, but no later than when an Offerer submits its proposal.

**Offerer Certification:**

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

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

**FORM C****Offerer's Disclosure of Prior  
Non-Responsibility Determinations****Background:**

New York State Finance Law §139-k(2) obligates a Governmental Entity to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance with State Finance Law §139-k, an Offerer must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j; or (b) the intentional provision of false or incomplete information to a Government Entity.

The terms "Offerer" and "Governmental Entity" are defined in State Finance Law §139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

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

**Instructions:**

A Governmental Entity must include a disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract. It shall be submitted to the Governmental Entity conducting the Governmental Procurement no later than when the Offerer submits its proposal.

**FORM C (Continued)**

**Offerer's Disclosure of Prior Non-Responsibility Determinations**

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

Contract Procurement Number: \_\_\_\_\_

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

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

If yes, please answer the next questions:

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

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

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Add additional pages as necessary)



## **Contract Termination Provision**

### **Instructions:**

A Contract Termination Provision will be included in each Procurement Contract governed by State Finance Law §139-k. New York State Finance Law §139-k(5) provides that every procurement contract award subject to the provisions of State Finance Law §§139-k and 139-j shall contain a provision authorizing the Governmental Entity to terminate the contract in the event that the certification is found to be intentionally false or intentionally incomplete. This statutory contract language authorizes, but does not mandate, termination. “Government Entity” and “procurement contract” are defined in State Finance Law §139-k(1).

This required clause will be included in a covered procurement contract.

A sample of the Termination Provision is included below. If a contract is terminated in accordance with State Finance Law §139-k(5), the Governmental Entity is required to include a statement in the procurement record describing the basis for any action taken under the termination provision.

### **Sample Contract Termination Provision**

The Governmental Entity reserves the right to terminate this contract in the event it is found that the certification filed by the Offerer in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, the Governmental Entity may exercise its termination right by providing written notification to the Offerer in accordance with the written notification terms of this contract.

SECTION 139-L OF THE STATE FINANCE LAW

§139-L STATEMENT ON SEXUAL HARASSMENT, IN BIDS

1. Every bid hereafter made to the state or any public department or agency thereof, where competitive bidding is required by statute, rule or regulation, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under penalty of perjury:

SEXUAL HARASSMENT BIDDING CERTIFICATION

- (a) "By submission of this bid, EACH BIDDER AND EACH PERSON SIGNING ON BEHALF OF ANY BIDDER CERTIFIES, AND IN THE CASE OF A JOINT BID EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all its employees. Such policy shall, at a minimum, meet the requirements of Section two hundred one-g of the Labor Law."
2. A bid shall not be considered for award nor shall any award be made to a bidder who has not complied with subdivision one of this section; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore.

The undersigned CERTIFIES, under penalty of perjury, that he is authorized to make this bid and execute this statement on sexual harassment; that he is familiar with the statements contained in paragraph 1. (a) and the provisions of State Finance Law §139-L and Labor Law §201-g and such statements are true and have been complied with by the bidder.

\_\_\_\_\_  
(Name of Individual, Partnership or Corporation)

By \_\_\_\_\_  
(Person authorized to sign)

(SEAL)