

**REQUEST FOR PROPOSALS
FOR
ENGINEERING DESIGN SERVICES
FOR
WALTER PANAS HIGH SCHOOL
LOCATED IN THE
LAKELAND CENTRAL SCHOOL DISTRICT
AT 300 CROTON AVENUE
CORTLANDT MANOR, NY 10567**

RFP OPENING DATE & TIME: **MONDAY, MAY 20, 2019 at 2:00 P.M.**
RFP OPENING PLACE: **Lakeland CSD, Business Office, 1086 E. Main St.
Shrub Oak, NY 10588**

The Lakeland Central School District is seeking proposals for Design Services from a professional Engineering Company, qualified to design all aspects of the Walter Panas High School Athletic Fields and related work.

One (1) original and five (5) copies of sealed proposals must be received in the Lakeland Central School District at 1086 East Main Street, Shrub Oak, NY 10588, Attention: Mr. Binoy Alunkal by the date and time noted above. The School District will not accept submissions by e-mail or fax. The School District will return proposals received after the date and time noted above to the proposer. The proposer is solely responsible for ensuring that the proposal is received by the District by the date & time noted above.

The documents comprising the Request for Proposals may be obtained at the Lakeland Central School District or on its website www.lakelandschools.org
Each proposer is responsible for completing its proposal in accordance with the RFP and as modified by any addenda.

The School District reserves the right to amend or terminate this Request for Proposal, reject all proposals, waive any informalities or non-material deficiencies in a proposal, and award the proposal to the proposer that, in the School District's judgment, will be in the School District's best interests.

STANDARD INSTRUCTIONS TO PROPOSERS

1. INTRODUCTION & SCOPE OF WORK

The Lakeland Central School District is soliciting proposals to retain a qualified engineering firm to prepare plans, cost estimates, construction specifications, and bid documents for the Walter Panas High School Athletic Fields, Tennis Courts, Stormwater Pollution Prevention Plan project, including artificial turf, drainage, lighting, stairway and parking lot located at 300 Croton Avenue, Cortlandt Manor, NY 10567.

This project shall include a site study, investigation and an analysis of existing conditions, review of current codes and standards as they relate to the existing athletic complex, conceptual schematic designs, final design and specifications, bid documents, and contract administration services for the award of a contractor as low bidder. The successful respondent shall perform its services consistent with all requirements of the New York State Education Department and any other applicable permitting agency.

The project goal is to enable the School District to immediately commence the construction bidding process upon completion of the engineered plans in order to begin renovating the field as soon as possible after the bidding of the project.

This RFP is not a contract offer, and no contract will exist unless and until a written contract is signed by the School District. Interested parties should submit a proposal in accordance with the requirements and directions contained in this RFP. The School District, at its discretion, may choose not to select any firm.

- Background and Intent

It is the goal of the School District to enter into agreement with a qualified engineering company that will provide design services efficiently, accurately, and provide high quality, flexible customer service to the School District. The proposer will be expected to maintain expert knowledge of design services to ensure the School District is receiving the highest quality service at the most affordable rates while maintaining quality.

- Qualifications

Eligible/Engineering Design Services for the Walter Panas High School will be those individuals, businesses and firms that meet the following qualifications:

1. Proposer must have demonstrated experience and expertise in regard to providing the types of or similar services as those outlined in the Scope of Services.

2. Proposer must have a proven track record in providing these types of services for similarly sized schools or municipal governments, preferably in New York.
3. Proposer must be familiar with, qualified, and properly licensed in the State of New York to perform its obligation under this proposal in compliance with all applicable Federal and State of New York laws and regulations, statutes and policies.
4. Proposer must have knowledge & experience in applying to New York State Education Department for approval through District's architects.

- Insurance

The successful proposer (Engineer) is required to be licensed in the State of New York prior to commencing work. The Engineer must maintain insurance that meets the School District's insurance requirements (listed below), to protect the School District from claims for loss or injury which might arise out of or result from the operations under this contract. Additionally, the Engineer must file Certificates of Insurance with the School District, naming the School District as an additional insured.

- Workers' Compensation, employer liability (or statutory limits - greater of two), \$1,000,000.
- Comprehensive General Liability with limits of not less than \$1,000,000 per occurrence/\$2,000,000 aggregate.
- Professional Liability with limits not less than \$1,000,000.
- Umbrella Liability of not less than \$1,000,000.
- Comprehensive Automobile Liability (owned, non-owned, hired) of \$1,000,000 each accident.

- Agreement Period

The School District anticipates entering into a contract with the selected Engineer commencing on or about June 6, 2019.

The School District will contractually reserve the right to cancel the contract at any time. The agreement period for any contract or purchase order resulting from this RFP shall ultimately be as negotiated to the mutual agreement of the parties.

- Additional Conditions

All those submitting proposals must be willing to adhere to the following additional conditions and must positively state this in the proposal.

1. The proposer must certify that the personnel identified in its response to this RFP will be the persons actually assigned to the project. At its discretion,

the School District may require the removal and replacement of any of the proposer's personnel who do not perform adequately, regardless of whether they were previously approved by the School District.

2. All subcontractors hired by the proposer awarded a contract as a result of this RFP must have prior approval of the School District prior to and during the agreement period.
3. Any contract resulting from this RFP process will represent the entire agreement between the proposer and the School District and will supersede all prior negotiations, representations or agreements, alleged or made, between the parties. The School District shall assume no liability for payment of services under the terms of the contract or purchase order until the successful proposer is notified that the contract or purchase order has been accepted and approved by the School District. Any contract resulting from this RFP may be amended only by means of a written instrument signed by the proposer and signed by the School District Business Manager.

2. RIGHT TO AMEND OR TERMINATE THE RFP OR CONTRACT

The School District may, in its sole discretion, clarify, modify, amend or terminate this RFP if the School District determines it is in the School District's best interest. Each proposer is responsible for checking the School District's website www.lakelandschools.org to determine if the School District has issued any addenda and, if so, to complete its proposal in accordance with the RFP as modified by the addenda.

3. PROPOSAL SUBMISSION INSTRUCTIONS

Proposal Requirements & Required Format

Proposals must set forth accurate and complete information for each of the items listed below. At the School District's discretion, failure to do so could result in disqualification. Please ensure your proposal incorporates responses to the below questions, as well as any requested attachments.

1. Proposer Information: Please provide the following information:
 - a. Firm Name.
 - b. Permanent main office address.
 - c. Date firm organized.
 - d. Legal Form of ownership. If a corporation, indicate where incorporated.
 - e. How many years have you been engaged in services you provide under your present name?
 - Please list any contracts in the last three years between the proposer and the School District.

2. Cost Proposal Experience, Expertise and Capabilities
 - a. Summary of Relevant Experience. A listing of projects that the proposer has completed within the last three years of a similar nature to those included in the Scope of Services in this RFP must be provided, preferably for NYS School Districts.
 - b. The following additional information shall be provided by each proposer:
 - General description of the organizational structure of your institution including parent and/or subsidiary companies and the number of employees.
 - Identify who will be the primary client relationship manager.
 - Provide a general representation of the key factors and other important considerations that you feel separates your institution/firm from others in providing the requested services.
 - Detail description of your firm's technical resources and experience in providing the desired scope of services to similarly sized entities.
 - Identify the location of the office(s) from which the services will be performed.
 - Disclose any current (last 3 years) business, financial, personal, or other types of relationships which may pose a conflict of interest.
3. Proposers must utilize the Proposal Form included in this RFP as Attachment A, to provide a fee as a percentage of the construction cost. An estimate of construction is shown on this form only for bidding purposes.

Your proposal should be submitted in a sealed envelope marked “ **ENGINEERING DESIGN SERVICES FOR WALTER PANAS HIGH SCHOOL**” to the Lakeland Central School District, 1086 East Main Street, Shrub Oak, NY 10588, Attention: Mr. Binoy Alunkal.

The School District will not accept submissions by e-mail or fax. Proposers are solely responsible for ensuring timely delivery of the RFP response by the date & time indicated. The School District will NOT accept late proposals. Proposal prices must be submitted on the Proposal Form included in this RFP. All blank spaces for proposal prices must be completed in ink or be typewritten. Proposals may be withdrawn personally or in writing provided that the School District receives the withdrawal prior to the time and date the proposals are scheduled to be opened. Proposals are considered valid, and may not be withdrawn, cancelled or modified, for sixty (60) days after the opening date, to give the School District sufficient time to review the proposals, investigate the proposers' qualifications, secure any required approvals, and execute a binding contract with the successful proposer. An authorized person representing the legal entity of the proposer must sign the Proposal Form and all other forms included in this RFP.

4. ADDITIONAL INFORMATION

The School District reserves the right, either before or after the opening of proposals, to ask any proposer to clarify its proposal or to submit additional information that the School District in its sole discretion deems desirable.

5. COSTS FOR PREPARING PROPOSAL

Each proposer's costs incurred in developing its proposal are its sole responsibility, and the School District shall have no liability for such costs.

6. OWNERSHIP OF PROPOSALS

All proposals submitted become the School District's property and will not be returned to proposers.

7. FREEDOM OF INFORMATION LAW

All information submitted in a proposal or in response to a request for additional information is subject to disclosure under the New York Freedom of Information. Proposers are encouraged not to include in their proposals any information which is proprietary a trade secret or otherwise confidential. All materials associated with this procurement process are subject to the terms of state laws defining freedom of information and privacy, and all rules, regulations and interpretations resulting from those laws.

8. LEGAL STATUS

If a proposer is a corporation, limited liability company, or other business entity it is required to be registered with the New York Secretary of State's Office, it must have a current registration on file with that office. The School District may, in its sole discretion, request acceptable evidence of any proposer's legal status. Each proposer must complete and submit the Proposer's Legal Status Disclosure form included in this RFP.

9. PRESUMPTION OF PROPOSER'S FULL KNOWLEDGE

Each proposer is responsible for having read and understood each document in this RFP and any addenda issued by the School District. A proposer's failure to have reviewed all information that is part of or applicable to this RFP, including but not only any addenda posted on the School District's website, shall in no way relieve it from any aspect of its proposal or the obligations related thereto.

Each proposer is deemed to be familiar with and is required to comply with all federal, state and local laws, regulations, ordinances, codes and orders that in any manner relate to this RFP or the performance of the work described herein.

By submitting a proposal, each proposer represents that it has thoroughly examined and become familiar with the scope of work outlined in this RFP, and it is capable of performing the work to achieve the School District's objectives. If applicable, each proposer shall visit the site, examine the areas and thoroughly familiarize itself with all conditions of the property before preparing its proposal.

10. TAX EXEMPTIONS

The School District is exempt from the payment of Federal excise taxes and New York sales tax and use taxes. Such taxes must not be included in prices.

11. AWARD CRITERIA & SELECTION

All proposals will be publicly opened as received on the date, at the time, and at the place identified in this RFP. Proposers may be present at the opening.

The School District reserves the right to correct, after proposer verification, any mistake in a proposal that is a clerical error, such as a price extension, decimal point error or FOB terms. If any error exists in an extension of prices, the unit price shall prevail.

The School District reserves the right to accept all or any part of a proposal, reject all proposals, and waive any informalities or non-material deficiencies in a proposal.

The School District will accept the proposal that, all things considered, the School District determines is in its best interests. Although price will be an important factor, it will not be the only basis for award. Due consideration may also be given to a proposer's experience, service, ability to respond promptly to requests, past performance, and other criteria relevant to the School District's interests, including compliance with the procedural requirements stated in this RFP.

1. Evaluation Criteria

The following specific criteria are expected to be among those utilized in the selection process. They are presented as a guide for the proposer in understanding the School District's requirements and expectation for this project and are not necessarily all inclusive or presented in order of importance.

- The background experience and strength of the Proposer in providing similar services in NYS School Districts.
- The Proposer's responsiveness and compliance with the RFP requirements and conditions to provide the services requested.
- References will be provided upon request for review.
- Competitiveness of proposed fee. The School District reserves the right to negotiate fees with the selected Proposer.

The School District may elect to have the proposals evaluated by a committee as part of the selection process. If deemed necessary, the School District reserves the right to arrange for interviews/oral presentations as part of the selection process, which invitations for interviews may involve a short-listing of the proposals received.

If the proposer does not execute the Contract within ten (10) business days of the date of notification, unless extended by the School District, the School District may enter into discussions with another proposer.

**LAKELAND CENTRAL SCHOOL DISTRICT
ATTACHMENT A: PROPOSAL FORM
ENGINEERING DESIGN SERVICES**

PROPOSER'S FULL LEGAL NAME:

Pursuant to and in full compliance with the RFP, the undersigned certifies this proposal is submitted without collusion and all responses are true and accurate. If awarded this proposal, it is agreed this forms a contractual obligation to provide services at fees specified in this Proposal Form, subject to and in accordance with all instructions, conditions, requirements contained in the documents, including addenda, which are made part of this proposal.

Design fee as a percentage _____ %
of construction cost
(estimated at \$4.5 million)

NOTE: This document, in order to be considered a valid proposal, must be signed by a principal officer or owner of the business entity that is submitting the proposal. Such signature constitutes the proposer's representations that is has read, understood and fully accepted each and every provision of each document comprising the RFP, unless an exception is described above.

Name and Title of Authorized Representative

Signature of Representative, Duly Authorized

Date

Phone #

Fax#

NON-COLLUSIVE BIDDING CERTIFICATION

Section 103-d, General Municipal Law. Statement of non-collusion in bids and proposals to political subdivision of the state. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency, or official thereof where competitive bidding is required by statute, rule, regulation or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidders and affirmed by such bidder as true under the penalties of perjury,

- a. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of any joint bid each party thereto certified as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
 - 1 The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with another bidder or with any competitor,
 - 2 Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
 - 3 No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

- b. Any bid shall not be considered for award nor shall any award be made where (a) (1) (2) and (3) above have not been complied with; provided however, that if in any case the bidder shall so state and furnish with the bid a signed statement which sets forth in detail the reason therefor. Where (a) (1) (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that the bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (a).

Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation or local law, and where such bid contains the certification referred to in subdivision one of the section, shall be deemed to include the signing and submission of the bid and the inclusion as the act and deed of the corporation.

Signed _____ Title _____

PROPOSER WARRANTIES

- A. Proposer warrants that it is willing and able to comply with State of New York laws and regulations.
- B. Proposer warrants that it is willing and able to obtain an error and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees or agents thereof.
- C. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement without the express prior written permission of the Lakeland Central School District.
- D. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

Firm's Name

Address

City, State, Zip

(Print Name) **(Signature)**

(Phone) **(Fax)**

IRAN DIVESTMENT ACT COMPLIANCE RIDER

The Iran Divestment Act of 2012, effective as of April 12, 2012, is codified at State Finance Law (“SFL”) §165-a and General Municipal Law (“GML”) §103-g. The Iran Divestment Act, with certain exceptions, prohibits municipalities, including the District, from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Pursuant to the terms set forth in SFL §165-a and GML §103-g, a person engages in investment activities in the energy sector of Iran if:

- a. The person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or
- b. The person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created pursuant to paragraph (b) of subdivision three of Section 165-a of the SFL and maintained by the Commissioner of the Office of General Services.

Each bidder or proposer must certify that it is not on the list of entities engaged in investment activities in Iran created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the SFL. In any case where the bidder or proposer cannot certify that it is not on such list, the bidder or proposer shall so state and shall furnish with the bid or proposal a signed statement which sets forth in detail the reasons why such statement cannot be made. The District may award a bid to a bidder who cannot make the certificate on a case by case basis if:

1. The investment activities in Iran were made before the effective date of this section (i.e., April 12, 2012), the investment activities in Iran have not been expanded or renewed after the effective date of this section and the person has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The District makes a determination that the goods or services are necessary for the District to perform its functions and that, absent an exemption, the District would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

A bid or proposal shall not be considered for award nor shall any award be made where the bidder or proposer fails to submit a signed and verified bidder’s certification.

CERTIFICATION - IRAN DIVESTMENT ACT OF 2012

(This form must be signed and notarized, and submitted with bid)

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, added new provisions to the State Finance Law (SFL), §165-a and General Municipal Law (GML) §103-g effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b) and GML §103-g, the initial list is expected to be issued no later than 120 days after the Act’s effective date, at which time it will be posted on the OGS website.

By submitting a response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Proposer (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list. Additionally, Proposer is advised that once the list is posted on the OGS website, any Proposer seeking to enter into, renew or extend a Contract or assume the responsibility of a Contract awarded in response to the solicitation, must certify at the time the Contract is bid upon or a proposal submitted, or the contract is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract, should District receive information that a person is in violation of the above-referenced certification, District will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then District shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

District reserves the right to reject any bid, proposal or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

Signature: _____ Date: _____

Affirmed to me this _____ day of _____, 2019

Sexual Harassment Certification

In accordance with State Finance Law §138-l, which generally prohibits the School District from entering into contracts pursuant to the bid/RFP process with persons who fail to submit a certification affirming compliance with New York State Labor Law §201-g, the proposer submit the following certification under the penalty of perjury:

By submission of this proposal, each proposer and each person signing on behalf of any proposer, certifies, and in the case of a joint bid/proposal each party thereto certifies as to its own organization, under penalty of perjury, that the proposer has implemented written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the NYS Labor Law.

Dated: _____, New York
_____, 2019

Firm's Name

(Print Name)	(Signature)
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Sworn to before me this _____
day of _____, 2019

Notary Public