

**ADDENDUM 4 NARRATIVE**

February 23, 2021

**SUCF Replace Canopy at ED Entrance – University Hospital  
State University Construction Fund  
SUNY Upstate Medical University**

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Prepared by:



HBT Project No: 2020-09-04

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**GENERAL INSTRUCTIONS:**

- A. The following additions, changes, and clarifications modify the original bidding documents, and receipt of this addendum shall be acknowledged in the space provided on the Proposal form.
- B. Include this Addendum as part of the Contract Documents. It supplements portions of the original Drawings and Specifications, the intent of which shall remain, except as revised herein.
- C. Work described in this Addendum shall be in accordance with Specifications for like items in remainder of building and complete with all labor and materials included.
- D. Bidders are requested to attach a copy of this Addendum to the Specifications in their possession.

**ATTACHMENTS:**

Drawings: None

Specifications: 00 21 13 10 Notice to Bidders  
01 35 23 20 Vaccination and Immunization Requirements  
00 42 13 Proposal

**ADDENDUM ITEMS:**

1. 00 21 13 00 Notice to Bidders

a. REVISE the first sentence that reads:

*The State University Construction Fund will receive sealed Proposals for Project No. 151119-00 Titled "Replace Canopy at ED Entrance – University Hospital" at Upstate University Hospital until 2:00 p.m. Local Time, Wednesday January 12th, 2022 at the Fund's Office at H. Carl McCall SUNY Building, 353 Broadway, Albany NY 12246, where such proposals will be publicly opened and read aloud in Room S201.*

To read as follows:

*The State University Construction Fund will receive sealed Proposals for Project No. 151119-00 Titled "Replace Canopy at ED Entrance – University Hospital" at Upstate University Hospital until 2:00 p.m. Local Time, Wednesday March 16th, 2022 at the Fund's Office at H. Carl McCall SUNY Building, 353 Broadway, Albany NY 12246, where such proposals will be publicly opened and read aloud in Room S201.*

2. The attached section 01 35 23 20 is being issued, and shall be inserted into the Specifications.
3. The attached section 00 42 13 Proposal is being reissued, and shall be inserted into the Specifications.

**End of Addendum #4**

01 35 23 20 Vaccination and Immunization Requirements

To the extent permitted by law and any applicable project labor agreements and pursuant to the Agreement, the Contractor shall be solely responsible for initiating, maintaining, and supervising an effective COVID-19 vaccination program (Program) and shall cause all of its employees, agents and Subcontractors to follow its Program. The Program shall require that he/she and his/her workers, employees, subcontractors and their workers have received the proper dosage of a COVID-19 vaccine, unless the immunization is medically contraindicated, prior to when such workers enter and work in any spaces shared with the Upstate Medical University, such as lobbies, corridors, stairs, restrooms, food vending spaces, lounges, waiting areas, and any other areas of the buildings or sites occupied by the Upstate Medical University. The Contractor shall demonstrate its full compliance with its Program promptly upon request of the Upstate Medical University and Fund including submitting declarations signed by the Contractor and all its subcontractors. Sample Declaration is as follows:

## **Upstate Medical University COVID-19 Vaccination Requirement Declaration**

This declaration is required for all companies, contractors or consultants working on-site at the Campus. In accordance with the Centers for Medicare & Medicaid Services ("CMS") interim final rule and OMH Guidance Regarding Federal COVID-19 Vaccination Mandates for Construction Projects on the Campus, this form must be printed, completed, and signed, and then returned to the Fund.

**I hereby declare as follows:**

1. My name is [Individual Signer's Name] \_\_\_\_\_,  
and I am the [Position Title] \_\_\_\_\_ at [Company, Contractor or  
Consultant Name] \_\_\_\_\_.
2. The Company, Contractor or Consultant listed on this form ("Company") is working on  
a Fund Project at the Campus.
3. The Company, Contractor or Consultant and any subcontractors or subconsultants it  
may employ has met all applicable vaccine verification and accommodation  
requirements. This includes the requirement to obtain a copy, or visually observe  
proof, of full vaccination against COVID-19 for every employee who physically reports  
to a Project site on Campus.

**Printed Name:**

**Signature:** \_\_\_\_\_

**Printed Company Name:**

**Dated: \_\_\_\_\_, 2022**

\_\_\_\_\_  
NAME OF BIDDER

\_\_\_\_\_  
ADDRESS OF BIDDER

00 42 13 **PROPOSAL FOR SUCF PROJECT NO. 151119-00**

Replace Canopy at ED Entrance – University Hospital

at

Upstate Medical University

**TO THE STATE UNIVERSITY CONSTRUCTION FUND:**

1. The Bidder agrees that it shall complete all work necessary for substantial completion within 365 calendar days from receipt of Notice to Proceed.

In the event the bidder fails to complete such work by said date, or within the time to which such completion may have been extended in accordance with the Contract Documents, the bidder agrees to pay the Fund liquidated damages in the sum of \$1,800 for each calendar day of delay in completing the work.

2. The bidder hereby declares that it has carefully examined all Bidding and Contract Documents and that it has inspected the actual location of the work, together with the local sources of supply, has satisfied itself as to all the quantities and conditions, and understands that in signing this Proposal, it waives all right to plead any misunderstanding regarding the same.

3. The bidder further understands and agrees that it is to do, perform and complete all work in accordance with the Contract Documents and to accept in full compensation therefor the amount of the TOTAL BID, modified by such additive or deductive alternates, if any, as are accepted by the Fund.

4. The bidder further agrees to accept the unit prices, if any, set forth in paragraph (5) hereof, except as the same may be modified pursuant to the provisions of Section 5 of the Information to Bidders, as full payment for any deletions, additions, modifications or changes to the portion or portions of work covered by said unit prices.

5. a. **BID CALCULATION:**

(1) All work including Allowances (if any) listed in 5.d. below and excluding Field Order Allowance

\_\_\_\_\_  
\$ \_\_\_\_\_  
(In words) (In figures)

(2) Field Order Allowance: Schedule III and Section 4.05A of the Agreement

One hundred thirty-three thousand dollars \$ 133,000  
(In words) (In figures)

(3) TOTAL BID Add lines (1) and (2)

\_\_\_\_\_  
\$ \_\_\_\_\_  
(In words) (In figures)

b. **ALTERNATES:** None

- c. **UNIT PRICES:** The bidder or the Fund may insert unit prices for the work or materials listed below. Refer to Section 5, paragraph (2) of the Information to Bidders, Schedule 1 and Article IV Section 4.04 of the Agreement for clarification. Such unit prices apply solely for additions. The Fund may, however, adjust any unit price filled in by a bidder to an amount agreeable to both the bidder and the Fund, or it may reject any unit price. The amount of any unit price accepted or agreed to by the Fund shall be reduced by 15 percent for any deduction in the work or materials covered by such unit price.

<u>Work or Materials Description</u>	<u>Amount in Words</u>	<u>Amount in Figures</u>
<b>None</b>		

- d. **ALLOWANCES:** The bidder further agrees that its TOTAL BID includes the Allowance(s) listed below. Refer to Schedule II and Sections 4.04 and 4.05 of the Agreement for clarification:

<u>Work or Materials Description</u>	<u>Amount in Words</u>	<u>Amount in Figures</u>
<b>None</b>		

- 6. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief: (a) 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 any other bidder or with any competitor; (b) unless otherwise required by law, the prices 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 (c) no attempt has been made or will be made by the bidder to induce any person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A bid shall not be considered for award nor shall any award be made where (a), (b) and (c) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where (a), (b), and (c) above shall have not been complied with, the bid shall not be considered for award nor shall any award be made unless the General Manager of the Fund, or his designee, determines that such disclosure was not made for purposes of restricting competition.

The fact that a 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 this Section.

- 7. The bidder agrees that if awarded the Contract, it will commence work upon receipt of the Notice to Proceed and that it will fully complete the work by the date stated or within the duration herein, as applicable.
- 8. The bidder acknowledges the receipt of the following addenda, but agrees that it is bound by all addenda whether or not listed herein.

Addendum Number	Date	Addendum Number	Date
_____	_/_/____	_____	_/_/____
_____	_/_/____	_____	_/_/____
_____	_/_/____	_____	_/_/____
_____	_/_/____	_____	_/_/____
_____	_/_/____	_____	_/_/____

9. The Omnibus Procurement Act of 1992, as amended, requires that, by signing this Proposal, the bidder certifies that whenever its Total Bid amount is greater than \$1,000,000: (a) it has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors on this Project, and has retained the documentation of these efforts to be provided upon request to the State; (b) it has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended; (c) it agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this Project through listing any such positions with Community Services Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The bidder further agrees to document these efforts and to provide said documentation to the State and the Fund upon request, and agrees to cooperate with the State in these efforts. Documented efforts by a successful bidder shall consist of and be limited to showing that such bidder has:
- a. Solicited bids, in a timely and adequate manner, from New York State Business Enterprises including certified Minority and Women’s owned Business Enterprises, or
  - b. Contacted the New York State Department of Economic Development to obtain listings of New York State Business Enterprises, or
  - c. Placed notices for subcontractors and suppliers in newspapers, journals and other trade publications distributed in New York State, or
  - d. Participated in bidder outreach conferences.
  - e. If the bidder determines that New York State Business Enterprises are not available to participate on the Contract as subcontractors or suppliers, the bidder shall provide a statement indicating the method by which such determination was made.
  - f. If the bidder does not intend to use subcontractors on the Contract, the bidder shall provide a statement verifying such intent.
10. The bidder submits herewith bid security in an amount not less than five (5) percent of the Total Bid. In the event that
- (a) the bidder's Total Bid is the lowest one submitted and the bidder does not timely provide the Post-Bid Information required under Section 8 of the Information for Bidders; or
  - (b) this Proposal is accepted by the Fund and the bidder shall refuse or neglect, within ten (10) working days after date of receipt of Notice of Award to:
    - (1) execute and deliver an Agreement in the form provided herein; or
    - (2) execute and deliver a Performance Bond and a Labor and Material Bond in the amounts required and in the form prescribed; or

- (3) provide proof of insurances required in Article V of the Agreement; or
- (4) provide the 120-day Schedule required by the General Requirements, Special Conditions paragraph 01 32 16, titled "Project Schedule;"

then the bidder shall be liable to the Fund, as liquidated damages, for the amount of the bid security or the difference between the Total Bid of the bidder and the Total Bid of the bidder submitting the next lowest bid, whichever sum shall be higher, otherwise the total amount of the bid security will be returned to the bidder in accordance with the provisions set forth in the Information for Bidders.

The Fund may apply the bid security in full or partial payments, as the case may be, of said liquidated damages and in the event the bid security is less than the amount of liquidated damages to which the Fund is entitled, the bidder shall pay the difference, upon demand, to the Fund.

- 11. The bidder certifies that all wood products that are to be used in the performance of this Contract shall be in accordance with the Specifications and provisions of Section 167 b. of the State Finance Law which Section prohibits the purchase and use of tropical hardwoods.
- 12. The bidder affirms that it understands and agrees to comply with the procedures of the Fund relative to permissible contacts as required by Sections 139-j(3) and 139-j-(6)(b) of the State Finance Law.
- 13. The bidder certifies that all information provided or to be provided to the Fund in connection with this procurement is, as required by Section 139-k of the State Finance Law, complete, true and accurate.

Dated \_\_\_\_\_  
(Legal name of person, partnership, joint venture, corporation, or LLC)

(If corporation, affix corporate seal) By \_\_\_\_\_  
(Signature)  
Title \_\_\_\_\_

Firm's Federal ID Number or Social Security Number as applicable \_\_\_\_\_

Firm's NYS SFS Vendor Identification Number \_\_\_\_\_

Check: Is Firm NYS-Certified\*    MBE?  Yes    WBE?  Yes

*(\*Defined as independent business concerns which are at least 51% owned and controlled by minority group members or women (citizens of the United States or permanent resident aliens who are Black, Hispanic, Asian or American Indian), whose ownerships in the concerns are real, substantial and continuing and who have and exercise the authority to independently control the decisions of the concerns)*

**ATTENTION BIDDERS: ALSO FULLY EXECUTE PAGES P-5, P-6, P-7, P-8, P-9, P-10 P-11, AND P-12.**



THE POST OFFICE ADDRESS OF THE BIDDER

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Telephone No. \_\_\_\_\_ Email Address \_\_\_\_\_

***If a Corporation***

Name	Address
_____	_____, PRESIDENT _____
_____	_____, SECRETARY _____
_____	_____, TREASURER _____

***If a Partnership***

Name of Partners	Address
_____	_____
_____	_____
_____	_____

***If a Joint Venture***

Name of Members	Address
_____	_____
_____	_____
_____	_____

***If an Individual***

Name of Individual	Address
_____	_____

***If a Limited Liability Corporation***

Name	Address
_____	_____
_____	_____
_____	_____

STATE UNIVERSITY CONSTRUCTION FUND  
H. Carl McCall SUNY Building 353 Broadway • Albany, New York 12246  
**Offerer Disclosure of Prior Non-Responsibility Determinations**

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

Address:

Name and Title of Person Submitting this Form:

SUCF Project Number: \_\_\_\_\_

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

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

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law Section 139-j:  No  Yes

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

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information?  No  Yes

6. If yes, please provide details below.

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

Date of Termination or Withholding of Contract: \_\_\_\_\_

Basis of Termination or Withholding: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Add additional pages as necessary)

Offerer certifies that all information provided to SUCF with respect to State Finance Law Section 139-k is complete, true and accurate. Submit form with original signature with Proposal.

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE UNIVERSITY CONSTRUCTION FUND  
H. Carl McCall SUNY Building 353 Broadway • Albany, New York 12246  
**IRAN ENERGY SECTOR DIVESTMENT COMPLIANCE**

Printed Name of Entity Seeking to Enter into the Contract:

\_\_\_\_\_

Address:

\_\_\_\_\_

Printed Name and Title of Person Executing Certification:

\_\_\_\_\_

SUCF Project Number: \_\_\_\_\_

Pursuant to New York State Finance Law §165-a, Iran Divestment Act of 2012 (Act), the Office of General Services is required to post on its web site a list of persons who have been determined to engage in investment activities in Iran (“prohibited entities list”), as defined by the Act. New York State Public Authorities Law § 2879-c, with certain exceptions, prohibits the Fund from entering into or awarding a Contract with persons identified on the prohibited entities list.

**CERTIFICATION:**

By submission of this bid or proposal, each person (as defined in paragraph (e) of subdivision one of section one hundred sixty five-a of the state finance law) and each person signing on behalf of any other party certifies, and in the case of a joint bid or proposal or partnership each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each person is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State finance law.

STATE OF                               )  
  )ss.:  
COUNTY OF                             )

The undersigned, being duly sworn, says (a) I am duly authorized to execute this Certification and (b) I hereby certify, under penalty of perjury, that the forgoing Certification is in all respects true and accurate.

Signature of Person Executing  
Certification: \_\_\_\_\_

*Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.*

\_\_\_\_\_

*Notary Public*

*Submit form with original signatures*

**STATE UNIVERSITY CONSTRUCTION FUND  
H. Carl McCall SUNY Building 353 Broadway • Albany, New York 12246**

**Certification Regarding Sexual Harassment Prevention Policies  
Pursuant to State Finance Law §139-I**

By submission of this proposal, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

I, \_\_\_\_\_, hereby affirm, under penalty of perjury, that  
Printed Name of Person Executing Certification

I am \_\_\_\_\_ of the above-named bidder, that I am  
Printed Title of Person Executing Certification

authorized to make this certification on behalf of such bidder, and I further certify that this certification is true, accurate and complete to the best of my knowledge and belief.

The undersigned, being duly sworn, says (a) I am duly authorized to execute this Certification and (b) I hereby certify, under penalty of perjury, that the forgoing Certification is in all respects true and accurate.

\_\_\_\_\_  
signature

STATE OF )  
) ss.:  
COUNTY OF )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came

\_\_\_\_\_, to me known and known to me to be the person(s)  
described in and who executed the foregoing instrument and acknowledged that he/she executed the same.

\_\_\_\_\_  
Notary Public

Submit form with original signatures

**ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE**

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Bidders/proposers need to be aware that all authorized users of this contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, bidders/proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State contracts will help create more private sector jobs, rebuild New York’s infrastructure, and maximize economic activity to the mutual benefit of the contractor and its New York State business partners. New York State businesses will promote the contractor’s optimal performance under the contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State’s economic engine through promotion of the use of New York businesses by its contractors. The State therefore expects bidders/proposers to provide maximum assistance to New York businesses in their use of the contract. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Bidders/proposers can demonstrate their commitment to the use of New York State businesses by responding to the question below:

Will New York State Businesses be used in the performance of this contract?  Yes  No

SUCF Project Number: \_\_\_\_\_

If yes, identify New York State Business(es) that will be used; (list identifying information below).

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(Attach additional identifying information with the bid as required)

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

Print Name and Title: \_\_\_\_\_

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

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

STATE UNIVERSITY CONSTRUCTION FUND  
H. Carl McCall SUNY Building 353 Broadway • Albany, New York 12246

### **EO 177 Certification**

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics.

The Human Rights Law may also require reasonable accommodation for persons with disabilities and pregnancy-related conditions. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. The Human Rights Law may also require reasonable accommodation in employment on the basis of Sabbath observance or religious practices.

Generally, the Human Rights Law applies to:

- all employers of four or more people, employment agencies, labor organizations and apprenticeship training programs in all instances of discrimination or harassment;
- employers with fewer than four employees in all cases involving sexual harassment; and,
- any employer of domestic workers in cases involving sexual harassment or harassment based on gender, race, religion or national origin.

In accordance with Executive Order No. 177, the Bidder hereby certifies that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.

Executive Order No. 177 and this certification do not affect institutional policies or practices that are protected by existing law, including but not limited to the First Amendment of the United States Constitution, Article 1, Section 3 of the New York State Constitution, and Section 296(11) of the New York State Human Rights Law.

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

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

Print Name and Title: \_\_\_\_\_

# State University Construction Fund

Bid proposal supplement

## Attachment A – List of Completed Similar Construction Projects

**Bidder Name:**

**SUCF Project No.: 151119-00**

Bidders must provide two (2) example projects completed in the past five (5) years in which the Bidder served as the prime contractor. Example projects must be of similar size, scope and complexity to the project currently being bid, as further described in the General Requirements, Section 01 11 00, Description of Work. Each project must include the Owner/Agency, Award Date, Contract Amount, Date Completed, Contact Person, Telephone number of the contact, Architect and/or Engineer's Name, Contract Number, Contact Email, and the Project Title and a brief scope description. Reference contacts may be used to verify project size, scope, dollar value, percentages and quality of performance.

1.	Agency/Owner			Award Date	Contract Amount	Date Completed
	Agency/Owner Contact Person		Telephone No.	Designer Architect and /or Design Engineer		
	Contract No.	Contact Email	Project Title & Scope			
2.	Agency/Owner			Award Date	Contract Amount	Date Completed
	Agency/Owner Contact Person		Telephone No.	Designer Architect and /or Design Engineer		
	Contract No.	Contact Email	Project Title & Scope			
3.	Agency/Owner			Award Date	Contract Amount	Date Completed
	Agency/Owner Contact Person		Telephone No.	Designer Architect and /or Design Engineer		
	Contract No.	Contact Email	Project Title & Scope			
<b>Completed By:</b>				Phone Number: Email: Date:		