

STATE OF NEW YORK

JUDICIARY

—REQUEST FOR BID—

(This is not an order)
**BID MUST BE MADE ON THIS SHEET
OR AS OTHERWISE SPECIFIED**

NYS OFFICE OF COURT ADMINISTRATION
Contract & Procurement Unit
25 Beaver Street, R-850
New York, NY 10004

(Agency Name and Address)

Direct Inquiries to: Marie-Claude Ceppi
E-mail: mceppi@nycourts.gov

Price to include delivery to (describe exact location and method of delivery) All prices to be net and inclusive of all services specified herein unless otherwise specified.

| | |
|--|--|
| Bid Number: OCA/DOT-211 | Commodity Group: |
| Opening Date: 6/13/2018 Time: 3:00 pm Issue Date: 5/22/2018 | Commodity Name: INTERNET POINT-TO-POINT SERVICES |

OFFICE OF GENERAL SERVICES "GENERAL SPECIFICATIONS" (DECEMBER 1998) ARE FULLY INCORPORATED HEREIN.

| | |
|--|--|
| Agency's Specification of item(s) Required (include quantities) | Bidder's Quotation and Specific Description of Item Offered |
| UCS ATTACHMENT I, III, and IV ATTACHED & INCORPORATED HEREIN. | ALL BID RESPONSES <u>MUST</u> BE ENTERED ON THE ENCLOSED BID RESPONSE FORM UNLESS SPECIFIED OTHERWISE HEREIN. |

NOTICE TO BIDDERS

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

1. Complete this form in its entirety using ink or typewriter and return with all other documents.
2. Explain any deviations or qualifications if your bid deviates from the specifications. If necessary, attach a separate sheet setting forth such explanations.

3. Sign the bid. The bid must be completed in the name of the bidder (corporate or other) and must be fully and properly executed by an authorized person.

4. INDICATE THE BID NUMBER, THE BID OPENING DATE AND TIME ON THE ENVELOPE CONTAINING THE SEALED BID.

5. Mail the bid to the above agency address in sufficient time for it to be received before the specified bid opening. **LATE BIDS WILL BE REJECTED.**

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

BIDS MUST BE SIGNED

| | | | |
|------------------------------------|------|---|-----|
| Bidder's Firm Name: | | Employer's Federal Identification Number | |
| Address Street | City | State | Zip |
| Bidder's Signature | | Official Title | |
| Printed or Typed Copy of Signature | | Area Code/ Telephone Number E-mail: | |

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DOCUMENT ENCLOSURE CHECKLIST (2 pages)

_____ Exhibit A: Bid Response Form-Pricing Sheet: The Exhibit A: Bid Response Form-Pricing Sheet **must be fully executed and included** in bidder's proposal. Failure to do so will immediately disqualify bidder's response.

The following forms must be fully executed and included in bidder's proposal. Failure to do so may disqualify bidder's response:

- _____ UCS Request for Bid/Proposal Form (rfb1.frm) with original signature
- _____ Attachment I - Standard Request for Bid Clauses & Forms
 - p.3 - Non-Collusive Bidding Certificate
 - p.4 - Corporate Acknowledgment
- _____ Attachment II - Not Applicable
- _____ Attachment III - Vendor Responsibility Questionnaire
 - Questionnaire filed online via OSC VendRep System and certified within 6 months of the bid opening due date, **or**
 - Paper questionnaire
- _____ Attachment IV - Procurement Lobbying forms
 - Disclosure of Prior Non-Responsibility Determination (UCS 420)
 - Affirmation of Understanding and Agreement (UCS 421)
- _____ Certificates of NYS Worker's Compensation and NYS Disability Benefits Insurance, or Certificate of Attestation of Exemption. Please see paragraph "Insurance Requirements" for a list of accepted forms.
- _____ Copies of bidder's certificate(s) of insurance or other adequate proof evidencing the insurance coverages required by the bid specifications

The following documents must be included in bidder's proposal. Failure to do so may disqualify bidder's response:

- _____ Original bid response and three additional (3) complete copies
- _____ Bidder's Contact Information
- _____ Description of bidder's qualifications and experience
- _____ References
- _____ Signed Documents Enclosure Checklist
- _____ Proprietary information in separate folder from bid response, if applicable

DOCUMENT ENCLOSURE CHECKLIST (cont.)

IMPORTANT:

1. 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.
2. The Exhibit A: Bid Response Form-Pricing Sheet and the other forms listed above must all have the SAME COMPANY NAME AND TAX ID NUMBER in order for a purchase order or contract to be approved by the NYS Comptroller.
- 3. Do not alter this solicitation in any manner. Any changes, deletions, or additions (including the addition of supplemental terms and conditions) to this RFB or to any exhibits or appendices to this RFB, including Exhibit A/Pricing Sheet, may result in the rejection of the bid as non-responsive.**
- 4. Please verify that all required documents are included before signing.**

COMPANY NAME:

AUTHORIZED OFFICER'S NAME AND TITLE:

SIGNATURE:

DATE: _____

I. INTRODUCTION: PURPOSE AND SCOPE

The New York State Unified Court System (“UCS”), Office of Court Administration (“OCA”) is soliciting sealed bids from qualified Internet Service Providers (“ISPs”) to provide Internet and Point-to-Point Services between court locations in New York State. See VII. SCOPE OF SERVICES for circuits’ bandwidths and location addresses.

II. BIDDER’S QUALIFICATIONS AND EXPERIENCE

Qualifications

1. Bidder must be a tier-1 or transit-free ISP as documented by a reference from a third party organization.
2. Bidder must have the capability to deliver the required Internet and Point-to-Point Layer 2 Ethernet service within ninety (90) days from contract start date. Bidder shall demonstrate in its bid response that the ISP is able to confirm that services are able to perform consistently at least 80% of their claimed capacity using commercially available bandwidth test tool.
3. Bidder must have a track record of high availability service. Describe and/or document bidder’s track record of high availability service.
4. Bidder must have the capability to monitor service provision on a 7/24 basis and must have adequate procedures for notification, escalation and restoration of outages as well as service reductions such as total outage, packet loss, latency issues, and network slowdown or degradation of total bandwidth, e.g.: network running at less than 80% for a “protracted” amount of time. Bidder must describe its network monitoring procedures and its procedure to handle network outages and /or service reductions.
5. Bidder must have sufficient technical resources to work with UCS in a DNS configuration, and other technical-related issues. The UCS will provide and manage routers in each of the facilities.
6. Bidder must have adequate network redundancy and security protection and must describe its network redundancy and security protection.
7. Bidder must provide excellent customer services, backed up by at least three (3) references.

Experience

Bidder shall describe:

1. Its number of years in business;
2. Its primary business;

3. Its network footprint;
4. Its main customers (please provide at least 3);
5. The services it offers;

III. BID RESPONSE SUBMISSION

Packaging, Identifying and Delivering of Bids/Proposals

Bids/Proposals must be **clearly addressed and submitted** to:

Marie-Claude Ceppi
NYS Office of Court Administration
25 Beaver Street, R-850
New York, NY 10004

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

“Deliver immediately to Marie-Claude Ceppi R-850”
“Sealed bid - Do not open”
”RFB# OCA/DOT-211 due June 13, 2018 at 3:00 p.m.”.

Failure to seal and mark the bid/proposal as prescribed may result in non-delivery and/or rejection of the bid/proposal. Please note that bids/proposals must be received by the above-named OCA-designated person by June 13, 2018 at 3:00 pm at the latest or bids will be declared a “late bid” and they will be disqualified. It is recommended that bidders allow several extra days for shipping in order to meet the deadline.

DO NOT BIND OR STAPLE your bid response in any manner. Clips and rubber bands are the **only acceptable methods of securing bid responses.**

No-Bids

Bidders are requested to send a no-bid letter to OCA, Attn: Marie-Claude Ceppi, at the above address, should they decide not to answer this solicitation. The envelope shall be clearly marked in the lower left corner as follows: RFB# OCA/DOT-211. No-bid letters may be sent by email to mceppi@nycourts.gov. Please indicate in "Subject" field: “RFB# OCA/DOT-211 – No-Bid.”

Questions

Any and all questions bidders may have in connection with this solicitation are to be directed by email only to:

Marie-Claude Ceppi
mceppi@nycourts.gov

Please indicate in "Subject" field: RFB# OCA/DOT-211 - Question(s)

The deadline to submit questions is May 30, 2018 before 5:00 pm. No questions will be entertained after this deadline. A written Questions & Answers (Q&A) listing all questions received and their answers will be posted on the UCS website at www.nycourts.gov/admin/bids in the Addenda column for the appropriate solicitation and mailed to the bidders list a couple of days after this deadline.

IMPORTANT: All questions regarding this solicitation must be in writing and 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 UCS/OCA in connection with this RFB/RFP may violate the Procurement Lobbying Act of 2005 (see Attachment IV), will jeopardize the respective bidder's standing and may cause rejection of its proposal.

Bidder's Contact Information

Bidder shall provide the name, telephone number and email address of its company's contact person for this Request for Bid Solicitation.

IV. AWARD

Term of Award

The initial term of the awarded contract(s) shall be five (5) years. UCS/OCA will have the right to renew the awarded contract for two (2) two (2)-year periods (Renewal Terms) upon the same terms and conditions, except pricing. For each Renewal Term exercised, pricing shall be negotiated by the parties. The UCS/OCA also reserves the right to extend the contract for a maximum of six (6) months upon the same terms and conditions, including pricing, as of the expiration date of the Initial Term, or the first, or the second Renewal Term of the contract, as the case may be. The maximum term of the contract will be nine (9) years, or nine (9) years and six months, if UCS exercises its extension right. The initial contract, renewals and extension are subject to the approval of the NYS Attorney General and the NYS Comptroller.

Method of Award

A single contract will be awarded to the lowest dollar cost, responsible bidder determined to be in compliance with this RFB and specifications. Lowest dollar cost is defined as the lowest total cost of all services to be performed for the initial five (5) year term of the contract (“Initial 5-Yr Total Cost”), as indicated by bidders in Exhibit A: Bid Response Form-Pricing Sheet.

V. PRICING

Pricing/Compensation

All prices must include all costs for the performance of all services required under this solicitation. No additional charges will be allowed.

Pricing shall be submitted only on, and in the format prescribed by, Exhibit A: Bid Response Form-Pricing Sheet. Bidder must quote pricing on a cost per unit (a unit is defined as “Monthly Recurring Cost/MRC” and “One-time Installation Cost”, and compute all price extensions listed in Exhibit A: Bid Response Form-Pricing Sheet. In the event of a bidder’s miscalculation, the unit price will prevail and the UCS reserves the right to make mathematical corrections based on unit price(s.) Pricing for each Renewal Term exercised shall be determined as stated in paragraph “Term of Award.” Pricing for any increase in bandwidth shall be negotiated by the parties as stated in paragraph “Bandwidth Requirements during the Initial Term and Renewal Terms.”

VI. ADDITIONAL REQUIREMENTS

Order Communication

Any and all orders, corrections, changes and clarifications between OCA/DOT and the awarded vendor shall be in writing.

Prevailing Wages

Bidders are required to abide by the New York State Department of Labor (“DOL”) Schedule of Prevailing Wage for NY County (Manhattan) and Kings County (Brooklyn.) Bidders are required to access the Schedule of Prevailing Wage on the DOL website at www.labor.state.ny.us. Also, see Attachment I/Appendix A: Standard Clauses for all Contracts, under “Wage and Hours Provisions”, #6, p.1.

Subcontracting

Subcontracting and any other transfer of any duties or obligation to be performed hereunder will be permitted only with the prior written consent of UCS to the proposed subcontractors. In the event that bidder proposes to use one or more subcontractors, the specific subcontractors and the services proposed to be performed by such subcontractors, must be listed in bidder's proposal. If a bidder that proposes to use one or more subcontractors in awarded the contract, the award will constitute the prior written approval of UCS to the subcontractors named in the bidder's proposal.

The awarded vendor will be the prime vendor and will be responsible for all services required by this RFB/RFP. The UCS will communicate only with awarded vendor and the awarded vendor shall remain wholly liable for the performance by and payment to any such subcontractors, their employees, agents, consultants or representatives.

VII. SCOPE OF SERVICE

Required Services:

Internet Services (Circuit A-2 and A-5, A-10)

The UCS/OCS/DOT intends to install A-2, with the option to upgrade to A-5 or A-10. All the Internet circuits require a 10Gbps Ethernet physical interface handoff regardless of 2Gbps, 5Gbps or 10Gbps bandwidth.

Circuit A-2

- Bandwidth: 2,000 Mbps
- Location: 26 Broadway, 10th Floor, New York, NY 10004

Circuit A-5

- Bandwidth: 5,000 Mbps
- Location: 26 Broadway, 10th Floor, New York, NY 10004

Circuit A-10

- Bandwidth: 10,000 Mbps
- Location: 26 Broadway, 10th Floor, New York, NY 10004

Point-to-Point Layer 2 Ethernet Services (Circuits B to G)

Circuit B

- Bandwidth: 100Mbps
- Location A: 520 Eighth Avenue, 18th Floor, New York, NY 10018
- Location Z: 26 Broadway, 10th Floor, New York, NY 10004

Circuit C

- Bandwidth: 100Mbps
- Location A: 230 Park Avenue, 8th Floor, New York, NY 10169
- Location Z: 26 Broadway, 10th Floor, New York, NY 10004

Circuit D

- Bandwidth: 100Mbps
- Location A: 1 Metrotech Center North, 3rd floor, Brooklyn, NY 11201
- Location Z: 26 Broadway, 10th Floor, New York, NY 10004

Circuit E

- Bandwidth: 100Mbps
- Location A: 420 Lexington Avenue, room 2848, New York, NY 10170
- Location Z: 26 Broadway, 10th Floor, New York, NY 10004

Circuit F

- Bandwidth: 100Mbps
- Location A: 570 Lexington Avenue, Room 4715, New York, NY 10170
- Location Z: 26 Broadway, 10th Floor, New York, NY 10004

Circuit G

- Bandwidth: 100Mbps
- Location A: 780 Third Avenue, 18th Floor, New York, NY 10017
- Location Z: 26 Broadway, 10th Floor, New York, NY 10004

Delivery Requirements

Bidder must have, or be able to establish (including obtaining rights of way) the network infrastructure needed to deliver the services, including, but not limited to conduits, Points of Entry (POEs) and building risers within ninety (90) days of contract start date.

Network Monitoring/Outage Response

Required services include monitoring of circuits on a 7/24 basis, notification of service reductions, outages, escalation of service interruptions and timely restoration of service reductions and outages. Awarded contractor will be required to agree to provide credit for extended service outages.

Bandwidth Requirements during the Initial Term and Renewal Terms

The UCS/OCA presently intends to maintain the above- specified bandwidth requirements of the circuits, however the UCS/OCA requires the right to adjust the bandwidth requirements for some circuits from 100Mbps up to a maximum of 10Gbps (in the internet circuits only) when the technology becomes available. Pricing for any increase in bandwidth shall be negotiated by the parties and will require an amendment to the contract, which is subject to the approval of the NYS Attorney General and Comptroller.

Relocation of Circuits

The UCS will have the right to require awarded Contractor to relocate one or more circuits during the contract term, provided that : (i) the new location is a site that is served by the Contractor; and (ii) the parties can reach agreement on the one-time cost of relocation, which will be paid by UCS. Any relocation services will require an amendment to the contract which is subject to the approval of the NYS Attorney General and Comptroller. There shall be no increase in MRC for any relocated circuit.

VIII. The RFB/RFP PROCESS: GENERAL SPECIFICATIONS

Note to Bidders

1. Attachment I - Standard Request for Bid Clauses & Forms and Attachment IV - Procurement Lobbying Law required forms

In addition to such other specifications and criteria as are presented herein, the NYS Unified Court System Attachment I - Standard Request for Bid Clauses & Forms , and Attachment IV - Disclosure of Prior Non-Responsibility Determination (UCS 420) and Affirmation of Understanding and Agreement (UCS 421) pursuant to the Procurement Lobbying Act, which must be downloaded or printed from the UCS Contract & Procurement website under "Addenda" for the appropriate solicitation, are incorporated and made a part of this solicitation.

2. Attachment III - Vendor Responsibility Questionnaire

The NYS Unified Court System (UCS) 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 UCS 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).

The UCS recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. However, vendors may choose to complete a paper questionnaire and submit it with their proposal.

Online Questionnaire: To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at http://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at <https://portal.osc.state.ny.us>. Vendors must provide their New York State Vendor Identification Number when enrolling (see paragraph headed 'New York State Vendor File Registration' for instructions on obtaining a Vendor Identification Number.) For VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Bidders who file the Vendor Responsibility Questionnaire online via the OSC VendRep System are requested to checkmark the appropriate box on the Document Enclosure Checklist. Please note that online submissions must be certified and dated/updated not more than six (6) months prior to the bid opening date of this RFB/RFP. Bidders' authorized signature of the RFB/RFP form will serve as confirmation that bidders have knowingly filed their questionnaire online if

the paper questionnaire is not included with the bidder's submission.

Paper Questionnaire: Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website www.osc.state.ny.us/vendrep or may contact the UCS or the Office of the State Comptroller's Help Desk for a copy of the paper form.

3. New York State Vendor File Registration

Prior to being awarded a contract pursuant to this solicitation, the bidder(s) must be registered in the New York State Vendor File (Vendor File) administered by the OSC. This is a central registry for all vendors who do business with New York State agencies and the registration must be initiated by a State agency. Following the initial registration, a unique New York State ten-digit vendor identification number (Vendor ID) will be assigned to vendors for usage on all future transactions with New York State. Additionally, the Vendor File enables vendors to use the Vendor Self-Service application to manage certain vendor information in one central location for all transactions related to the State of New York.

If the bidder is already registered in the Vendor File, the vendor must enter the vendor's ten-digit Vendor ID on the first page of this bid document.

If the bidder is not currently registered in the Vendor File, upon award of a contract the Bidder must complete the OSC Substitute W-9 Form (http://www.osc.state.ny.us/vendors/forms/ac3237_fe.pdf) and submit the form to UCS. **The UCS will initiate the vendor registration process** for the awarded contractor. Once the process is initiated, awarded contractor will receive an e-mail identifying their unique ten-digit Vendor ID and instructions on how to enroll in the online Vendor Self-Service application. For more information on the Vendor File please visit the following website:
http://www.osc.state.ny.us/vendor_management/.

Online RFB/RFP Package: Disclaimer

Bidders accessing any UCS/OCA solicitations and related documents from the New York State UCS website www.nycourts.gov/admin/bids under "Current Solicitations" shall remain solely and wholly responsible for reviewing the respective solicitation & bid documents on the internet regularly, up to the scheduled date and time of the bid/proposal due date, to ensure their knowledge of any amendments, addenda, modifications or other information affecting the solicitation or bid documents in question.

Bid Response/Proposal: Original and Copies

Bidders shall submit all the following required **original RFB/RFP documents**: Bid/Proposal;

INTERNET AND POINT-TO-POINT SERVICES

3:00 P.M.

Executed RFB/RFP Form; Attachment I - pages 3, 4, of 10; Attachment III - Vendor Responsibility Questionnaire (questionnaire may be filed electronically with OSC); Attachment IV - Disclosure of Prior Non-Responsibility Determinations UCS 420 and Affirmation of Understanding and Agreement UCS 421; proof of Workers' Compensation and Disability Benefits insurance coverage (See "Insurance Requirements"); and any other required documentation, brochures, etc. listed on the Document Enclosure Checklist. Complete the paperwork on the forms provided with this solicitation unless otherwise requested. Do not retype or amend any portion of this solicitation. Failure to provide all original documents and the requested number of copies may result in disqualification of a bidder's response.

NYS OGS General Specifications

New York State Office of General Services (NYSOGS) General Specifications (May 2015) are incorporated herein by reference, except to the extent any provision thereof is not applicable to UCS. Any reference in the NYSOGS General Specifications to 'Commissioner' shall be deemed to refer to the Chief Administrator of the Courts or the designee of the Chief Administrator. In the event of any conflict or express or implied ambiguity between this solicitation document, including attachments hereto, and the NYSOGS General Specifications, this solicitation document shall take precedence. The NYSOGS General Specifications are available at: <http://www.ogs.ny.gov/purchase/spg/pdfdocs/CL815.pdf>.

Binding Nature of Bid/Proposal on Bidders

All bids/proposals shall remain binding on bidders until such time as OCA 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.

Estimated Quantities

Any quantities specified in this solicitation constitute estimates only, and accordingly no commitment or guarantee to reach any specified volume of business is made or implied.

Compliance with Laws

Awarded contractor(s) must comply with all applicable federal, state and local laws, rules and regulations, including but not limited to, fire, health and safety codes, prior to and during the provision of all services under the contract resulting from this RFB/RFP.

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 UCS, OCA 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 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 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.

Rejected and Unacceptable Bids/Proposals

UCS reserves the right to reject any and all proposals or bids submitted in response to this solicitation. In addition, UCS may reject any bids/proposals from any bidders who are in arrears to the State of New York upon any debt or performance of any contract; or who have previously defaulted on any contractual obligations, (as contracting party, 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, who have any proceeding pending against them relating to the responsibility or qualification of the bidders to receive public contracts, whose proposal is incomplete or otherwise non-responsive in any material respect, or who are found to be non-responsible based on any of the criteria specified in the section headed 'Responsible Bidder'.

UCS also reserves the right to reject any bidder: (i) whose facilities and/or resources are, in the opinion of OCA, inadequate, too remote from the UCS locations to render services in a timely manner in accordance with all requirements of this solicitation; (ii) who does not provide references in accordance with the bid specifications, or whose references report significant failure to comply with specifications; or (iii) who are otherwise, in the opinion of OCA, unable to meet specifications.

Responsible Bidder

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 paragraph 2 of the General Specifications (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.

Clarification/Correction of Bids/Proposals

In addition to any rights articulated elsewhere in this solicitation, UCS reserves the right to 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 a bidder's proposal and/or to determine a bidder's compliance with the requirements of this solicitation. This clarifying information, if required in writing by UCS, must be submitted by the bidder, in accordance with formats as prescribed by UCS at the time said information is requested and, if received by the due date set forth in UCS's request for clarification, shall be included as a formal part of the bidder's proposal. Clarifying information, if any, whether provided orally, visually or in writing will be considered in the evaluation process. Failure to provide required information by its associated due date may result in rejection of the bidder's proposal. Nothing in the foregoing shall mean or imply that it is obligatory upon UCS to seek or allow clarifications or corrections as provided for herein.

References

Each bidder must provide at least three (3) references, other than UCS, including the company/agency name, complete address, contact name, title, telephone number and email address, for whom the bidder has provided similar services at any time during the past three (3) years.

Indemnity

Awarded contractor shall indemnify, defend and hold harmless UCS, its officers and employees from and against any and all claims, causes of action, damages, costs, liabilities and expenses of any kind (including reasonable attorney's fees and the cost of legal defense) which UCS may incur by reason of: (i) awarded contractor's breach of any term, provision, covenant, representation or warranty contained in the contract awarded as a result of this bid; (ii) any act, omission, negligence or intentional misconduct of awarded contractor or its employees, subcontractors, agents, volunteers or of other persons under its direction and control; (iii) awarded contractor's performance or failure to perform under the contract; and (iv) enforcement by UCS of the awarded contract or any provisions thereof.

Unified Court System Self-Insurance

UCS, a New York State governmental entity, is self-retained for risk of loss and liability.

Insurance Requirements

Awarded contractor shall be required to maintain during the term of the contract, including any renewal terms, at their own cost and expense:

1. Workers' compensation and disability benefit insurance coverage as required under NYS law.

Each vendor must provide with its proposal proof of such workers' compensation and disability benefits insurance coverage or, if it is legally exempt from such coverage, proof of exemption. Vendor must obtain the appropriate Workers Compensation Board forms from its insurance carrier or licensed agent, or must follow the procedures set forth by the Workers' Compensation Board for obtaining an exemption from coverage. See Workers' Compensation Board website at <http://www.wcb.ny.gov> under "Forms" for a manual listing required forms and procedures. Any questions regarding workers' compensation coverage requirements or debarments should be directed to:

Workers' Compensation Board
Bureau of Compliance
(518) 462-8882
(866) 298-7830

Only the following forms will be accepted:

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.

Proof of Disability Benefits 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.

On forms that have a space for a certificate holder to be listed, the carrier must enter:

NYS Unified Court System
Office of Court Administration
25 Beaver Street, Room 850
New York, NY 10004

The insurance carrier will notify the certificate holder if a policy is canceled. Please note: An ACORD Certificate of Insurance is not acceptable proof of NYS workers' compensation or disability benefits insurance coverage. For additional information regarding worker's compensation and disability benefits requirements, please refer to the New York State Workers' Compensation Board website at: <http://www.wcb.ny.gov> under "Employers/Businesses."

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

.....

| | |
|---|---|
| Bodily Injury and Property Damage | \$1 million, per occurrence, \$2million, aggregate |
| Personal Injury and Advertising: | \$1 million aggregate |
| Contractual and Products/ Completed Operations | \$2 million aggregate |
| Auto Liability, Combined single limits | \$1 million |

Commercial General Liability insurance coverage shall be obtained from commercial insurance carriers licensed to do business in the State of New York.

Confidentiality

Bidder acknowledges that any and all information, records, files, documents or reports contained in any media format provided to the bidder by the court, or which may be otherwise encountered by bidder shall be considered extremely confidential and shall be handled accordingly at all times. Neither the bidder nor any of its employees, servants, Contractors, agents or volunteers shall at any time be permitted to utilize such confidential information for any purpose outside the scope of any resulting agreement without the express prior written authorization of UCS. Any breach of this confidentiality by the bidder or by any of its employees, servants, subcontractors, agents, or volunteers may result in the immediate termination of any resulting agreement by UCS and may subject the bidder to further penalties.

Awarded Contractor shall use, and require its employees and authorized agents to use, at least the degree of care a reasonably prudent person would use to protect and prevent improper access to the records.

Confidential/Proprietary Information

If applicable, bidders should specifically identify those portions of the proposal deemed to contain confidential or proprietary information or trade secrets, and must provide justification why such material, upon request, should not be disclosed to parties other than UCS. Bidders are advised that any material deemed confidential by bidder may still be subject to disclosure in connection with any governmental or judicial proceeding or inquiry or as may be required by applicable law, including but not limited to Article 6 of the New York Public Officers Law (Freedom of Information Law). Such confidential/proprietary information must be easily separable from the non-confidential sections of the proposal.

Upon request by UCS, bidder shall provide its audited financial statements prepared in accordance with GAAP-Generally Accepted Accounting Principles for the past three (3) consecutive years and a copy of its last three (3) annual reports.

Termination

Early termination of the contract for cause may result in, among other consequences, all remedies available to UCS and New York State, the awarded contractor both being declared non-responsible by the UCS/OCA, pursuant to the UCS and Office of the State Comptroller's guidelines on vendor responsibility and in the contractor's removal from the UCS/OCA's bidders list for future solicitations.

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 offer except as specified herein.

Silence of the Specifications

The apparent silence of the specifications contained as part of this package 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.

IX. EXHIBIT A: EXHIBIT A/PRICING SHEET

Exhibit A: Bid Response Form-Pricing Sheet is attached as Exhibit A in Excel Format.