

– REQUEST FOR PROPOSAL –

Pavilion Construction

For the

Boston Free Library

RFP # 062824-BOS

Release Date: June 28, 2024

Responses Due: Monday, July 22, 2024

Boston Free Library

9475 Boston State Road

Boston, NY 14025

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SECTION 1 ADMINISTRATIVE AND CONTRACTUAL INFORMATION

1.1 RFP Purpose

The Boston Free Library is looking to construct a Pavilion measuring 20 X 40 with Metal Roof and Installation of a concrete pad to measure: 20 x 40 x 4". Site work to include grading, trenching, land clearing.

1.2 Issuing Office and Proposed Term

This RFP is issued by the Boston Free Library, which is responsible for the requirements specified in this RFP and for the evaluation of all proposals.

1.3 RFP Scope

The information and instructions contained in this RFP are intended to provide interested vendors with information necessary to prepare and submit proposals and accompanying materials. RFP sections include:

- Administrative and Contractual information
- Detailed Requirements
- Proposer Requirements
- Proposal Required Submittals
- Pricing and Signature Page

All prospective vendors are strongly urged to participate. All expenses incurred for participation including, but not limited to travel, lodging and food are the sole responsibility of the vendor.

All inquiries concerning this RFP should be addressed to:

Lydia Herren, Director
Boston Free Library
9475 Boston State Road
Boston, NY 14025
Email: herrenl@buffalolib.org
Phone 716-941-3516

1.4 Pertinent Dates

- A. RFP Released and Advertised: June, 28, 2024
- B. Site Visit July 8, 2024 1PM
- C. Closing Date for Inquiries: July 15, 2024
- D. Submittal of Proposals: July 22, 2024
- E. Review of Proposals July 29, 2024

1.5 Proposal Preparation

The proposal should follow the format outlined in Section 4 of this RFP. Vendors should feel free to augment their responses with additional information as they deem appropriate. Failure to follow the prescribed format for responses may result in disqualification.

1.6 Submittal of Proposals

Interested vendors should submit one unbound hard copy to the individual listed in Section 1.3 by 2 p.m. Eastern Time on the Submittal of Proposal date specified in Section 1.4. Submittal of an electronic version in its original format with the hard copy is desirable. Vendors have sole responsibility to assure that their proposals are received on time.

The content of each proposal will be held in strict confidence and no details of any proposal will be divulged to any other vendor prior to proposal openings.

1.7 Conflict of Interest

- A. [1] No officer or employee of the Boston Free Library shall have an interest in any contract with the vendor, when such officer or employee, has the power or duty to
 - (a) Negotiate, prepare, authorize or approve the contract or authorize or approve payment there under,
 - (b) Audit bills or claims under the contract, or
 - (c) Appoint an officer or employee who has any of the powers or duties set forth above, and
- [2] "Interest" as used herein means a direct or indirect pecuniary or material benefit accruing to an officer or employee of the Boston Free Library as the result of a contract with the Boston Free Library. An officer or employee of

The Boston Free Library shall be deemed to have an interest in the contract of

- (a) Their spouse, minor children and dependents, except a contract of employment with B&ECPL,
- (b) A firm, partnership or association of which such officer or employee is a member or employee,
- (c) A corporation of which such officer or employee is an officer, director or employee and
- (d) A corporation any stock of which is owned or controlled directly or indirectly by such officer or employee. New York State General Municipal Law §§ 800 - 801.

B. [1] The provisions of section 1.7 A. shall not apply to:

- (a) A contract with a person, firm, corporation or association in which an officer or employee of the Boston Free Library has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract;
- (c) A contract with a membership corporation or other voluntary non-profit corporation or association;
- (g) A contract in which an officer or employee of the Boston Free Library has an interest if such contract was entered into prior to the time he or she was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract;

- [2] (a) A contract with a corporation in which an officer or employee of the Boston Free Library has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
- (b) A contract in which a municipal officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under the contracts in which such person had an interest during the fiscal year, does not exceed the sum of one hundred dollars;

(f) A contract with a member of a private industry council established in accordance with the federal job training partnership act (29 U.S.C.A. § 1501 et seq.) or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract. General Municipal Law § 802.

C. [1] Any officer or employee of the Boston Free Library who has, will have, or later acquires an interest in any actual or proposed contract with the Boston Free Library of which they are an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the governing body thereof as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of the Boston Free Library. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

[2] Notwithstanding the provisions of section 1.7 C.[1], disclosure shall not be required in the case of an interest in the contract described in section 1.7B.[2], above.

1.8 Non-Collusion

A. Each proposal shall also contain the following statement subscribed by the proposer and affirmed by such proposer as true under the penalties of perjury.

[1] By submission of this proposal, each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under the penalty of perjury, that to the best of knowledge and belief:

- (a) The prices in this proposal 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 any other proposer or with any competitor;
- (b) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed and will not knowingly be disclosed by the proposer prior to opening, directly or indirectly, to any other proposer or to any competitor; and

- (c) No attempt has been made or will be made by the proposer to induce any other person, partnership, or corporation to submit or not to submit a proposal for the purpose of restricting competition.

1.9 Opening; Conformity to Specifications; Clarification Bulletins

- A. The proposals are opened as stated in the call for proposals or as soon thereafter as reasonably possible. They are irrevocable after opening for ninety (90) days or any period specified in the call for proposals.
- B. Selection is based upon a comparison of the proposal as submitted with the requirements identified in the RFP and, where necessary, clarification bulletins.
- C. Clarification bulletins may be issued to correct mistakes, answer questions, or resolve ambiguities during the proposal solicitation process. The date and time of proposal opening may be extended only once, and not more than twenty business days. Any proposal may be withdrawn prior to the time of opening in case of an extension. Reasonable effort will be made to notify all who have submitted proposals.
- D. If major revisions become necessary, or for any other reason, all proposals may be rejected and a new call published, subject to the discretion of the Boston Free Library
- E. Unopened proposals are to be returned if the proposer requests and supplies a prepaid mailer.
- F. Specific questions regarding the RFP may be submitted in writing to the individual listed in Section 1.5.

1.10 Selection Process; General Criteria

- A. The Boston Free Library reserves the right to reject all proposals, waive minor irregularities, and/or call for new proposals.
- B. The Library shall pay the Contractor, as full compensation for everything furnished and done under this Contract, amounts based upon
- C. The contract will be awarded based on the response that best fits the Boston Free Library's requirements. The award will be made to the provider that best meets the following criteria:
 - Cost
 - Qualifications of the professionals to be assigned to the project
 - Vendor's understanding of the project and its goals
 - Prior experience
 - References

- Other criteria that evaluators might deem important to the interest of The Boston Free Library

1.11 Notifications

Upon approval, the successful proposer will be notified in writing and a purchase/ work order issued, or a contract shall be prepared by The Boston Free Library.

SECTION 2 DETAILED REQUIREMENTS

2.1 Objective

The Boston Free Library is looking to construct a Pavilion measuring 20 X 40 with Metal Roof and Installation of a concrete pad to measure: 20 x 40 x 4". Site work to include grading, trenching, land clearing.

2.2 Scope of Work

The Boston Free Library is looking to construct a Pavilion measuring 20 X 40 with Metal Roof and Installation of a concrete pad to measure: 20 x 40 x 4". Site work to include grading, trenching, land clearing.

SECTION 3 INSURANCE REQUIREMENTS

3.1 Liability and Insurance Requirements.

The Proposer must certify that the Proposer is an independent contractor and the Proposer's firm, its officers, employees, agents or subcontractors shall not be considered to be employees or agents of the Boston Free Library. The Proposer shall indemnify and hold The Boston Free Library harmless from any loss, liability, damage, death or injury to any person or property, from any negligent or wrongful act or omission of the Proposer, its agents, or employees, arising directly or indirectly as a consequence of this contract.

The Proposer shall further indemnify, defend, and hold harmless the County of Erie, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Proposer or third parties under the direction or control of the Proposer.

Insurance shall be procured by the successful proposer before commencing work, no later than 14 days after notice of award, and maintained without interruption for the duration of the contract, in the kinds and amounts specified in Appendix A “B&ECPL, Standard Insurance Requirements “ and “Erie County, Standard Insurance Requirements” unless modified by mutual agreement. If the insurance is not provided in acceptable form within this period of time or lapses during the contract period, then the Boston Free Library may immediately terminate the contract.

SECTION 4 PROPOSAL: REQUIRED SUBMITTALS

4.1 Executive Summary

The Boston Free Library requires that you prepare an executive summary of your proposal. This should contain a brief history of your firm and a description of your proposed offering. This should also include a summary of your proposed pricing and the resources you would dedicate toward fulfillment of a contract with The Boston Free Library. Highlights of your firm’s capabilities should also be included.

4.2 General Vendor Information

4.2.1 Vendor Background

Background information must be submitted to enable the Boston Free Library to evaluate your firm’s stability and resources to perform the obligations and responsibilities under a contract with the Library. This must include the following general information about your firm:

- History
- Mission
- Services
- Address of Headquarters
- Company Contact Information
- Financial Stability

This section should also include an Employee Identification, a statement of the proposer’s non-discrimination and equal employment opportunity policies, and MBE/WBE if applicable.

4.2.2 Vendor References

The firm shall list three (3) customers for who the firm has provided similar solutions and provided services. The company name, address, representative and telephone number must be included.

4.3 Pricing and Signature Page

Vendor must complete all sections, sign and submit the "Pricing and Signature Page" with the proposal. All vendors submitting proposals are expected to provide one base proposal that complies with all proposal specifications. In addition, each proposer may, at its discretion, submit an alternate response. However, the vendor must submit a completed "Pricing and Signature Page" form for each proposal.

Boston Free Library

PRICING AND SIGNATURE PAGE

This form MUST be submitted with proposal.

VENDOR FURTHER CERTIFIES THAT THE PERSON SIGNING THIS PAGE IS AUTHORIZED TO COMMIT THE VENDOR TO THESE TERMS AND CONDITIONS AND BY SIGNING, DOES SO COMMIT THE VENDOR.

Name of Vendor	Title
Name of Company	
Address	Telephone
Signature of Vendor	Date of Signature

Construct Pavilion measuring 20 X 40 with metal roof	
Installation of Concrete pad to measure 20x40x4"	
Site works to include grading, trenching, land Clearing	

INSTRUCTIONS FOR SOURCE STANDARD INSURANCE CERTIFICATE

- I. Insurance shall be procured and certificates delivered before commencement of work or delivery of merchandise or equipment.
- II. CERTIFICATES OF INSURANCE
- A. Shall be made to the "Buffalo & Erie County Public Library, Business Office, 1 Lafayette Square, Buffalo, NY 14203"
- B. Coverage must comply with all specifications of the contract.
- C. Must be executed by an insurance company, agency or broker, which is licensed by the Insurance Department of the State of New York. If executed by a broker, notarized copy of authorization to bind or certify coverage must be attached.
- III. Forward the completed certificate to: Buffalo & Erie County Public Library (B&ECPL) for construction, purchase, lease or service.
- IV. Minimum coverage with limits are as follows:

Vendor Classification	A Construction and Maintenance	B Purchase or Lease of Merchandise or Equipment	C Professional Services	D Property Leased To Others Or Use Of Facilities Or Grounds	E Concessionaires Services	F Livery Services	G All Purposes Public Entity Contracts
Commercial Gen. Liab.	\$1,000,000 per occ.	\$1,000,000 CSL	\$1,000,000 CSL	\$1,000,000	\$1,000,000 CSL	\$1,000,000	\$1,000,000 CSL
General Aggregate	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Products Completed Operations Liability	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Blanket Broad Form Contractual Liability	INCLUDE						
Contractual Liability		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
Broad Form P.D.	INCLUDE						
X.C.U. (explosion, collapse, Underground)	INCLUDE						
Liquor Law				INCLUDE	INCLUDE		
Auto Liab.	\$1,000,000 CSL		\$1,000,000 CSL	\$1,000,000 CSL	\$1,000,000 CSL	\$1,000,000 CSL	\$1,000,000 CSL
Owned	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
Hired	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
Non-Owned	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
Excess/Umbrella Liab.	\$5,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$5,000,000	\$1,000,000
Worker's Compensation & Employer's Liability	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY
Disability Benefits	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY
Professional Liability			\$5,000,000				
Buffalo & Erie County Public Library, To Be Named Add'l Insd.	Gen. Liab., Auto Liab., & Excess	Broad Form Vendors May Be Required	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess

- V. Construction contracts require excess Umbrella Liability limits of \$5,000,000.
- VI Coverage must be provided on a primary-non contributory bases.
- VII. Designated Construction Project - General Aggregate Limit, Per Project Endorsement CG 25 03 is required.
- VIII. In the event the concessionaire is required to have a N.Y.S. license to dispense alcoholic beverages an endorsement for liquor liability is required.
- IX. Waiver of Subrogation: Required on all lines unless noted
- X Transportation of people in buses, vans or station wagons requires \$5,000,000 excess liability.
- XI. Workers Compensation: State Workers' Compensation / Disability Benefits Law
Use Applicable Certificates Below:

Workers Compensation Forms

CE-200	Exemption
C105.2	Commercial Insurer
SI-12	Self Insurer
GSI-105.2	Group Self Insured
U-26.3	New York State Insurance Fund

DBL (Disability Benefits Law) Forms

CE-200	Exemption
DB-120.1	Insurers
DB-155	Self Insured

- XII. The "ACORD" form certificate may be used in place of the B&ECPL Standard Insurance Certificate, provided that all of the above referenced requirements are incorporated into the "ACORD" form certificate.

