

**TOWN OF COLONIE
INDUSTRIAL DEVELOPMENT AGENCY**

**REQUEST FOR PROPOSALS
ECONOMIC DEVELOPMENT AND MARKETING AND MARKETING
CONSULTANT**

Section 1. Summary of Request

Purpose. The Town of Colonie Industrial Development Agency (“IDA”) requests proposals from qualified contractors to serve as economic development AND/OR marketing consultants. Respondents need to demonstrate qualifications in one or both areas to be fully considered. Respondents do not need to be fully qualified in economic development AND marketing but must be qualified in at least one of the two areas. The IDA reserves the right to select multiple consultants (or no consultants) after its review of the submitted proposals.

An original and seven (7) copies of the Proposal and other required documents must be submitted sealed in an opaque envelope clearly marked with the name of the Proposal and the name and address of the Vendor. If the proposal is sent through the mail or other delivery system, the sealed envelope shall be enclosed in a separate envelope with the notation "PROPOSAL ENCLOSED" on the face thereof. Vendors mailing proposals shall allow sufficient time for delivery. Proposals must be received no later than **Wednesday, November 30, 2022 at 2:00 P.M.** at the following address:

Town of Colonie
Attn: Andrew Clermont, Acting General Services Director
534 New Loudon Road
Latham, NY 12110
(518) 783-2726

The Proposals submitted by the individual Vendor is the document upon which the Town IDA will make its initial judgment regarding the Vendor’s qualifications, understanding of the Town IDA’s scope and objectives, methodology, and ability to complete services under the contract.

Those submitting Proposals do so entirely at their expense. There is no express or implied obligation by the Town IDA to reimburse any firm or individual for any costs incurred in preparing or submitting Proposals, preparing or submitting additional information requested by the Town IDA, or for participating in any selection interviews.

Submission of any Proposal indicates acceptance of the conditions contained in the RFP, unless clearly and specifically noted otherwise in the Proposal.

The Town IDA reserves the right to reject any and all Proposals, in whole or in part, submitted in response to its RFP.

The Town IDA reserves the right to waive any and all informalities and to disregard all non-conforming, non-responsive or conditional Proposals.

The Town IDA may, at any time by written notification to all Vendors, change any portion of the RFP described and detailed herein.

Proposals will be examined and evaluated by the Town of Colonie IDA. The Town IDA will make final approval and award.

During the evaluation of Proposals, the Town IDA may require clarification of information or may invite the Vendors to an oral presentation to amplify and/or validate Proposal contents.

All questions concerning this RFP shall be submitted in writing to the person listed below. Replies will be issued by Addenda mailed or delivered to all parties recorded as having received this RFP.

Questions received less than four (4) days prior to the date of submission of proposals will not be answered. Only questions answered by formal written Addenda will be binding. Oral or other interpretations or clarifications will be without legal effect.

Andrew Clermont

Clermonta@colonie.org

All material submitted in response to this RFP shall become the property of the Town IDA.

Section 2. Scope of Work

The IDA will select one or more Consultants to assist the IDA in promoting, encouraging, and assisting economic development and marketing and marketing in the Town of Colonie. The CEO of the IDA will select the Consultant to be assigned to each project and will determine the maximum number of hours for each project. Selection of a responder to be included on the IDA's list of Consultants does not guarantee that a Consultant will necessarily be selected to provide services to the IDA.

All work performed by the Consultants will be under the direction of the CEO of the IDA.

The Scope of Work may include but is not limited to the following:

- Conduct studies of the local and regional economy to assist the IDA in determining how to best utilize its resources to benefit the Town of Colonie.
- Prepare plans and recommendations of best economic development practices.
- Review the current plans of the Town of Colonie and develop an action plan for development, identify potential grant opportunities, and assist the IDA with applying for any applicable assistance.
- Identify grant opportunities and develop and write proposals for applicable grants.
- Identify the manufacturing/industrial business base within the Town of Colonie, survey such businesses to determine their needs and their suppliers with the goal of developing incentives to expand existing manufacturing/ industrial businesses and bring additional businesses to the Town of Colonie.
- Such other projects as may be identified by the CEO or the Board.

Section 3. Term of Contract

The IDA anticipates entering into a contract with one or more Consultants for a term of two (2) years, renewable at the option of the IDA for an additional one (1) year term.

Section 4. Required Submittals

Proposals shall include the following:

- Background information that describes the nature and history of the firm or individual, including a representative list of past and current clients.
- Specific information regarding the firm's or individual's experience and technical expertise respecting the scope of services, including descriptions of particular experience with economic development in the State of New York.
- Identification and resumes of the persons who will provide services to the IDA.
- References for your work, including if applicable, the names and contact persons for any State of New York industrial development agencies or similar entities for which services have been provided within the last five years.
- Executed non-collusive bid certificate, and Iranian Divestment Certification attached.
- A fee schedule on an hourly basis for the types of services and personnel expected to perform services. List travel costs and any other direct or indirect costs associated with performing the required services. Identify any flat rate costs for specific tasks.
- **Please place the fee schedule in a separate sealed envelope marked "Fee Proposal" and included it within your original sealed proposal.**

Section 5. Selection Criteria

The IDA will rank the proposals received based on an evaluation of technical skills and experience (80%) and cost (20%). The IDA will select, at its option, one or more Consultants with which to enter into an agreement for services. The IDA reserves the right to select multiple Consultants or no Consultants after its review of the submitted proposals.

Section 6. Miscellaneous

The IDA reserves the right to reject any or all proposals; to negotiate any elements of a proposal; to conduct interviews at its sole discretion; and to solicit and/or select contractors outside the scope of this RFP.

The successful proposer shall be required to sign a contract with the IDA in a form provided by and acceptable to the IDA. Each Consultant shall be an independent contractor of the IDA. The independent contractor will be required to maintain its own worker's compensation, liability and automobile insurance coverage, and provide proof of the same to the IDA, all in the manner provided in the contract required to be signed.

Proposals may be modified or withdrawn at any time prior to the opening date and time by an appropriate document duly executed (in the manner that a Proposal must be executed) and delivered to the place where Proposals are to be submitted.

If within twenty-four (24) hours after the Proposals are opened, any Vendor files a duly signed written notice with the Town and promptly thereafter demonstrates to the reasonable satisfaction of the Town that there was a material and substantial mistake in the preparation of its Proposal, that Vendor may withdraw its Proposal. Thereafter, that Vendor will be disqualified from making a further or additional proposal on the work contemplated by this RFP unless all the RFP's are rejected and the process is begun again.

Each Proposal shall state that it is a firm offer for a period of ninety (90) days from the Proposal opening date. After expiration of the firm offer period, if no contract award has been made, a Proposal may be withdrawn if the Vendor does so in writing directed to the Town of Colonie General Services Director; otherwise, Proposals remain in effect consistent with the terms of this RFP.

Section 6. Insurance and Security Requirements

The Successful Vendor at his expense shall procure and shall maintain the insurance required in this section. The Successful Vendor shall procure:

- a) **Worker's Compensation and Employees Liability Insurance**: A policy or policies providing protection for Employees of the obligor in the event of job related injuries.
- b) **General Liability** including Comprehensive Form, Contractual, Products/Completed Operations and Broad Form Property Insurance shall be furnished with limits of not less than:

Liability	Each Occurrence	Aggregate
Bodily Injury & Property Damage	\$1,000,000	\$2,000,000

No work shall be commenced under the contract until the Successful Vendor has delivered to the Town IDA proof of issuance of all policies of insurance required by the Contract to be procured by the Vendor.

Each policy of insurance required under the Contract shall be in form and content satisfactory to the Town IDA and its attorney, and shall provide that:

- a) The Town IDA is named as an additional insured, and
- b) The policy shall not be changed or canceled until thirty (30) days written notice to the Town IDA and successful Vendor and that it shall be automatically renewed upon expiration and continued in force unless the Town IDA and Vendor are given 30 day's written notice to the contrary.

If at any time, any of the said policies shall be or become unsatisfactory to the Town IDA, the successful Vendor shall promptly obtain a new policy and submit proof of insurance of the same to the Town IDA for approval. Upon failure of the successful Vendor to furnish, deliver and maintain such insurance as above provided, this Contract may, at the election of the Town IDA, be forthwith declared suspended, discontinued or terminated. Failure of the successful Vendor to procure and maintain any required insurance shall not relieve the successful Vendor from any liability under the Contract, nor shall the insurance requirements be constructed to conflict with the obligations of the Contract concerning indemnification.

Section 6. Freedom of Information Law

The New York State Freedom of Information Law as set forth in Public Officers Law, Article 6, sections 84-90, mandates public access to government records, However, proposals submitted in response to this RFP may contain technical, financial background or other data, public disclosure of which could cause substantial injury to the Vendor's competitive position or constitute a trade secret. Vendors who have a good faith belief that the information submitted in their proposals is protected from disclosure under the New York Freedom of Information Law must clearly identify the pages of the proposals containing such information by typing in bold face on the top of each page, **"THE VENDOR BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE STATE FREEDOM OF INFORMATION LAW"**. The Town IDA assumes no liability for disclosure of information so identified, provided that the Town IDA has made a good faith legal determination that the information is not protected under applicable law or where disclosure is required to comply with an order or judgment of a court of competent jurisdiction.

Section 6. Iranian Energy Sector Divestment

Contractor/Proposer hereby represents that said Contractor/Proposer is in compliance with New York State General Municipal Law Section 103-g entitled "Iranian Energy Sector Divestment", in that said Contractor/Proposer has not:

- (a) Provided goods or services of \$20 Million or more in the energy sector of Iran including but not limited to the provision of oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran; or
- (b) Acted as a financial institution and extended \$20 Million or more in credit to another person for forty-five days or more, if that person's intent was to use the credit to provide goods or services in the energy sector in Iran.

Any Contractor/Proposer who has undertaken any of the above and is identified on a list created pursuant to Section 165-a (3)(b) of the New York State Finance Law as a person engaging in investment activities in Iran, shall not be deemed a responsible bidder pursuant to Section 103 of the New York State General Municipal Law.

Except as otherwise specifically provided herein, every Contractor/Proposer submitting a bid/proposal in response to this Request for Bids/Request for Proposals must certify and affirm the following under penalties of perjury:

- (a) "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 its knowledge and belief, that each bidder is not on the list created pursuant to NYS Finance Law Section 165-a (3)(b)." The Town of Colonie will accept this statement electronically in accordance with the provisions of Section 103 of the General Municipal Law.

Except as otherwise specifically provided herein, any Bid/Proposal that is submitted without having complied with subdivision (a) above, shall not be considered for award. In any case where the Bidder/Proposer cannot make the certification as set forth in subdivision (a) above, the Bidder/Proposer shall so state and shall furnish with the bid a signed statement setting forth in detail the reasons therefore. The Town reserves its rights, in accordance with General Municipal Law Section 103-g to award the Bid/Proposal to any Bidder/Proposer who cannot make the certification, on a case-by-case basis under the following circumstances:

- (1) The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder/Proposer has adopted, publicized and is implementing a formal plan to cease the

investment activities in Iran and to refrain from engaging in any new investments in Iran;
or

- (2) The Town of Colonie has made a determination that the goods or services are necessary for the Town to perform its functions and that, absent such an exemption, the Town of Colonie would be unable to obtain the goods or services for which the Bid/Proposal is offered. Such determination shall be made by the Town in writing and shall be a public document.

NON-COLLUSION STATEMENT

GENERAL MUNICIPAL LAW

CHAPTER 675 - LAWS OF 1966

Amending 103-d General Municipal Law

"a.) By submission of this proposal, each Vendor and each person signing on behalf of any Vendor, certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:

- 1) The prices in this proposal have been arrived at independently without collusion, consultation, communications or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Vendor with any competitor;
- 2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the Vendor and will not knowingly be disclosed by the Vendor prior to opening, directly or indirectly, to any other Vendor or to any competitor; and
- 3) No attempt has been made or will be made by the Vendor to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition."

FIRM

BY

PRINTED NAME

DATE

IRANIAN ENERGY SECTOR DIVESTMENT
Certification Pursuant to Section 103-g
Of the New York State
General Municipal Law

- A. By submission of this bid/proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer 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 its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the New York State Finance Law.
- B. A Bid/Proposal shall not be considered for award, nor shall any award be made where the condition set forth in Paragraph A above has not been complied with; provided, however, that in any case where the bidder/proposer cannot make the foregoing certification set forth in Paragraph A above, the bidder/proposer shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where Paragraph A above cannot be complied with, the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid/proposal is made, or his designee, may award a bid/proposal, on a case by case business under the following circumstances:
1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder/Proposer has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
 2. The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

Signature

Printed Name

Title

Date

Company Name

NOTICE TO PROPOSERS
TOWN OF COLONIE INDUSTRIAL DEVELOPMENT AGENCY
REQUEST FOR PROPOSALS

TAKE NOTICE that sealed Proposals shall be received at the Town of Colonie General Services Office of Purchasing, 534 New Loudon Road, Latham, New York 12110 no later than 2:00 P. M. Local Time on Wednesday November 30, 2022 at which time they shall be opened and the Proposer's name read aloud for Economic Development & Marketing and Marketing Consultant Services for the Town of Colonie Industrial Development Agency.

Specifications and General Information will be available at the Office of Purchasing after the date of this notice. Complete Request for Proposal documents may be available for download from the Empire State Purchasing Group Internet web site at www.bidnetdirect.com/new-york.

Andrew J. Clermont, CPPB
Purchasing Officer

DATED: November 9, 2022