**ADVERTISEMENT FOR BIDS – WICKS-EXEMPT PROJECT**

EDIT NEXT TWO PARAGRAPHS TO INCORPORATE PROJECT NUMBERS, APPLICABLE TRADES, BID DATE, BID SECURITY AMOUNT(S), ESTIMATED CONTRACT AMOUNT, ETC., USING INFORMATION FROM THE BDC 201 AND DCNET AS APPROPRIATE.

Sealed bids for Project No. \*, comprising a contract for Construction Work \* (\* County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the \*, until 2:00 p.m. on Wednesday, \*, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of $\* for C).

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. ***Failure to submit this form correctly will result in a disqualification of the bid***.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $\* and $\* for C.

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff are Kimberly Belden, Catherine Skaczkowski, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the 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 four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at:

[**https://ogs.ny.gov/ACPL/**](https://ogs.ny.gov/ACPL/)

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over $5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is $1,628,283 or less, adjusted annually for inflation as of March 1, 2024. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

TYPE “XX” PRECEDING ONE OF THE FOLLOWING TWO CIRCUMSTANCES, AS DIRECTED BY AWARDS MANAGER.

\_\_\_Project commenced design before January 1, 2020. Not subject to provision.

\_\_\_Project commenced design on or after January 1, 2020. Subject to provision.

USE SENTENCE BELOW UNLESS FIXED SUBSTANTIAL COMPLETION DATE NEEDS TO BE SPECIFIED.

The substantial completion date for this project is \* days after the Agreement is approved by the Comptroller.

USE SENTENCE BELOW AND DELETE SENTENCE ABOVE IF FIXED SUBSTANTIAL DATE NEEDS TO BE SPECIFIED

The substantial completion date for this project is \*

DELETE THE PARAGRAPH BELOW FOR PROJECTS THAT DO NOT REQUIRE A FIVE (5) DAY CROC (CRITICAL RETURN OF CONTRACT) OR AN EXPEDITED AWARD. IF THE PARAGRAPH BELOW *IS* USED, A CORRESPONDING CHANGE MUST BE MADE TO THE APPLICABLE BID FORM, I.E., THE “WITHIN 10 DAYS”. PARAGRAPH MUST DELETED AND THE “WITHIN FIVE (5) DAYS” PARAGRAPH MUST BE USED, OR WHATEVER OTHER NUMBER OF HOURS OR DAYS IS USED IN LIEU OF “FIVE (5) DAYS”.

As a condition of award, within five (5) days of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

USE AND EDIT THE PARAGRAPH BELOW IF A CAI IS SPECIFICALLY AUTHORIZED BY THE CONTRACTING OFFICER. WHEN IT IS USED, SIMILAR INFORMATION MUST BE INCLUDED IN THE CONTRACT BY MEANS OF DOCUMENT 007305 (SUPPLEMENTARY CONDITIONS – CONSTRUCTION ACCELERATION INCENTIVES AND LIQUIDATED DAMAGES).

The Contract Documents provide for a Construction Acceleration Incentives not to exceed $\* for the contract.

USE NEXT TWO PARAGRAPHS BELOW FOR ALL PROJECTS THAT OFFER A NON-MANDATORY PRE-BID SITE VISIT. EDIT LANGUAGE AS NEEDED TO ALLOW FOR MULTIPLE SITE VISIT DATES AND TIMES.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:30 a.m. on \*, \* in \*. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply andall vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

For assistance pertaining to the site visit only, please phone (\*) \*.

FOR PROJECTS THAT OFFER A NON-MANDATORY PRE-BID SITE VISIT REQUIRING ADVANCE NOTICE TO THE CONTACT PERSON, DELETE THE SENTENCE ABOVE AND USE THE SENTENCE BELOW. CHANGE 72 HOURS TO 24 HOURS FOR DMNA PROJECTS. TEAM LEADER NEEDS TO PROVIDE CONTACT PERSON AND PHONE NUMBER.

Phone the office of \*, (\*) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

FOR PROJECTS THAT WILL NOT HAVE PRE-BID SITE VISITS, USE THE FOLLOWING PARAGRAPH.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

USE THIS PARAGRAPH AS-IS FOR SINGLE TRADE PROJECTS AND FOR MULTI-TRADE PROJECTS. IF THERE IS A MULTI-TRADE WITH ONE OR MORE CONTRACTS UNDER $100,000 (THERE ARE TYPICALLY NO GOALS ON CONTRACTS <$100K), ADAPT THE LANGUAGE TO FIT THE SITUATION FOR EACH TRADE.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of \*% for MWBE participation, \*% for Minority-Owned Business Enterprises (“MBE”) participation and \*% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials

Article 3 of the Veterans’ Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: \_\_% for the C trade contractor, \_\_% for the E trade contractor, \_\_% for the H trade contractor, and \_\_% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing, downloading, and Electronic Bidding from OGS Design & Construction’s Electronic Bidding service, Bid Express.

Registration along with viewing, downloading, and electronic bidding can be accessed at the following link:

[**http://www.bidexpress.com**](http://www.bidexpress.com)

For questions about downloading of bid documents, please send an e-mail to [**support@bidexpress.com**](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to [**DCPlans@ogs.ny.gov**](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number:

[**https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp**](https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp).

OGS Design & Construction Group

**END OF INFORMATION**