

New York State Board of Law Examiners

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Request for Bids

Bid Number: SBLE 2017-01
Bid Title: Meeting Space – New York City– July 2017 NYS Bar Examination
Opening Date: Monday, August 29, 2016, 4:00 PM
Contact: Mark D. Kaplowitz

BID RESPONSE FORM

OFFICE OF GENERAL SERVICES “GENERAL SPECIFICATIONS” ARE FULLY INCORPORATED HEREIN.

Notice to Bidders:

Pursuant to the Rules and Regulations of the Chief Administrator for the Courts, sealed responses for furnishing the item(s) in this Solicitation will be received at the above address. When submitting a response, you must:

1. Complete this form in its entirety using blue ink or typewriter and return with all other documents.
2. Explain any deviations or qualifications if your response deviates from the specifications. If necessary, attach a separate sheet setting forth such explanations.
3. Sign the solicitation forms. The Bid response must be completed in the name of the respondent (corporate or other) and must be fully and properly executed by an authorized person.
4. INDICATE THE BID NUMBER, THE OPENING DATE AND TIME, AND THE PHRASE “SEALED BID – DO NOT OPEN” ON THE ENVELOPE CONTAINING THE SEALED RESPONSE.
5. Mail the bid response to the above address in sufficient time for it to be received before the bid opening. **LATE RESPONSES WILL BE REJECTED.**

BIDDER HEREBY CERTIFIES THAT THE QUOTED PRICES ARE APPLICABLE TO ALL CUSTOMERS FOR COMPARABLE QUANTITIES, QUALITY, STYLES OR SERVICES.

Bidder's Firm Name

Employer's Federal Identification Number

Street

City

State

Zip

Bidder's Signature

Official Title

Printed or Typed Copy of Signature

Phone Number

Email Address

DOCUMENTS ENCLOSURE CHECKLIST

The following documents must be executed (signed) and included in the bidder's proposal. Failure to do so may disqualify the bidder's response:

- _____ Bid Response Form
- _____ Bid Sheet
- _____ Floor Plans
- _____ Attachment I – Non-Collusive Bidding Certificate, Acknowledgement of Individual/Acknowledgement of Corporation, Appendix A – Standard Clauses for All Contracts
- _____ Attachment III – Vendor Responsibility Questionnaire
- _____ Attachment IV – Procurement Lobbying Forms: Disclosure of Prior Non-Responsibility Determination (UCS 420), Affirmation of Understanding and Agreement (USC 421)
- _____ Proof of general liability, workers' compensation and disability insurance
- _____ List of three references (name, address, phone number, email)
- _____ Documents Enclosure Checklist (*this page*)

To be complete, a bidder's bid response must include ALL of the above documents. Please include the original and ONE copy of each form submitted. All documents requiring an original signature must bear the BLUE INK signature of the same authorized individual. Signatory notarization must be that of the person whose signature is affixed to all required documents.

Bidder's Name: _____

Authorized Officer's Name and Title:

Signature: _____ Date: _____

General Specifications

I. The RFB Documents

A. Bid Response Form

Bidders must complete the Bid Response Form.

B. Bid Sheet

Bidders must complete the Bid Sheet. Bidders are strongly encouraged to read the General and Detailed Specifications prior to completing the Bid Sheet and submitting a bid. An Excel version of the Bid Sheet is available by downloading it from the Contract Reporter website at www.nyscr.org, or by requesting it from Mark D. Kaplowitz at (518) 453-5990. If you are using the Excel spreadsheet provided by the SBLE, you need only enter the values requested in the white cells; the grey cells will be calculated for you. If you do not use the Excel spreadsheet, you must do the calculations yourself.

C. Floor Plans

Bidders must provide floor plans of their meeting room space which include the actual size and dimensions of the rooms and identify the rooms being offered for the bar examination. If other events are taking place in the facility and the events are in adjacent areas and/or will cause noise or other administrative difficulties for the bar exam, the rooms being used and the purpose of the use must be indicated on the floor plans. Floor plans must include seating charts which show how each room will be configured on the days of the exam including precise table and chair layout for each candidate, each proctor, and the headquarters area. The Personal Belongings Room, where candidates will leave coats, backpacks, etc. during the exam, must also be identified.

D. Attachments

1. *Attachment I – Non-Collusive Bidding Certificate, Acknowledgement, Appendix A*

All bidders must read and complete the Non-Collusive Bidding Certificate and either the Acknowledgement of Individual or the Acknowledgement of Corporation. The awarded contractor must agree to be bound to, among other things, the terms of Appendix A – Standard Clauses for New York State Contracts.

2. *Attachment III – Vendor Responsibility Questionnaire*

The NYS board of Law Examiners (SBLE) is required to conduct a review of a prospective contractor to provide reasonable assurances that the vendor is responsible. The required Vendor Responsibility Questionnaire is designed to provide information to assist the SBLE in assessing a vendor's responsibility prior to entering into a contract with the vendor. Vendor responsibility is determined by a review of each prospective contractor's legal authority to do business in New York State, business integrity, financial and organizational resources, and performance history (including references).

If your bid totals more than \$50,000.00, you must complete and submit a paper Questionnaire, which can be found at: www.osc.state.ny.us/vendrep for both for-profit and non-for-profit business entities. If your bid totals less than \$50,000.00, you need not submit a paper questionnaire unless one is requested from you.

(Please note – the SBLE does not participate in the Office of the State Comptroller’s on-line VendRep program.)

3. *Attachment IV – Procurement Lobbying Law*

All bidders must read Attachment IV and complete the Disclosure of Prior Non-Responsibility Determination (UCS 420) and Affirmation of Understanding and Agreement (UCS 421).

E. Insurance

1. *Commercial General Liability Insurance*

All bidders must include with their response a certificate documenting that they have commercial general liability and automobile insurance coverage for, at minimum, the coverage limits listed below or greater if required by applicable law, from an insurance company licensed to do business in New York State. The awarded contractor will be required to maintain such insurance in force throughout the term of the contract. In addition, the following must be named as additional insureds: the New York State Board of Law Examiners, the Unified Court System, the Office of Court Administration, and the State of New York, and be primary insurance with respect to the SBLE.

Commercial General Liability Insurance (bodily injury and property damage on an occurrence basis), including automobile insurance, contractual and products/completed operations liability coverage, with minimum limits as follows:

Bodily injury to any one person	\$ 1,000,000
Bodily injury aggregate per occurrence	\$ 1,000,000
Property damage in any one accident	\$ 500,000
Property damages aggregate per occurrence	\$ 1,000,000

2. *Workers’ Compensation Insurance*

The awarded contractor must provide proof that it has in place Workers’ Compensation coverage as required under New York State Law. If the contractor is exempt from such coverage, proof of exemption must be provided. Only the following forms will be accepted (note that the Acord CANNOT be accepted for proof of Workers’ Compensation coverage):

- Form C-105.2 - Certificate of Workers’ Compensation Insurance issued by private insurance carriers; or
- Form U-26.3 issued by the State Insurance Fund; or
- Form SI-12 - Certificate of Workers’ Compensation Self-Insurance; or
- Form GSI-105.2 - Certificate of Participation in Workers’ Compensation Group Self-Insurance; or
- Form CE-200 - Certificate of Attestation of Exemption from NYS Workers’ Compensation and/or Disability Benefits Coverage.

3. *Disability Benefit Insurance*

The awarded contractor must provide proof that it has in place disability benefit insurance coverage as required under New York State Law. If the contractor is exempt from such coverage, proof of exemption must

be provided. Only the following forms will be accepted (note that the Acord CANNOT be accepted for proof of Workers' Compensation coverage):

- Form DB-120.1 - Certificate of Disability Benefits Insurance, or
- Form DB-155 - Certificate of Disability Benefits Self-Insurance; or
- Form CE-200 - Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

F. References

All bidders must include with their response the names of at least three (3) clients, private or governmental entities, including contact persons and phone numbers, for whom similar meeting space has been provided **within the prior five (5)-year period**.

II. Packaging, Identifying and Delivering of Bids/Proposals

Bidders shall complete and submit all items identified on the Documents Enclosure Checklist (as well as a signed copy of the Documents Enclosure Checklist itself). Bidders must submit the original and one copy by the bid opening date and time. Failure to timely provide all required documents may result in disqualification of a bidder's response. Bids/Proposals must be **clearly addressed and submitted** to:

Mark D. Kaplowitz
NYS Board of Law Examiners
Corporate Plaza – Building 3
254 Washington Avenue Ext
Albany, NY 12203

All envelopes must also be labeled with the following information on two sides:

“Deliver immediately to Mark D. Kaplowitz”
“Sealed Bid - Do Not Open”

Failure to seal and mark the bid as prescribed may result in non-delivery and/or rejection of the bid. Please note that bids must be received by the above-named SBLE-designated person by the bid opening date and time or the bid will be declared a “late bid” and may be disqualified.

III. Binding Nature of Bid/Proposal on Bidders

All bids shall remain binding on bidders until such time as the SBLE provides written notification of its intent to award the contract to a specific bidder or until the bidder withdraws its bid/proposal in writing, whichever occurs first.

IV. Estimated Quantities

All quantities stated herein are estimated based upon past and current activity. No guarantees of any specific amounts are implied and none will be given. Per unit prices listed on the Bid Sheet must apply to the estimated quantity and for any quantity 25% higher or 25% lower than the estimated quantity. The contract will be for the actual quantity needed as determined by SBLE.

V. Rejected and Unacceptable Bids/Proposals

The SBLE reserves the right to reject any and all bids submitted in response to this solicitation. In addition, the SBLE may reject any bids from any bidders who are in arrears to the State of New York upon any debt or contract; or who have previously defaulted on any contractual obligations (as surety or otherwise), or on any obligation to the State of New York; or who have been declared not responsible or disqualified by any agency of the State of New York; or who have any proceeding pending against them relating to the responsibility or qualification of the bidders to receive public contracts. The SBLE also reserves the right to reject any bidder: whose facilities and/or resources are, in the opinion of SBLE, inadequate, too small or too remote from the SBLE examination locations to render services in a timely manner in accordance with all requirements of this solicitation; who does not provide references for comparable work; whose references report significant failure to comply with specifications; and/or who otherwise in the opinion of the SBLE is unable to meet the general and detailed bid specifications.

VI. Questions

Any and all questions any bidder may have in connection with this solicitation are to be directed **in writing** to Mark D. Kaplowitz. The deadline to submit questions is Friday, July 29, 2016. No questions will be entertained after this deadline. Questions will receive a written response and will be provided to all bidders requesting this RFB.

IMPORTANT: All questions regarding this solicitation must be directed solely to the attention of the above-designated person. Contact by any prospective bidder, or any representative thereof, with any other personnel of the SBLE in connection with this RFB may violate the Procurement Lobbying Act of 2005, will jeopardize the respective bidder's standing and may cause rejection of its proposal.

VII. Compliance with Laws

The awarded contractor(s) shall be compliant with all applicable federal, state and local laws, rules and regulations prior to and during the provision of all services under the contract resulting from this RFB.

VIII. Implied Requirements

Products and services that are not specifically requested in this solicitation, but which are necessary to provide the functional capabilities proposed by the bidder, shall be included in the bid price except as specified herein.

IX. Silence of Specifications

The apparent silence of the specifications as to any detail or to the apparent omission of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.

X. Independent Contractor Status

It is expressly understood and agreed that the awarded contractor's status shall be that of an independent provider of services and that no officer, employee, servant or subcontractor of the contractor is an employee of

the Unified Court System (UCS), Office of Court Administration (OCA), SBLE or State of New York. The awarded contractor shall be solely responsible for the work, assignment, compensation, benefits and personal conduct and standards of all such persons assigned to the provision of services. Nothing herein shall be construed to impose any liability or duty on the UCS, OCA, SBLE or State of New York to persons, firms, consultants or corporations employed or engaged by the awarded contractor either directly or indirectly in any capacity whatsoever, nor shall the UCS, OCA, SBLE or State of New York be liable for any acts, omissions, liabilities, obligations or taxes of any nature including, but not limited to, unemployment and Workers' Compensation insurance of the awarded contractor or any of its employees or subcontractors.

XI. Subcontracting

The awarded contractor shall not subcontract any portion of their work without the knowledge and prior written approval of the SBLE. Subcontracting of any services described herein shall be subject to the following:

1. Bidder must identify each proposed subcontractor, type of service(s) to be performed, length and nature of bidder's relationship with proposed subcontractor and must provide any and all additional information regarding the proposed subcontractor as the SBLE considers reasonable and necessary.
2. All proposed subcontractors must be identified in bidder's proposal and any additions and/or changes shall be subject to the approval of the SBLE prior to engagement by contractor and any such approved subcontractor shall be held to the same performance standards as awarded contractor.
3. The SBLE will communicate only with awarded contractor and the awarded contractor shall remain wholly liable for the performance of any such subcontractor, its employees, agents, consultants or representatives. The names must be submitted in ample time to permit acceptance or rejection of each proposed subcontractor by SBLE without causing delay in the services required by this contract.

Detailed Specifications

I. Purpose and Scope

The SBLE intends to contract with a vendor or vendors for the provision of meeting room space in New York City for the New York State bar examinations held in July 2017.

The SBLE has established the need for one large testing facility given the logistics of offering a two-day exam to thousands of candidates. For example, the SBLE must: make sure each test location has flexible space that can meet the actual demand for candidates, including laptop accessible seats; make arrangements to have thousands of tables and chairs set up in a classroom style in each location; coordinate delivery and pickup of truckloads of secure, paper examination materials; distribute examination materials on the days of the examination to each test location; and have materials distributed to each candidate and seat candidates for a 9:30AM start time. These logistics demand that testing is done in as few locations as possible. The more the exam is spread out, the more difficult it becomes to communicate when problems arise, maintain secure and comparable testing environments, and timely distribute examination materials. More facilities usually results in an increase in costs.

The dates of the examination are as follows:

Move-in: Monday, July 24, 2017
Testing: Tuesday, July 25 – Wednesday, July 26, 2017

The bar examination is a two-day test and is held on Tuesday and Wednesday with a move in day on Monday. The first day of testing consists of essay questions which candidates either handwrite or type on their laptop computers. The second day consists entirely of multiple choice questions. The SBLE requires meeting space which is suitable for testing candidates in a classroom style setup. The meeting space must be quiet, clean and free from noise generated by other activities in the facility. Most candidates complete the essay portion of the examination on their personal laptops. This portion of the exam is six hours in length and candidates must have access to a power source during the entire exam.

The selected bidder must be able to meet all of the following requirements:

- (1) The facility must be located on public transit and within easy commuting distance of candidates living in New York City.
- (2) The SBLE needs seating for 5,000 candidates for the exam. Any vendor submitting a bid must be able to provide at least 1,000 seats. Preference will be given to any vendor able to meet the SBLE's full need of 5,000 seats.
- (3) Each room must hold at least 500 candidates. Preference will be given to vendors using the fewest number of rooms and who can host all the testing in one large facility.
- (4) Room must be available for a proctor chair and table for every 24 candidates.
- (5) Room must be available for a headquarters area for storage of examination materials, etc. during the examination.
- (6) Room must be available for a Personal Belongings Room where candidates will leave coats, backpacks, etc. during the examination.
- (7) The facility must be able to provide electrical wiring (i.e. power strips, power cords, outlets) to EVERY candidate seat.
- (8) Audio systems (microphones, speakers, etc.) must be available for each room so that oral instructions can be heard by all candidates.
- (9) The facility must be a quiet testing space equipped with adequate lighting, HVAC, and restrooms.

The SBLE and its representatives will arrive at the location on the Monday before the examination to set up/inspect the meeting space. The SBLE must have exclusive access to the meeting space from 8:00AM on Monday through 6:00PM on Wednesday. The meeting space must be undisturbed until the end of the examination on Wednesday. The facility must: (1) be handicapped accessible; (2) have adequate lighting for testing; (3) have adequate HVAC; (4) have adequate restrooms; and (5) have a loading dock or area for receiving the SBLE's examination materials. The loading dock/area must be available by 6:00AM each morning and up until 6:00PM each night. The facility must be located on public transportation and/or have access to sufficient parking for candidates and staff.

II. Term of Award

The awarded contract(s) shall begin on July 1, 2017 and end on August 1, 2017. The contract(s) shall be subject to the approval of the New York State Attorney General's Office and the New York State Comptroller.

III. Pricing

All pricing submitted pursuant to this Request for Bid shall be net and include all costs for the performance of the services described herein. Pricing shall be submitted only on the Bid Sheet, and in the format prescribed. Bidders must either enter the total price for each item, or “\$0” for any item for which a bidder does not intend to assess any costs. Bidders must be capable of providing all the requested items either directly or through a subcontract. The submission of an inaccurate or incomplete Bid Sheet may result in rejection of the bid. Bidders are cautioned to be thorough and accurate in all calculations. All discrepancies shall be interpreted in favor of the SBLE. The SBLE reserves the right to negotiate pricing it deems unreasonable.

IV. Method of Award

Awards shall be made to the lowest responsible bidder who demonstrates the ability to meet the SBLE’s general and detailed specifications. A bidder shall be defined as “responsible” in accordance with, but not limited to, references, past performance history, financial stability, the criteria set forth in Attachment III-Vendor Responsibility Questionnaire, and the criteria set forth in the paragraph headed “Rejected and Unacceptable Bids/Proposals” as well as any other criteria necessary and reasonable to establish the bidder’s responsibility. A bidder shall be defined as “lowest” based on its Cost Per Candidate.

V. Contractor Personnel (Contact)

The awarded contractor shall designate a staff member to act as the key contact for the SBLE for the term of the contract and shall provide the SBLE with this designated person’s name, phone and fax numbers, an email address, and a cell phone number for contact on the days of the examination.

VI. Contractor Invoicing

Within 30 days of provision of the required services, the awarded contractor shall prepare an invoice which accurately reflects all services provided. Invoicing/billing shall be in a format agreed upon between the SBLE and the contractor, but in no instance shall it be contrary to any federal, state and/or local government regulations. Payments to the awarded contractor will be processed in a timely manner upon receipt of invoice.

VII. Bid Sheets

A. Generally

All bidders must complete the Bid Sheet which must include ALL costs associated with use of the facility for the examination.

B. Adjustments

The SBLE reserves the right to reject a bidder’s estimate of the number of candidates that can be seated in each facility/room and substitute its own number based on the requirements in these specifications. It is imperative that an accurate assessment be made of the total number of candidates that can be seated in a facility/meeting room. If the SBLE determines that the bidder has over or under estimated the number of candidates that can be seated, the SBLE may substitute its own number, thereby affecting the facility’s Cost Per Candidate which is the primary factor in determining the lowest responsible bidder(s), or reject the bid outright.

C. Awards

Awards will be made in the following manner:

1. The SBLE shall select the lowest responsible bidder after taking into account adjustments made, if any, to the number of candidates that can be seated in each room.
2. The SBLE shall provide an anticipated notice of award to the lowest responsible bidder for an amount UP TO the Total Cost. The actual number of candidates seated for the examination and the actual number of seats that need to be wired for laptop use will be determined by the SBLE within two (2) weeks of the examination and the total amount due will be based on the SBLE's actual usage.

D. Instructions for Bid Sheets:

Please Note: An Excel version of the Bid Sheet is available by downloading it from the Contract Reporter website at www.nyscr.org, or by requesting it from Mark D. Kaplowitz at (518) 453-5990. If you are using the Excel spreadsheet provided by the SBLE, you need only enter the values requested in the white cells; the grey cells will be calculated for you. If you cannot use the Excel spreadsheet, please contact Mark D. Kaplowitz for a paper version.

1. *Vendor/Venue Name.* Enter the name of the vendor submitting the bid and the venue name (if different).
2. *Rooms.* List the names of the meeting rooms that you are making available for the bar examinations. Provide a floor plan of your facility which includes the dimensions of each room and identifies which rooms are being offered for the bar examination. See also "Floor Plans," discussed on page 3.
3. *Other Events.* If there are other events taking place at your facility at the same time as the bar examination which could cause noise and/or disruption to the bar examination, list them in line 3. State what the event is and when it will be happening, and indicate on the floor plans where the event will be held.
4. *Name of Room/Number of Candidates.* Enter the names of the rooms which will be used for the bar exam. Enter the total number of candidates that can be seated in each room, and put the total candidates across all rooms at line 4 (Excel will calculate this automatically). Each room offered must seat at least 500 candidates, and the facility must seat at least 1,000 candidates. Use the following specifications when estimating the total number of candidates:
 - a. Candidates must be seated classroom style in rows facing the front of the room.
 - b. Assume that candidates will be seated at six (6) foot tables which are at least 18 inches in width, with no more than two (2) candidates per table.
 - c. **ALL** candidate seats must be capable of being wired for laptop use. Candidates will bring their own personal laptop computers and must have a power source (i.e. outlet, power strip, power cord, etc.) to plug into for the first day of the exam (Tuesday).
 - d. Up to two six foot tables (four candidates) can be pushed together for ease of wiring.

- e. Space must be left for aisles between rows of candidates which aisles must be in accordance with any applicable fire and/or safety codes.
- f. Space must be left for proctor tables (card table size) and chairs, with one (1) proctor for every 24 candidates.
- g. Space must be left for a headquarters area at the front of every room.
- h. If you have not provided meeting room space for a NYS bar examination within the last year, you must provide a detailed seating chart/floor plan for all testing rooms.

5. *Rental Fee.* Enter the total rental fee associated with renting the rooms you are making available for the bar examination.

6. *Electrical Wiring Costs.* Enter the total cost of wiring **ALL** candidate seats for laptop use for each bar examination. Candidates will bring their own laptop computers which must be plugged in during the Tuesday exam. This cost should include all equipment, labor and other charges associated with giving each candidate access to a power source (i.e. power cords, outlets, power strips, etc.) **for Tuesday only**. Bidders must provide licensed electrician(s) for power service. If there is no extra charge for electrical wiring, enter “\$0” in the appropriate line on the Bid Sheet. If an outside vendor will be used for wiring, please indicate the name of the vendor on the Bid Sheet.

7. *Other.* Enter the total cost for ANY other costs associated with the use of your meeting space for the bar examination which are not addressed in the bid specifications, such as audio systems, cleaning, medical staffing, police, etc., and provide a detailed explanation in the appropriate line on the Bid Sheet. Please note that the SBLE will contract separately for private Security Services for the examination.

8. *Total Cost.* Place the total of lines 5, 6, and 7 (Excel will calculate this automatically).

9. *Cost per Candidate.* Divide line 8 by line 4 (Excel will calculate this automatically).

10. *Electrical Wiring – Cost per Candidate.* Divide line 6 by line 4 (Excel will calculate this automatically). The total amount due to the awarded contractor under the contract for electrical wiring will be calculated by multiplying this amount by the total number of candidate seats wired for laptop use as determined by the SBLE two weeks prior to the examination.