



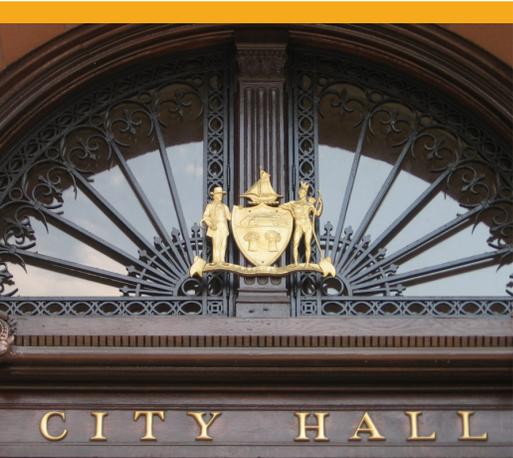
Department
of State



COMPETITION GUIDELINES

Municipal Consolidation and Efficiency Competition

www.dos.ny.gov



MCEC Competition Guidelines

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Program Overview

The Municipal Consolidation and Efficiency Competition (MCEC) is a program designed to support counties and other local governments to pursue opportunities for consolidation, shared services, and local government modernizations that reduce the property tax burden. By challenging local governments to work together to develop innovative proposals that create property tax savings for their residents, this program will bring forth aspirational consolidation ideas to change the operational structure of local government.

Each consortium of local governments that wishes to apply for the MCEC will prepare a Municipal Consolidation and Efficiency Plan (MCEP). The consortium that demonstrates the most innovative thinking in regards to governmental consolidation and property tax reduction will have the ability to pursue approximately \$20 million to implement its proposal. This program will encourage local governments to be bold in the proposal's design to use this money in creative and innovative ways that will stimulate the local economy and streamline municipal services and operations.

MCEC Goals

- ***Lower property taxes in the awarded consortium of local governments***
- ***Modernize and reduce the number of local governments to achieve a more efficient and adaptable structure for providing local government services***
- ***Create an incubator for Local Government Innovation that will test and share government consolidation and efficiency best practices***



Past Initiatives

Property Tax Initiatives

In 2010, before Governor Cuomo took office, homeowners in 33 of New York's 62 counties had a property tax burden that surpassed the national median. From 1980 to 2010, New York's local property taxes grew by an unsustainable average rate of 5.7 percent per year. To reduce homeowners' property tax burden, the Governor enacted a series of property tax relief programs in 2011, 2014 and 2015.

In 2011 the Governor enacted the Property Tax Cap that requires local governments to limit the annual growth in property tax levies to no more than two percent. Since the enactment of the cap, the typical property owner has saved more than \$800, and by 2017 that number will grow to \$2,100.

In 2014, the Governor enacted the Property Tax Freeze Credit, a tax relief program that reimburses qualifying New York State homeowners for increases in local property taxes on their primary residences. This tax freeze credit will save property taxpayers more than \$1.3 billion over three years. In the first year of the program, 97% of school districts in New York State complied with the property tax cap and more than 2.3 million homeowners were reimbursed for \$220 million in direct tax relief.

The Governor provided further relief in 2015 by enacting the Property Tax Relief Credit, which progressively targets an additional \$1.3 billion in property tax relief for New York homeowners over the next four years².

Government Efficiency Initiatives

Since 2005, New York State has allocated more than \$85 million to 466 projects to increase shared services and enhance efficiency in services to produce cost savings. The Department of State has funded a diverse group of projects, each with its own set of positive outcomes and benefits to the citizens of the State. Local governments have estimated that the long-term savings from these projects will exceed \$600 million. Currently, the following Government Efficiency Initiatives continue to be available to local governments:

1 The New York State Property Tax Cap: Results. Success. Savings. 2015 Report Retrieved Form, <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/PropertyTaxCap.pdf>

2 The New York State Property Tax Cap: Results. Success. Savings. 2015 Report Retrieved Form, <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/PropertyTaxCap.pdf>



Citizens Reorganization Empowerment Grants provide funding of up to \$100,000 for local governments to cover costs associated with planning and implementing municipal consolidations and dissolutions. Expedited assistance is given to local governments that have received a citizen petition for consolidation or dissolution. (This program shares a \$35 million appropriation with the Citizen Empowerment Tax Credits.)

Citizen Empowerment Tax Credits provide funding for cities with a population of less than one million, towns, or villages that consolidate or dissolve, these tax credits provide an annual aid bonus equal to 15 percent of the newly combined local government's tax levy. At least 70 percent of such amount must be used for direct relief to property taxpayers. (This program shares a \$35 million appropriation with the Citizen Reorganization and Empowerment Grants.)

Local Government Efficiency Grants are competitive grants that provide funding to help cover costs associated with local government efficiency projects, such as planning for and/or implementing functional consolidations, shared or cooperative services, and regionalized delivery of services. The maximum implementation grant award is \$200,000 per municipality up to \$1 million per grant consortium. The maximum planning grant award is \$12,500 per municipality up to \$100,000 per grant consortium. A \$4 million appropriation supports this program.

Municipal Restructuring Fund provides funding to help local governments implement transformational projects that contribute to lower operating costs and reduced property tax burdens. Funding is available in stages of project implementation and is based upon the completed project's estimated long-term savings. There is \$25 million available for these awards.

Municipal Consolidation and Efficiency Competition (MCEC)

Eligible Applicants

Lead applicants must be a city, town or village with a population of over 50,000 (2010 US Census Data) or a County. Cities, Towns and Villages, with a population under 50,000 (2010 US Census Data) or other forms of governments may apply as partners but not as the lead applicant. Each MCEC application requires a consortium of two or more governments.



The MCEC will have two phases.

Phase I Intent to Propose

Phase I will begin with the release of this Guidance Document and end on January 27, 2017, the day the Intent to Propose is due to the Department of State. Failure to submit an Intent to Propose for Phase I by January 27, 2017 will deem an applicant ineligible for Phase II of the process and for consideration of the \$20 million award. The Intent to Propose form is Appendix A of this document. The Intent to Propose is required to contain letters of support from each government in the consortium that will be working together on the MCEP. At least one County, City, Town or Village consolidation must be proposed in the Intent to Propose. Failure of the Intent to Propose to include responses to all parts of the form will result in disqualification.

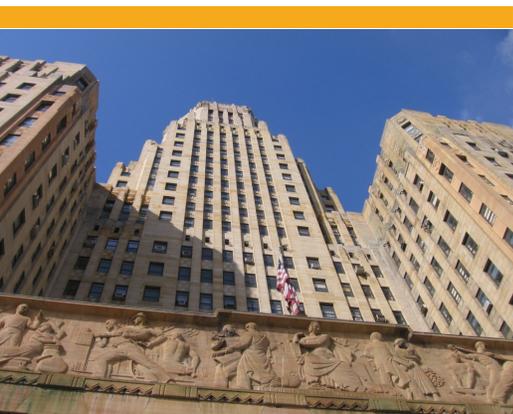
The Intent to Propose shall be submitted to:

Chet Fiske
New York State Department of State
Bureau of Fiscal Management
Municipal Consolidation and Efficiency Competition
One Commerce Plaza
99 Washington Avenue, Suite 1110
Albany, New York 12231

Upon receipt of an Intent to Propose, qualifying applicants will be eligible for up to \$50,000 for the development of an MCEP. The lead applicant will work with the Department of State to develop a contract for Phase I work which includes a Work Plan and Budget. No local cash match will be required.

Phase II Municipal Consolidation and Efficiency Plan (MCEP) Development

During Phase II, each consortium of local governments that receives funding under Phase I will develop its MCEP. Phase II will begin on January 28, 2017 and culminate with the announcement of the top MCEP in mid-summer of 2017. Phase II guidance and submission requirements will be provided in February, 2017.



The consortium of local governments that develops the selected MCEP will be eligible for the remainder of the \$20 million in MCEC funding for implementation of projects and actions outlined in the selected proposal. Contracts and project development will be managed by the Department of State.

The Department of State recommends that the local government consortium consider using a work group made up of members of the consortium, and civic, business, and academic leaders that can add subject matter expertise to the discourse.

The MCEC work group should be the entity that develops the MCEP. However, the lead local government on the Intent to Propose will be responsible for submission of the MCEP to the Department of State.

Applicants that are not awarded funding for their MCEP will receive technical assistance from the Department of State to identify other funding opportunities from the State that could support the implementation of their plans.

Competition Timeline

Phase I

- Release of Competition Guidance Document - November 10, 2016
- 2nd Annual Local Government Innovation Conference - November 18, 2016
- Questions Due to Department of State - December 1, 2016
Email questions to: MCECProgram@dos.ny.gov
- Answers Published - December 8, 2016
- Intent to Propose due to Department of State - January 27, 2017
- Funding for Phase I announced - February 1, 2017

Phase II

- Release of the Phase II Guidance Document – February 1, 2017
- MCEP's Due to the Department of State - June 28th, 2017
- Winner Announced - Mid-August 2017



Municipal Consolidation and Efficiency Plans

The proposal put forth by each applicant for Phase II will describe how MCEC funded actions will guide and implement a consolidation of a County, City, Town or Village. In addition, the plan will guide and implement consolidations, dissolutions, mergers, shared services, cooperative agreements, or other permanent changes in governing structures to produce local government savings and property tax reductions for the applicants' residents. The proposal will detail each of these operational changes and the savings they will create. Each proposal shall also include a detailed implementation plan including a timeline.

MCEC projects will be transformative in nature and will have substantial impacts on governmental operations and functions, and will yield property tax reductions.

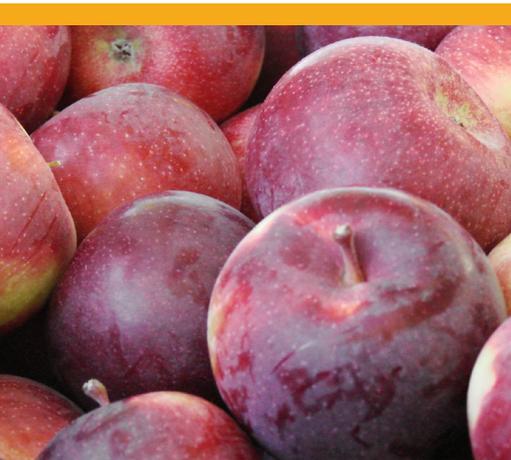
Goals

The three major goals of this initiative are: lower property taxes in the winning consortium of communities, modernize and reduce the number of local governments to achieve a more efficient and adaptable structure for providing local government services, and create an incubator for local government innovation to test and share government consolidation and efficiency best practices.

This program challenges municipalities to accomplish these goals using bold plans to reshape government operations. The recipient of this program's award will be a standard bearer of government efficiency for municipalities across the state, and will help shape policy at the state level through its experiences as well as influence the actions of other local governments with its successes.

MCEP Concepts for Phase II

The following concepts are the basis upon which a MCEP will be evaluated. Every concept shall be included and addressed in an applicant's MCEP. Each concept is an evaluation criterion by which the MCEP will be reviewed. Complete concepts will be outlined in the guidance document with an anticipated release date in February, 2017.



Local Government Design

Discuss the overall transformational impact the proposal will have on the structure of local governments and local government services in the region. Examine how the proposal fosters long-term local government and property taxpayer savings. Underscore the importance of measuring the level of innovation in the proposal, supporting long-term local government and property taxpayer savings.

Fiscal Impact

Discuss the overall impact the proposal will have on local government finances for all involved participants. The required pieces of information for this section are as follows:

1. The amount of total projected savings for all involved local governments' property tax payers over a five year period starting after the full implementation of the MCEP.
2. The percentage of total combined impact on the tax levy of each involved local government over a five year period starting after the full implementation of the MCEP.
3. The ratio of return on investment from the possible \$20 million grant from the total projected savings for tax payers over a five year period.

Prospective applicants may find it useful to illustrate the fiscal impact of the MCEC award as follows:

- Construct a current services budget for the next five years;
- Construct another financial projection for the same five years illustrating how the \$20 million award will be utilized for efficiency and reorganization actions.
- Demonstrate, as a ratio of the return on investment, the impact of the \$20 million award. For example, a current services budget might show a cumulative five year deficit of \$25 million. However, MCEC applicants demonstrate that implementation of local actions supported by a \$20 million state investment will help produce a cumulative surplus of \$15 million. This change of \$40 million in the cumulative outcome (from \$25 million in projected deficit to \$15 million in projected surplus) would represent a 2:1 return on investment for the State.



Community Involvement and Outreach

Demonstrate the extent to which municipal leaders have utilized citizen input and involvement to develop the MCEP. The community outreach and involvement should be qualified with the actual input received and quantified with the number of open meetings and attendance. Special attention shall be made to ensure that the applicant's minority and disenfranchised populations are a part of the outreach process.

Need

Discuss the need(s) for the proposal based on the existing economic conditions in the area. The need(s) shall correspond to the proposed activities and the extent to which the activities resolve or address the need(s) identified. Severity of need for the proposed plan should be based on the analysis of existing economic conditions in the targeted area. The needs described will correspond to the proposed activities and the extent to which the activities resolve or address the identified needs.

Implementation Capacity/Political Will

Describe how the applicants have sufficient resources to complete the proposal and achieve the goals and objectives in a manner, that is timely, effective, and on-budget. Demonstrate experience in shared services, cooperation agreements, or other government efficiency projects.

Leveraging of other assets

Describe how an investment of \$20 million will result in additional investments committed to the proposal. Demonstrate how the funds would help to leverage additional outside funds and the amount of the funds leveraged from one or more outside entities.



Phase I: Evaluation Criteria

An Intent to Propose submitted to the Department of State by January 27, 2017, will be reviewed for funding to develop a Phase II Municipal Consolidation and Efficiency Plan. The Intent to Propose will be reviewed on the following criteria:

- The Intent to Propose includes responses to all parts of the form (Appendix A).
- The Lead applicant is a City, Town or Village with a population of over 50,000 (2010 US Census Data) or a County.
- A consortium of two or more governments is part of the Intent to Propose.
- At least one County, City, Town or Village consolidation is proposed in the Intent to Propose.
- Letters of support from all partners involved in the project have been included with the Intent to Propose.

Failure to comply with all of the criteria stated above will result in disqualification of an Intent to Propose.

Phase I: Awards

Use of Grant Funds

One of the major goals of the MCEC is to spur local government innovation. Keeping this goal in mind, many different types of projects will be eligible for funding as to not stymie creativity. Only those consortiums submitting an Intent to Propose for Phase I will be considered for Phase II funding.

Phase I funding may cover costs including, but not limited to:

- Legal and consultant services necessary to implement a project;
- Direct expenses of the development and implementation of the MCEP, including personal service and non-personal service costs integral to project implementation and development.



Ineligible Expenses

- Any expenses not fully justified by the applicant.
- Any expenditures that were previously funded by other state or federal grants to involved local governments.
- Additional ineligible expenses include, but are not limited to: indirect costs (i.e., overhead costs), alcohol, out-of-state or out-of-country travel, prizes and awards, honoraria, lobbying expenses, fund-raising events/expenses, grant writing costs, fines and penalties, taxes, deficit funding, religious activities and refreshments for meetings.

Receipt of Grant Funds

The Department of State will be responsible for managing the MCEC and will work with the consortiums receiving Phase I funding to advance reimbursement contracts, including a Work Plan and Budget, for individual projects within the MCEP. Contracts will have a term anticipated to be 2/1/17 – 6/28/17. All expenses related to Phase I must be incurred prior to the MCEP due date, anticipated to be 6/28/17. Contracts will be reimbursement based.

Reporting

The awardee will be required to track and report on the progress of individual projects identified in the Municipal Consolidation and Efficiency Plan, and the impact of the plan on the municipalities involved.

Each project must achieve results that substantially meet the objectives outlined in the contract's work plan. Grantees will be required to submit project status reports along with requests for payment. Final project close-out will require completion of terms and activities outlined in the state contract, including all deliverables identified in the work plan.

The Department of State MCEC program staff will monitor each project, and will conduct site visits during the course of project execution to assess the rate and progress. The awardee will provide to the Department of State notification of contract related meeting schedules, and submission of photos and other media may be required. Some projects may be selected for more extensive review, and used as a resource for providing technical assistance to other applicants or awardees.



Terms and Conditions

General Specifications

1. By signing the “Application Form”, each applicant attests to the express authority to sign on behalf of the local government and to the accuracy of the information contained in the application.
2. Grantees will possess, at no cost to the State, all qualifications, licenses, insurance and permits to engage in the required business as may be required within the jurisdiction where the work specified is to be performed. Workers to be employed in the performance of this contract, including subcontractors, will possess the qualifications, training, licenses, insurance and permits as may be required within such jurisdiction.
3. Submission of any application indicates the applicant’s acceptance of all conditions and terms contained in this RFA, including terms and conditions of the contract.
4. Provisions upon default:
 - a. The services to be performed by the applicant shall be, at all times, subject to the direction and control of the Department of State as to all matters arising in connection with or relating to the contract resulting from this RFA;
 - b. In the event that the applicant fails to fulfill any of the terms, covenants or promises of any contract resulting from this RFA, the Department of State, acting for and on behalf of the State, shall thereupon have the right to terminate the contract by giving notice of the fact and date of such termination to the applicant;
 - c. If, in the judgment of the Department of State, the applicant acts in such a way which is likely to or does impair or prejudice the interests of the State, the Department of State, acting on behalf of the State, shall thereupon have the right to terminate any contract resulting from this RFA by giving notice of the fact and date of such termination to the contractor. In such case, the contractor shall receive equitable compensation for such services as shall, in the judgment of the Department of State, have been satisfactorily performed by the contractor up to the date of the termination of this agreement.



Department of State reserves the right to:

1. Reject any or all applications received in response to this Municipal Consolidation and Efficiency Competition.
2. Withdraw the Municipal Consolidation and Efficiency Competition at any time, at the agency's sole discretion.
3. Make an award under the program in whole or in part.
4. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the Municipal Consolidation and Efficiency Competition.
5. Seek clarifications and revisions of applications.
6. Use proposal information obtained through site visits, management interviews and the state's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to the agency's request for clarifying information in the course of evaluation and/or selection under the Municipal Consolidation and Efficiency Competition.
7. Prior to the application due date, amend the Guidance Document specifications to correct errors or oversights, or to supply additional information, as it becomes available.
8. Prior to the application due date, direct applicants to submit proposal modifications addressing subsequent Guidance Document amendments.
9. Change any of the scheduled dates.
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders.
11. Waive any requirements that are not material.
12. Negotiate with applicants responding to this Municipal Consolidation and Efficiency Competition within the scope of the Municipal Consolidation and Efficiency Competition to serve the best interests of the State.
13. If unsuccessful in negotiating a state contract with the selected applicant within an acceptable time frame, the Department may begin state contract negotiations with the next ranked qualified applicant(s) in order to serve and realize the best interests of the State.



14. Utilize any and all ideas contained in proposals received.
15. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's proposal and/or to determine an applicant's compliance with the requirements of the solicitation.
16. Waive or modify minor irregularities in received applications.
17. Not fund an application that fails to submit a clear and concise work plan or budget.
18. Adjust or correct cost figures with the consent of the applicant if errors exist and can be documented to the satisfaction of the Department of State and the State Comptroller.
19. Award grants based on geographic or regional considerations to serve the best interests of the State.
20. Award more than one contract resulting from this Municipal Consolidation and Efficiency Competition.
21. In its sole discretion, determine the total number of awards to be granted pursuant to this Municipal Consolidation and Efficiency Competition.
22. Withdraw an award if an applicant fails to negotiate a contract within an acceptable time frame.



MWBE

Applicants are required to comply with the Certified Minority-And Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women requirements as part of this application. Goals of 30% will be applied to all contracts awarded under this program unless a waiver is found to be warranted under this program.

A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that will be solicited for purposes of complying with your certified M/WBE participation goal can be viewed at:

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?XID=7637&TN=ny>

If your project is selected for an award, you will be required to comply with all the contractual requirements, including demonstrating that a good faith effort is made to meet the goals for certified MWBE firms participation as stated in your contract and in accordance with Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting M/WBE requirements established by the State of New York.

APPENDIX A

The parties listed below, as Lead Local Government and Project Partners, submit this form to apply for Phase I funding and to notify the New York Department of State of their intent to submit a Municipal Consolidation and Efficiency Plan (MCEP) for the Municipal Consolidation and Efficiency Competition.

Project Name:

Lead Local Government:

Date:

Lead Contact:

Contact Telephone:

Contact Email:

Project Partners	
Local Government	Contact

Use Additional Sheets if necessary

MCEP Project:

Describe the project or projects proposed for the Municipal Consolidation and Efficiency Plan. At least one County, City, Town or Village consolidation must be proposed in the Intent to Propose.

MECP Development Plan:

Describe how you intend to develop the Municipal Consolidation and Efficiency Plan.

A Municipal Consolidation and Efficiency Plan shall include information on future local government design, fiscal impact of the project on all local governments involved with the project, community involvement and outreach designed around and solicited for the plan and project, the need for the project, the implementation capacity and political will for the project to succeed and move to implementation, and how the local governments will leverage other assets to make the project a reality.

Estimated cost to develop the MECP:

The estimate may include expenses related to legal and consultant services along with personal service and non-personal service costs, deemed integral to the development of the Municipal Consolidation and Efficiency Plan.

APPROVALS

Attach copies of letters of support from all partners involved in the project (Phase I).

Submission of the final Municipal Consolidation and Efficiency Plan (Phase II) requires that all partners pass resolutions supporting the implementation of the project.

APPENDIX B

MINORITY-AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE)

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

NEW YORK STATE LAW

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

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

Business Participation Opportunities for MWBEs

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

For guidance on how DOS will determine a Contractor’s “good faith efforts,” refer to 5 NYCRR §142.8.

I. MWBE Utilization

By submitting a bid or proposal, a bidder on the Contract (“Bidder”) agrees to submit the following documents and information as evidence of compliance with 5 NYCRR §142.8:

- A. Bidders are required to submit a MWBE Utilization Plan on Form A with their bid or proposal. Any modifications or changes to the MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to DOS.

- B. DOS will review the submitted MWBE Utilization Plan and advise the Bidder of DOS acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to the DOS:

Office of Affirmative Action Programs

99 Washington Avenue, Albany, New York 12231

Phone: (518) 473-3401; Fax (518) 402-3656

A written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by DOS to be inadequate, DOS shall notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

- a) D. DOS may disqualify a Bidder as being non-responsive under the following circumstances:
 - b) If a Bidder fails to submit a MWBE Utilization Plan;
 - c) If a Bidder fails to submit a written remedy to a notice of deficiency;
 - d) If a Bidder fails to submit a request for waiver; or

If DOS determines that the Bidder has failed to document good faith efforts.

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

II. Non-Compliance

- A. In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found to have willfully and intentionally failed to make good faith efforts to meet the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and DOS may withhold payment from the Contractor as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.
- B. In addition, failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all of

the terms and conditions of Section III (J) of the Master Grant Contract, “Equal Employment Opportunities for Minorities and Women; Minority and Women Owned Business Enterprises.” The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the “Work”) except where the Work is for the beneficial use of the Contractor, shall undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

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

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

For questions on filling out the forms required with this application, please contact:

Office of Affirmative Action Programs

99 Washington Avenue, Albany, New York 12231

Phone: (518) 473-3401; Fax (518) 402-3656

Additional Notices and Explanations Regarding the MWBE Program and this Request for Applications:

If your project is selected for an award, you will be required to comply with all the contractual requirements, including demonstrating that a good faith effort is made to meet the goals for certified MWBE firms participation as stated in your contract and in accordance with Article 15-A.

If an applicant chooses to move forward with a project prior to any award announcement, they are responsible for meeting M/WBE requirements established by the State of New York. The requested plan, as described below, is intended to help an applicant think about how to comply with the regulations and provide information showing their due-diligence to comply with the M/WBE requirements.

MWBE REQUIREMENTS

Create a plan for compliance with the M/WBE requirements. The plan should be submitted with bids and proposals, in addition to FORM B - STAFFING PLAN and FORM D - MWBE UTILIZATION PLAN attached.

1. Provide a DETAILED statement, with the project description, on how you intend to meet the MWBE goals with your project. The following should be included in the statement:
2. Your project’s MWBE goal amount, determined by using the attached MWBE GOALS CALCULATION Template.

3. The names of general circulation, trade association, and M/WBE-oriented publications in which you plan to solicit certified M/WBEs for the purposes of complying with the participation goals related to your project.
4. A list identifying the date(s) that all solicitations for certified M/WBE participation plan to be published in any of the above publications
5. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that will be solicited for purposes of complying with your certified M/WBE participation goal (The Directory can be viewed at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?XID=7637&TN=ny>).
6. Descriptions of the notices, dates of contact, letters, and any other correspondence that will be made to all certified M/WBEs.

A description of any contract documents, plans, or specifications to be made available to certified M/WBEs for bid solicitation purposes and the proposed date and manner in which these documents will be made available.

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