



ORANGE COUNTY, NEW YORK
Department of General Services
PO Box 218, 255-275 Main St.
Goshen, New York 10924

RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES

RFB-OC084-24

MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES



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NOTICE TO BIDDERS

Bids for the County of Orange **RFB-OC084-24 MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES** will be received by the undersigned Commissioner of the Department of General Services, in her office at 255-275 Main St., Goshen, NY 10924, **up to and including Thursday, June 13, 2024 at 3:30 P.M.**, prevailing time, when they shall be opened and read aloud.

Copies of the Request for Bids may be obtained beginning May 22, 2024 at the above address between the hours of 9:00 A.M. and 4:45 P.M., Monday through Friday (with the exception of County observed holidays), as well as through <https://www.bidnetdirect.com/new-york/county-of-orange>.

May 22, 2024

Samantha Sweikata, Commissioner
 Department of General Services

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RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES**RFB-OC084-24****INSTRUCTIONS TO BIDDERS**

Unless a Request for Bid (RFB) is solicited directly by another County Department, the only official distribution source for this RFB is through the Department of General Services. Additionally, most RFB documents issued by the Department of General Services are distributed through BidNet which can be accessed through <https://www.bidnetdirect.com/new-york/county-of-orange>. If you have obtained this RFB from a different source, you are encouraged to contact the Department to receive an official copy. You may not receive addenda or important information regarding this RFB if you are not registered with the Department of General Services as having obtained a copy of this RFB through the Department or through BidNet.

By submitting a Bid, you are asking the County to accept your offer for the sale of goods and/or services. It is important that you READ and UNDERSTAND all terms and conditions contained in this RFB as well as understand the laws that govern Public Contracts in New York State. **If you do not agree with the terms and conditions contained in this RFB you should not submit a Bid.**

Your Bid will be considered by the County if the following conditions are met:

1. Pursuant to State Finance Law §139-j and §139-k, this solicitation includes and imposes certain restrictions on communications between the County and a Bidder during the procurement process. A Bidder is restricted from contacting other than designated staff from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by the County Executive ("Restricted Period") unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). County employees are required to obtain certain information when contacted during the Restricted Period. The designated staff contact is the Commissioner of General Services or her representative, telephone (845) 291-2792. Bidders responding to this RFB must familiarize themselves with these State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the Bid Form.

2. ☐ Applicable ☒ Not Applicable

A Pre-Bid Conference and Site Visit will be held at [location] on [date] at [time], prevailing time. Attendance is strongly recommended. The County shall not be liable for, nor shall it review proposed change orders, contract amendments, etc. for inadequate pricing, labor, materials, time or similar issues in Vendor/Consultant's contract with the County resulting from Vendor/Consultant's failure to attend and obtain information provided at the pre-proposal conference, site visit and/or any addenda issued afterward.

3. Bidders are responsible for reporting in writing any errors, omissions or ambiguities found in this RFB. All such reports, requests for information, questions, etc. shall be on the "Questions Form" provided in this RFB and either faxed to the Department of General Services at (845) 378-2365 or emailed on the Questions form to GeneralServices@orangecountygov.com. **No questions will be entertained by any other means. All questions must be submitted by Friday, May 31, 2024 at 5:00 P.M., prevailing time. Questions received after this time may not be addressed. Please be patient, questions will be answered in an Addendum/Addenda to be shared with all interested Bidders. Questions will not be responded to individually.**

4. **If RFB Specifications or the Bid Form are altered in any manner to suit your pricing, packaging, manufacturing requirements etc. your Bid shall be non-responsive and will not be considered.** If clarification is required on any aspect of the RFB, it is necessary to submit questions to the Department of General Services as set forth above.

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5. Unless otherwise specified, all Bids shall be made upon forms furnished in this RFB, if any, and as may be modified by addenda, **contained in sealed envelopes clearly marked on the outside packaging with RFB-OC084-24 MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES** addressed to Samantha Sweikata, Commissioner, Department of General Services, PO Box 218, 255-275 Main St., Goshen, NY 10924 and **received up to and including Thursday, June 13, 2024 at 3:30 P.M.**, prevailing time. If NOT sending your Bid via U.S. Mail (i.e., using FedEx, UPS, hand deliver, etc.) please use the following address: Orange County Department of General Services, 255-275 Main St., Goshen, New York 10924. It is the Bidder's responsibility to clearly mark the outside of their mailing package with the RFB title and number. **Faxed or E-mailed Bids are not permitted. NO LATE BIDS WILL BE ACCEPTED - NO EXCEPTIONS!**

6. **Three (3)** sets of all Bids shall be submitted, **ONE SET OF WHICH MUST CONTAIN ORIGINAL SIGNATURES**, including completed copies of any forms or certifications required in this RFB. Forms, if any, issued in this RFB shall be completely filled in, in ink or by typing, on the original form, if included in this RFB. Failure to respond to this RFB on any official form(s) included in this RFB may result in disqualification of a Bid as non-responsive. Each Bid Form should be properly executed and signed by the Bidder. Any Bid Form which contains modifications (e.g. to units), omissions or erasures; is illegible; conditional; or unsigned may be rejected as non-responsive.

7. Permission will not be given to modify or explain any Bid after it has been opened, unless clearly specified in this document (e.g. interviews). Permission to withdraw a Bid prior to Bid opening will be at the discretion of the County and no replacement Bid may be submitted without authorization from the Commissioner of General Services. Opened Bids which required a deposit for plans and/or specifications may not be withdrawn until forty-five (45) days after opening.

8. **Basis of Award provisions vary with each RFB, please read that section carefully.** Some RFBs may be awarded to more than one entity. The Commissioner of General Services reserves the right to waive any informality, reject any and all Bids, or, if noted in the Basis of Award section of this RFB, accept any Bid in whole or in part, if deemed to be in the best interest of the County.

9. Any award shall be subject to the execution of a contract (and, if applicable, license or other agreements) between the Bidder and the County. The County's contract obligation is contingent upon execution of the contract between the County and selected Vendor/Consultant, provision of required insurance certificates and bonds, as applicable, by the Vendor/Consultant, and the availability of appropriated funds for this contract. No legal liability on the part of the County for payment of any money shall arise unless and until a contract is executed by both parties, funds are appropriated and made available in each year of the term of the contract, and all performance requirements for each payment are met. The County shall have no responsibility or liability for any Bidder's costs related to preparation of Bids, attendance at interviews, etc.; all such costs are solely at Bidder's risk and expense.

10. Bidder(s) awarded a contract agree to execute the contract in the same form as the template enclosed in this RFB in the timeframe, if any, indicated in this RFB. Any supplemental agreement(s) (e.g. licensing or maintenance agreements) requested by a Bidder must be included in the Bid and are subject to the discretionary approval of the County Attorney and the County Executive. For any software required in the scope of services, include any proposed license or maintenance agreement(s) with your Bid. Failure to reach agreement on contract terms and conditions may result in rejection of a Bid, rescission of an award and/or retention of Bid Security by the County.

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11. The County maintains a unilateral right to cancel or extend the contract in accordance with the terms of any contract resulting from this RFB. If a Vendor/Consultant fails to perform or otherwise breaches the contract, in addition to any other rights and remedies the County may have, Vendor/Consultant may be listed as non-responsible and may be ineligible for future contract awards.

12. If Bid Security is required by this RFB it must be included in the Bid. If Performance and/or Payment Bonds are required by this RFB, Bids must include a letter from Bidder's bank or surety stating that the required letter of credit or bond(s) will be provided in the event of a contract. The letter of credit or bond(s) shall be provided for each year or relevant portion of the contract, as may be applicable.

13. Bidders must be properly registered to do business in the State of New York and furnish applicable certificates of authority/incorporation/partnership/dba, etc. with their Bid.

14. The County encourages submission of Bids by Minority- and/or Women-Owned Business Enterprises (MWBE) and/or Disadvantaged Business Enterprises (DBE).

15. A Non-Collusion Certification, Disclosure of Non-Responsibility Determination and Iran Divestment Act Certification are included in this RFB. Bidders must complete and submit a signed original of each and the applicable number of copies of each with their Bid.

16. Supplier Forms are provided with this RFB. Bidders that have not received a purchase order in the last twelve (12) months from the County must submit completed and signed Supplier Forms prior to execution of a contract by the County.

17. Pursuant to New York's Freedom of Information Law ("FOIL") (Public Officers Law, Article 6, Sections 84-90) all government records are presumptively open for public inspection unless specifically exempted from disclosure under FOIL. Bidders who have a good faith belief that information contained in their Bid is exempt from disclosure under FOIL must, at the time of their submission, request the exemption in writing, setting forth the basis for the claimed exemption. In addition, the Bidder must mark each page of its submission claimed to be exempt from disclosure under FOIL with the following legend: **"THE BIDDER BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE NEW YORK STATE FREEDOM OF INFORMATION LAW."** Neither the Bidder's classification of materials as exempt under FOIL, nor the County's acceptance of Bidder's Bid with the claimed exemption(s), should be considered a final determination as to whether the designated materials are exempt from disclosure under FOIL. Any and all determinations as to the propriety of claimed exemptions will be made by the County and/or a court of law in accordance with applicable law.

18. If a deposit was required to obtain this RFB and related documents, the price of one full set of documents returned in good condition within thirty (30) days after Notice of Intent to Award shall be refunded. Refunds for all other copies in good condition shall be less the actual cost of reproduction per set.



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INSURANCE REQUIREMENTS

During the term of the contract, or longer if required, the Vendor/Consultant shall maintain, at its expense, Worker's Compensation, Disability and liability insurance policies of the types and minimum coverages specified in the enclosed contract template (e.g., Agreement for Vendor Services). Certificates of insurance evidencing Vendor's / Consultant's compliance with these requirements shall be required prior to execution of the contract by the County. Failure to submit insurance documents may result in disqualification of the Bidder as non-responsible and/or the County's retention of Bid Security.

BONDING REQUIREMENTS

☒ There are no Bonds required for this contract.

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New York State General Municipal Law §103(3), §103(16), County Law §408-a, and County Procurement Policy allow New York State political subdivisions and districts to make purchases through County contracts open to such procurements by the County. **THE AWARD OF ANY CONTRACT UNDER THIS RFB SHALL BE OPEN TO SUCH PROCUREMENTS. OFFERORS WHO DO NOT WISH TO ACCEPT THIS AS A CONDITION OF CONTRACT SHOULD NOT SUBMIT A PROPOSAL.**

1. The Department of General Services shall make award information on any contract resulting from this RFB available to other political subdivisions.
2. Other political subdivisions or districts will issue purchase orders directly to Vendor/Consultant within the specified contract period referencing the County's contract and shall be solely liable and responsible for all payments due on under the contract for that political subdivision's or district's use of the Contract. The County shall not be liable or responsible for any debts incurred by other users of any contract resulting from this RFB.
3. All purchases shall be subject to audit and inspection by the County.
4. Necessary deviations from the County's specifications in the award of a participant contract, for example quantities or delivery points, shall be resolved between the successful Offeror and the other political subdivisions or districts. However, at no time shall any change to price and product specifications be permitted, except where an item has been replaced by another item due to obsolescence or pricing is contingent on an outside factor (e.g. fuel at market rates) pursuant to the terms of the contract, and/or the Vendor or Consultant offers reduced pricing to any participant, which then must be made immediately available to all participants. If a product specification requires modification due to obsolescence, the County must approve a change of product in writing in order for it to be valid. In the event a product substitution is approved, no change in price will be permitted except when the price will be lower than the originally awarded price. Any reduced pricing shall be applicable to all other participants' quantities ordered on or after the date such reduced pricing became effective for the initial participant receiving such pricing.

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- A. BACKGROUND.** The County of Orange ("County"), by and through its Department of Planning and Development ("OCPD"), seeks a qualified, experienced provider of fixed-route transit services in and around the City of Middletown, Orange County, New York ("Service"). The successful bidder ("Operator") awarded a contract under this RFB ("Contract") will perform the Service in accordance with the terms and conditions of this RFB and the Contract. The OCPD oversees this Service.
- B. SERVICE AREA.** The service area includes the City of Middletown located in Orange County, New York and its surrounding areas as more particularly described in Appendixes A and B to this RFB entitled "*Appendix A - Middletown Area Fixed-Route Transit Map*" and "*Appendix B – Middletown Area Fixed-Route Transit Routes*" respectively ("Service Area").
- C. SERVICE AREA OPERATING STATISTICS.**

Middletown Area Transit Statistics	2019	2020*	2021*	2022	2023
Revenue Passengers	53739	38383	33216	36187	38265
Revenue Miles	85565	85101	83422	84056	81600
Farebox Revenue	55290	39101	32647	35797	35670
*The decrease in the 2020 & 2021 statistics was a result of the COVID-19 pandemic.					

- D. MINIMUM EXPERIENCE QUALIFICATION.** Bidders must have at least three (3) years' experience providing transit bus service.
- E. QUALIFICATIONS AND PERFORMANCE.** Operator will provide the following during the term of the Contract, some of which are described or discussed in further detail below:
1. Provide Service within the Service Area on the terms and conditions set forth in these Specifications and the Contract.
 2. Operate the Service Monday through Saturday between the hours of 7:00am and 5:30pm.
 3. Provide two-way communication devices between a base station and transit vehicles for dispatch and other communications.
 4. Provide at least one Operator-provided New York State Department of Transportation ("NYSDOT") inspected, 29-foot, lift equipped spare transit bus.
 5. Operate and maintain the County-owned transit vehicles according to the manufacturer's service recommendations and in a clean, neat, and sanitary condition.
 6. Securely store all transit vehicles when not in use.

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7. Grant the County access to the transit vehicles for inspection at any time requested by the County, at such times it is necessary for semi-annual NYSDOT inspections, and quarterly as necessary for the County to inspect the transit vehicles as part of the County's transit operator oversight program.
 8. Provide trained drivers and dispatcher(s).
 9. Obtain and maintain those insurances indicated in the Agreement for Vendor Services – Transit.
 10. Respond timely and appropriately to accidents and incidents.
 11. Comply with all applicable federal, state, and local laws, rules, and regulations for transit bus service, including, but not limited to, compliance with Federal Substance Abuse Testing Requirements and Article 19-A of the New York State Vehicle and Traffic Law ("NY VTL"). A detailed explanation of this law can be referenced at: www.dmv.ny.gov/forms/ds700.pdf
 12. Log various information, including but not limited to dispatch, driver, and passenger information as required by federal laws, rules and regulations and County monitoring policies.
 13. Prepare and deliver monthly reports of financial and operating data in the form specified by the County.
 14. Make Operator's office, assigned staff and drivers accessible to County employees by appointment to conduct training, check documentation and otherwise perform required oversight according to federal and state laws, rules, and regulations.
 15. Maintain adequate financial resources to perform the Contract or have the ability to readily obtain them.
 16. Possess satisfactory performance and integrity on contracts in providing transit service, meeting scopes of work, maintenance of vehicles, and steps bidder took to resolve any judgements or liens. A bidder that is or has recently been seriously deficient in contract performance will be presumed to be non-responsible, unless the contracting officer determines that the circumstances were properly beyond the bidder's control, or that the bidder took appropriate corrective action.
- F. HOURS OF SERVICE.** Operator must run the Service in the Service Area Monday through Saturday between 7:00am and 5:30pm during the Contract term. There are six (6) holidays service is not required to operate, which are New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.
- G. INITIAL TERM CONTRACT NOT-TO-EXCEED VALUE.** The County anticipates setting a not-exceed Contract dollar value equal to 6,650 revenue hours for the Initial Term (as such term is defined in the Term portion of this RFB) for the Service Area.
- H. PERFORMANCE MEASURES AND REPORTING.** Operator must report, by email to the OCPD, the following information within ten (10) calendar days following the end of each calendar month during the term of the Contract:
1. Number of revenue and non-revenue eligible riders carried.
 2. Number of revenue and non-revenue miles traveled by each transit vehicle.

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3. Number of vehicle revenue and total hours.
4. Total fares collected.
5. Number of reportable incidents and a summary of those incidents.
 - a. "Reportable incident" is the occurrence including, but not limited to, major and minor accidents, moving violations where the driver was ticketed, medical emergencies for eligible riders or driver, vehicle mechanical failure (breakdown), weather emergency and passengers exhibiting violent, disruptive, or illegal behavior.
 - b. A "major accident" is an accident involving a fatality, one or more people are transported for offsite medical care, total property damage equal to or in excess of \$25,000 and/or an evacuation due to life safety reasons.
 - c. A "non-major accident" is an accident involving total property damage equal to or in excess of \$7,500, but less than \$25,000 and/or the driver is ticketed.
6. Number of rider's comments and complaints received and the substance of those comments and complaints.
7. Notation of any capacity constraints experienced either in the previous calendar month or foreseen in future months.
- I. **Annual Report.** Operator must submit an annual report in writing to the OCPD by email no later than thirty (30) calendar days following the end of each calendar year during the Contract term. The County will audit Operator's passenger and mileage reporting and may audit other operating performance and record-keeping. Operator must provide all paperwork and information requested by the County to so audit and review.
- J. **New York State Vehicle Traffic Law Article 19-A.** Operator must comply at all times with the requirements for motor carriers and bus drivers under New York State law, including, but not limited to Article 19-A Special Requirements for Bus Drivers of the NY VTL. A detailed explanation can be found at www.dmv.ny.gov/forms/ds700.pdf. The NY VTL contains the requirements for bus drivers, both school and non-school. Section 509-a of NY VTL lists the criteria used to determine what constitutes a bus. If the vehicle is determined to be a bus under 19-A of NY VTL, then the operator of the vehicle is considered to be a bus driver who must meet all the requirements for bus drivers (Section 509-a(2)(i) or (ii)) of NY VTL and the owner of the vehicle is considered to be a motor carrier (Section 509-a(3) of NY VTL) who must comply with the requirements for carriers. Operator must provide certifications of compliance to the County upon request. Bidders must demonstrate in their bids that they have sufficient NY VTL 19-A certified drivers for this Service.
- K. **Vehicles – Primary and Spare.**
 1. **Primary County-Owned Vehicles.** The County presently owns three (3) transit buses dedicated to the Service Area. The current vehicles are all 2013 Gillig 29' low floor diesel hybrid transit buses, valued at approximately \$430,000 each. These vehicles meet all ADA standards, are presently in service in the Service Area, and are maintained by the present Service Area operator. These buses will be leased under

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the terms and conditions of the attached "Third Party Lease for Capital Equipment" at no cost (except maintenance costs) to Operator. These buses are to be used solely for the Service Area and no other service or purpose. The County anticipates that the three (3) 2013 Gillig 29' low floor diesel hybrid transit buses currently dedicated to the Service Area will likely reach the end of their useful life during calendar year 2025. The County will replace the three (3) 2013 Gillig 29' low floor diesel hybrid transit buses when they reach the end of their useful life.

2. **Spare or Backup Vehicles.** Operator must include spare, or backup vehicles as needed in the event of the mechanical failure of one or more County-provided buses. The additional vehicles will ensure that there are no Service interruptions. The spare vehicles must meet all regulations applicable to the County-provided vehicles and, as with the County-provided vehicles, must be included for inspection by the NYSDOT and the County. A detailed description of vehicles the bidder will provide if awarded a Contract must be submitted with each bid, including but not limited to vehicle size, number and type of seats, number and type of wheelchair securements, vehicle make and model, vehicle year, and number and type of accidents. During the term of the Contract, Operator must notify the County at any time it proposes to use one or more different spare vehicles and shall provide the information above. The County may reject, in its sole discretion, any proposed spare vehicle as unsuitable for the transit Service.
3. **Storage and Maintenance.** Operator must have adequate storage and maintenance facilities for the County-owned vehicles so that they can be stored and maintained in a safe, clean, and sanitary condition. The maintenance of these vehicles is to be performed by Operator in accordance with the manufacturer's recommended maintenance plan. More than one (1) storage facility is allowed, as are open air facilities. Bidders must provide information regarding the storage facility infrastructure and location in their bids, including but not limited to structures, utilities, employee parking, bus parking and ownership. Bidders must demonstrate a spare parts procurement and distribution system sufficient to support equipment maintenance without delays and a service organization with skills, experience, and equipment sufficient to perform all such work.
4. **No Fuel Subsidy.** Operator is required to fuel the vehicles at Operator's expense. No County fuel subsidy will be provided.

L. **FTA and NYSDOT Funding.** The County is a public transportation grantee of United States Department of Transportation ("USDOT") Federal Transit Administration ("FTA") grant funding and a sub-recipient of FTA grant funding administered by the NYSDOT. A portion of the costs of the Service may be reimbursed by the FTA directly and/or by NYSDOT. Use of such funds requires that the County and Operator manage the Service within the grant funding guidelines and comply with all applicable federal and state laws, rules, regulations, and requirements. The Contract awarded hereunder is contingent upon the availability of such grant funding and local funding.

1. **Federally and State Required Contract Clauses.** Because a part of the cost of the Service is reimbursed by the USDOT through FTA grants and part of the cost is reimbursed by the NYSDOT, Operator must comply with all clauses set forth in the following appendixes attached to this RFB: (i) *Appendix D –Federal Required Contract Clauses*, (ii) *Appendix E - State Required Contract Clauses*; and (iii) *Appendix F – Supplemental Title VI Provisions (Civil Rights Act)*.
2. **FTA Required Certifications.** Because a part of the cost of the Service is reimbursed by the USDOT through FTA grants and/or FTA grants administered by the NYSDOT, all bidders must deliver with their

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bids executed versions of those pre-award certifications set in Appendix I attached to this RFB entitled “Appendix I - Federal Pre-Award Certifications.” Additionally simultaneous with Contract execution, and annually thereafter during the term of the Contract, Operator shall deliver to the County executed versions of the then in effect FTA Annual Certifications and Assurances. A copy of the Fiscal Year 2024 Annual Certifications and Assurances are included in an Appendix to this RFP entitled “Appendix H – FY 2024 Federal Annual Certifications and Assurances.”

3. Disadvantaged Business Enterprise (DBE).

a. **Overall County DBE Goal; No Specific Contract Goals.** The County has not established a Disadvantaged Business Enterprise (“DBE”) goal for this Contract. However, the County encourages bidders to obtain DBE participation for the Contract towards the County’s overall DBE participation goal. The County’s overall DBE participation goal is 4.6% of the federal financial assistance that the County expends in FTA-assisted contracts. If a bidder proposes to use any DBEs in the delivery of the Services, it must provide the following with its bid:

- i. The names and addresses of all DBEs certified under a Unified Certification Program that are proposed to be used in the delivery of Services;
- ii. A description of the work that the DBE will provide;
- iii. The anticipated dollar amount of the participation; and
- iv. Written and executed Letter of Intent from the DBE confirming its intent to provide DBE services.

b. **Requirements if DBE Participation.** To the extent that DBE(s) participate in the Contract, Operator will comply with the following provisions.

- i. **Maintenance of DBE Records.** Operator must maintain records and documents of payments to DBEs for three (3) years following the performance of the Contract.
- ii. **Non-Discrimination.** Operator must not discriminate on the basis of race, color, national origin, or sex in the award or performance of the Contract. Operator must carry out applicable requirements of 49 CFR 26 in the award and administration of the Contract. Failure by Operator to carry out these requirements is a material breach of the Contract, which may result in the termination of the Contract or such other remedy as the County or FTA or NYSDOT deems appropriate.

4. **Subcontractor Prompt Payment Requirements.** Operator will pay any subcontractor under the Contract for satisfactory performance of its contract no later than thirty (30) calendar days from the receipt of each payment Operator receives from the County. Operator agrees further to return retainage payments to each subcontractor within thirty (30) calendar days after the subcontractor’s work is satisfactorily completed. Any delay or postponement of payment from the above stated time frame may occur only for good cause following written approval from the County. This clause applies to both DBE and non-DBE subcontracts.

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5. Access to Record and Reports.

- a. **Record Retention.** Operator will retain and will require its subcontractors of all tiers to retain, complete and readily accessible records related in whole or in part to the Contract, including, but not limited to data, documents, reports, statistics, sub-agreements, leases, subcontracts, arrangements, other third-party agreements of any type, and supporting materials related to those records.
- b. **Retention Period.** Operator will comply with the record retention requirements set forth in 2 C.F.R. §200.333. Operator shall maintain all books, records, accounts, and reports required under the Contract for a period of at not less than three (3) years after the date of termination or expiration of the Contract, except in the event of litigation or settlement of claims arising from the performance of the Contract, in which case records shall be maintained until the disposition of all such litigation, appeals, claims or exceptions related thereto.
- c. **Access to Records.** Operator will provide sufficient access to FTA and its contractors to inspect and audit records and information related to performance of the Contract as reasonably may be required.
- d. **Access to the Sites of Performance.** Operator will permit FTA and its contractor's access to the sites of performance under the Contract as reasonably may be required.

6. No Charter Service. Operator will comply with 49 U.S.C. 5323(d), 5323(r), and 49 C.F.R. part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except as permitted under: (i) Federal transit laws, specifically 49 U.S.C. § 5323(d); (ii) FTA regulations, "Charter Service," 49 C.F.R. part 604; (iii) Any other federal Charter Service regulations; or (iv) Federal guidance, except as FTA determines otherwise in writing. Operator agrees that if it engages in a pattern of violations of FTA's Charter Service regulations, FTA may require corrective measures or impose remedies on it. These corrective measures and remedies may include: (i) barring it or any subcontractor operating public transportation under the Contract that has provided prohibited charter service from receiving federal assistance from FTA; (ii) withholding an amount of federal assistance as provided by Appendix D to part 604 of FTA's Charter Service regulations; or (iii) any other appropriate remedy that may apply. Operator will include the substance of this clause in each subcontract that may involve operating public transit services.

7. Clean Air and Clean Water. In accordance with the Clean Air Act, as amended (42 U.S.C. 7401-7671q) and Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387), Operator will (a) not use any violating facilities; (b) report the use of facilities placed on or likely to be placed on the U.S. Environmental Protection Agency "List of Violating Facilities;" (c) report violations of use of prohibited facilities to FTA; and (d) comply with the inspection and other requirements of such acts.

8. Energy Conservation. Operator will comply with mandatory standard and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

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9. No Federal Government Obligation to Third Parties. Operator acknowledges and agrees that, notwithstanding any concurrence by USDOT, FTA, and/or NYSDOT of the approval of this RFB or award of the Contract, absent the express written consent by USDOT, FTA, and/or NYSDOT, USDOT, FTA, and NYSDOT are not a party to the Contract and shall not be subject to any obligations or liabilities to Operator or another party (whether or not a party to the Contract) pertaining to any matter resulting from the Contract. Operator will include the above clause in each subcontract financed in whole or in part with Federal assistance provided by the FTA and/or State assistance provided by NYSDOT. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

10. Program Fraud and False or Fraudulent Statements or Related Acts.

- a. Operator acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § 3801 *et seq.* and USDOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. part 31, apply to its actions pertaining to the Contract. Upon execution of the Contract, Operator certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the Contract or the FTA assistance or the NYSDOT assistance for which the Contract is being performed. In addition to other penalties that may be applicable, Operator further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, USDOT, FTA and/or NYSDOT reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Contractor to the extent the Federal Government deems appropriate.
- b. Operator also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. chapter 53, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5323(l) on the Contractor, to the extent the Federal Government deems appropriate.
- c. Operator will include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

11. Public Transportation Employee Protective Arrangements. Operator will carry out the transit operations work under the Contract in compliance with terms and conditions determined by the U.S. Secretary of Labor to be fair and equitable to protect the interests of employees employed under the Contract and to meet the employee protective requirements of 49 U.S.C. 5333(b), and U.S. Department of Labor guidelines at 29 CFR Part 215, and any amendments thereto.

12. Recovered Materials. Operator will provide a preference for those products and services that conserve natural resources, protect the environment, and are energy efficient by complying with and facilitating compliance with Section 6002 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6962, and U.S. Environmental Protection Agency (U.S. EPA), "Comprehensive Procurement Guideline for Products Containing Recovered Materials," 40 C.F.R. part 247.

13. Substance Abuse Testing. Operator will establish and implement a drug and alcohol testing program that complies with 49 C.F.R. parts 655, produce any documentation necessary to establish its compliance with

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part 655, and permit any authorized representative of USDOT, FTA, NYSDOT, and/or the County to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 C.F.R. part 655 and review the testing process. Operator will certify annually its compliance with 49 C.F.R. part 655 and timely submit Management Information System (MIS) reports.

14. **Seat Belt Use**. In compliance with Federal Executive Order No. 13043, *"Increasing Seat Belt Use in the United States,"* April 16, 1997, 23 U.S.C. Section 402 note, Operator will adopt and promote on-the-job seat belt use policies and program for its employees and other personnel that operate company owned, rented, or personally operated vehicles, and to include this provision in any third-party subcontracts.
15. **Texting While Driving and Distracted Driving**. Consistent with Executive Order No. 13513, *"Federal Leadership on Reducing Text Reducing Text Messaging While Driving,"* October 1, 2009, 23 U.S.C. Section 402 note, and DOT Order 3902.10, *"Text Messaging While Driving,"* December 30, 2009, Operator will promote policies and initiatives for its employees and other personnel that adopt and promote safety policies to decrease crashes by distracted drivers, including policies to ban text messaging while driving, and to include this provision in each third party subcontract involving the Contract.

TERM

The County anticipates that the term of this contract will be for one (1) year beginning July 1, 2024 ("Initial Term"). The County reserves the right, exercisable in its sole discretion, to extend the contract term for two (2) additional periods of one (1) year each ("Renewal Term") on the same conditions and obligations as set forth in the contract.

Upon expiration of the Initial Term or Renewal Term, if exercised by the County as stated above, such term may be further extended unilaterally by the County for an additional period of up to two (2) months under the same terms and conditions set forth in the Contract including, but not limited to, quantities (prorated for such extension), prices, and delivery requirements. With the concurrence of Vendor, such short-term extension may be for a period of up to three (3) months in lieu of the up to two (2)-month period. Any such short-term extension shall be referred to as an "Extended Term."

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RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES**RFB-OC084-24****PRICING**

1. We do not accept any conditional bids (i.e.: minimum quantities, minimum dollar amount orders).

2. Pricing must be submitted on the provided Bid Form.

3. Definitions/Pricing Considerations

a. Fixed Costs. Cost of providing fixed route service that remains more or less unchanged by changes in revenue hours. Fixed cost in the context of this bid includes, but is not limited to facilities, rent/leases, utilities, furnishings, tools, equipment, and non-transit vehicles.

b. Variable Costs Cost of labor, material or overhead that changes according to the change in revenue hours. Variable cost in the context of this bid includes, but is not limited to Operator wages, operational overhead, profit, fuel, insurance, and licensing, which vary with the volume of revenue hours worked.

c. Revenue Hours. Includes all in-service hours as applied directly to fixed route services sought and specified herein; however, in-service hours do not include pull-out/pull-in hours. "Pull-out hours" means the non-revenue time assigned for the movement of a revenue vehicle from the garage to its first scheduled stop. "Pull-in hours" means the non-revenue time assigned for the movement of a revenue vehicle from its last scheduled terminus or stop to the garage.

d. Farebox Receipts. The farebox receipts are considered to be part of Operator's compensation for operating the Service. Bidders are to consider the potential farebox receipts in developing bids, using the Revenue Passengers and Miles table set forth in Section C of the Specifications section of this RFB for guidance, while taking note that the tables are historical and may not account for recent trends in the Service Area.

4. The prices submitted shall be exclusive of federal and state sales taxes (or other taxes inapplicable to government entities) and must not include any tax for which the Bidder may claim exemption because of doing business with the County.

5. Unless otherwise indicated in this RFB, prices shall be net, including transportation and delivery charges fully prepaid by the successful Vendor to the destination indicated in the purchase order. Prices are to be listed as FOB Delivered: ORANGE COUNTY, NY. No freight and/or handling or fuel surcharges will be accepted, unless otherwise agreed to in the purchase order. Delivery of all products will be made free of transportation charges, the prices bid by Vendor being delivered prices.

6. At no time shall any change to price and product specification be permitted, for the entire term of the award, except where an item has been replaced by another item due to obsolescence. In this instance, the County must approve a change of product in a written change order for it to be valid. In the event a product substitution is approved, no change in price will be permitted except when the price will be equal to or lower than the originally awarded price.

7. The proposed Scope and Specifications are not a guarantee, were developed based on past or anticipated needs, and are as accurate as the County can ascertain at the time of issuance of this RFB. When an anticipated volume or other quantities or goods or services are listed, the County has listed these either based upon a history

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of usage over a previous period or anticipated need. The County in no way guarantees that the actual quantities listed will be ordered. When volume or quantities are listed, the Bidder should understand that the actual volume or quantities may be more or less, depending on the actual needs of the County. The Bidder shall hold the County harmless against any damages because of estimated volume or quantities. In the event quantities exceed the estimate, the County shall receive the price as listed in the award or, if a better price is available at that time, that price shall be passed on to the County.

PAYMENT

1. Payment shall be made in accordance with the payment/compensation provisions of the contract template provided with this RFB.
2. The County is able to offer the payment choices listed below. The payment time in standard County contracts is typically 30 days for Public Improvement Projects and 60 days for all other contracts. Generally, the County is able to process payments more quickly than those stated timeframes. However, the options for payment choices below are listed in order of speed:
 - a. Electronic Funds Transfer (EFT) via Automated Clearing House (ACH) – Please complete the form enclosed with this RFB.
 - b. Check

SUBMISSION OF BIDS

Unless otherwise noted below, one (1) signed original (as applicable to the document type) and the number of copies specified in Item #6 of the Instructions to Bidders, of each of the following items should be submitted in your Bid package- **It is NOT necessary to include a copy of the entire RFB in your proposal package only the items required below. Bids must include:**

1. Completed and signed Bid Form
2. **Background and Experience:** Bidders must provide a brief history of your business and experience in providing transit services. Identify proposed staffing covering all the functions required to provide the Services including, but not limited to dispatch, drivers, vehicle maintenance, accounting, and reporting.
3. **Bid Narrative:** Bidders must include an organized narrative response to all elements listed in the specifications.
4. **Pricing:** Bidders are to complete the attached Bid Form to include the unit price for the Services.
5. **References:** Names and contact information for at least three (3) clients wherein similar projects have been completed, references for New York government entities are preferable, but not required.
6. **Non-Collusion Certification**

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7. Disclosure of Non-Responsibility Determination (copy of instruction page not required)
8. Iran Divestment Act Certification
9. Certificate of Authority/Incorporation/Partnership/dba, etc., as applicable to your business entity
10. Bid Security and/or letter from bank or surety if requested in the Bonding section of this RFB
11. Manufacturers' Warranties, as applicable
12. Sample(s), if requested in the Specifications
13. Supplier Forms (if not already a current Orange County awarded vendor)
14. Information or other materials to be included, only as requested in the Specifications
15. Any supplemental agreements (e.g. a licensing agreement) requested by a Bidder must be included in the Bid and are subject to the discretionary approval of the County Attorney and the County Executive. For any software required in the Specifications, include any proposed license or maintenance agreements with your Bid. Bidders awarded a contract agree to execute the contract in the same form as the template enclosed in this RFB and in the timeframe, if any, indicated in this RFB. Failure to reach agreement on contract terms and conditions may result in rejection of a proposal, rescission of an award and/or retention of Bid Security by the County.

ALL SUBMISSIONS MUST BE CLEARLY MARKED ON THE OUTSIDE PACKAGING WITH THE RFB TITLE AND NUMBER.

INSURANCE: While not required in the Bid package, Bidders are reminded that Certificates of Insurance evidencing Vendor's/Consultant's compliance with the Insurance requirements of this RFB must be provided prior to execution of the contract by the County. The number of days for submission may vary but it may be less than one business week, please be prepared. **FAILURE TO SUBMIT INSURANCE DOCUMENTS MAY RESULT IN DISQUALIFICATION OF THE VENDOR/CONSULTANT AS NON-RESPONSIVE AND/OR THE COUNTY'S RETENTION OF BID SECURITY.**

ADDITIONAL INFORMATION, INTERVIEWS & SITE VISITS

The County may require any or all Bidders to present additional evidence of experience, ability and financial standing as well as a statement as to the materials, equipment or personnel which the Bidder will have available for the performance of this contract. The County reserves the right to interview any or all Bidders and/or visit any or all Bidder's sites during the evaluation of Bids. If applicable, the County shall contact Bidders to arrange an interview (which County may require to be held at the Department of General Services) and/or a site visit of Bidder's facilities at any time during the evaluation process. Bidders are reminded to include their best technical and price terms in their initial offer and not to automatically assume that they will have an opportunity to participate in interviews, site visits or be asked to submit a best and final offer. The County may award the contract without interviews and/or site visits for any or all Bidders, if deemed to be within the best interests of the County.

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RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES**RFB-OC084-24****BASIS OF AWARD**

1. The County will award a firm fixed-price contract to the lowest responsive and responsible Bidder.
2. The County reserves the right to: waive any informality or reject any or all Bids with or without advertising for new Bids, if in the best interest of the County.
3. In the event of a two-way tie, Bidders will be notified of a coin toss to be held in the office of the Commissioner of General Services, 255-275 Main St., Goshen, New York, 10924, the date and time to be determined as needed. The first alpha-order Bidder, based on first letter of business entity name, will be asked to call the coin. In the event of a multiple tie, names of tied Bidders will be placed in a hat by the Commissioner of General Services. First alpha-order Bidder, based on first letter of business entity name, will draw the name. In the event there are no attendees for the coin toss or the draw, the coin toss or the draw will be conducted by the Commissioner of General Services and two (2) representatives of the County.

ANTICIPATED RFB TIMELINE

All dates except for the Bids Due date are approximate and subject to change, unless otherwise noted. Any change in the Bids Due date will be made by an Addendum to the RFB issued by the County.

Publication of RFB	5/22/24
Questions Due	5/31/24
Bids Due	6/13/24
Contract Award	by 7/1/2024

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RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES**RFB-OC084-24****BID FORM (Page 1 of 3)**

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

NAME, TITLE, TELEPHONE, FAX & EMAIL OF CONTACT PERSON: _____

Does this business have a minority, women's, disadvantaged, or small business certification? Yes No

If yes, please list the designation(s) and certifying entity(ies): _____

IMPORTANT – PLEASE READ BEFORE COMPLETING THIS BID FORM:

There are definitions of Fixed Costs, Variable Costs, and Revenue Hours and a note on consideration of Farebox Receipts in item “3. Definitions/Pricing Considerations”, under the PRICING section of the SPECIFICATIONS of this RFB. The act of submitting a completed Bid Form means you have taken those definitions and considerations into account in your bid pricing.

(Bid Form continued next page)

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RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES**RFB-OC084-24****BID FORM (Page 2 of 3)****Initial Term: July 1, 2024 through June 30, 2025**

Item	Description	Unit of Measure	Estimated Quantity	Unit Price	Extended Price
1	Fixed Costs, base estimated quantity – Contracted Fixed Route Transit Service	Month(s)	12	\$	\$
2	Variable Costs, base estimated quantity – Contracted Fixed Route Transit Service	Revenue Hour(s)	6,650	\$	\$
3	Total Price – Initial Term				\$

Potential Renewal Term #1: July 1, 2025 through June 30, 2026

Item	Description	Unit of Measure	Estimated Quantity	Unit Price	Extended Price
1	Fixed Costs, base estimated quantity – Contracted Fixed Route Transit Service	Month(s)	12	\$	\$
2	Variable Costs, base estimated quantity – Contracted Fixed Route Transit Service	Revenue Hour(s)	6,650	\$	\$
3	Total Price – Potential Renewal Term #1				\$

Potential Renewal Term #2: July 1, 2026 through June 30, 2027

Item	Description	Unit of Measure	Estimated Quantity	Unit Price	Extended Price
1	Fixed Costs, base estimated quantity – Contracted Fixed Route Transit Service	Month(s)	12	\$	\$
2	Variable Costs, base estimated quantity – Contracted Fixed Route Transit Service	Revenue Hour(s)	6,650	\$	\$
3	Total Price – Potential Renewal Term #2				\$

(Bid Form continued next page)

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RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES**RFB-OC084-24****BID FORM (Page 3 of 3)**

The undersigned proposes to furnish and deliver **RFB-OC084-24 MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES** and its responding Bid to the County of Orange, at the prices stated within the Bid submitted.

The individual submitting this Bid on behalf of the business entity noted above, certifies by their signature below that:

- they understand and have complied with the requirements of State Finance Law Sections 139-j and 139-k and will continue to do so throughout the Restricted Period;
- they have read and understood the full Request for Bid cited above; and
- they are duly authorized to submit the Bid on behalf of the business entity noted above.

Additionally, by submission of this RFB, the person signing on behalf of the business entity noted above certifies, and in the case of a joint quote each party thereto certifies as to its own organization, under penalty of perjury, that the business entity submitting this quote 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 201-g of the New York State Labor Law.

By: _____
(Signature)

Date: _____

NAME

Federal ID Number

TITLE

DUNS Number, if applicable

ADDENDA CONFIRMATION (Bidders should only complete this section if any addenda were issued for this RFB.)

Addendum # ____ - Received _____, 20__ Initialed by person signing above _____

Addendum # ____ - Received _____, 20__ Initialed by person signing above _____

Addendum # ____ - Received _____, 20__ Initialed by person signing above _____



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QUESTIONS

ALL QUESTIONS REGARDING THIS RFB MUST BE either faxed to the Department of General Services on this form at (845) 378-2365, or emailed to GeneralServices@orangecountygov.com with the subject line "RFB-OC084-24 Questions" by the time and date specified in the Instructions to Offerors. **Questions will be answered in an Addendum/Addenda to be shared with all interested Offerors. Questions will not be responded to individually.**

Business Name _____

Business Email: _____

Telephone: _____ Fax: _____ Date: _____

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RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES**RFB-OC084-24****NON-COLLUSION CERTIFICATION**

- (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 knowledge and belief:
- (1) 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.
 - (2) Unless otherwise required by law, the prices which 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
 - (3) No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a Bid for the purpose of restricting competition."
- (b) A Bid shall not be considered for award nor shall any award be made where the provisions of (a)(1)(2) and (3) 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 therefore. Where (a)(1)(2) and (3) above have not been complied with, the Bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the Bid is made, or his designee, determines that such disclosure was not made for the purpose 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 proposed, does not constitute, without more, a disclosure within the meaning of subparagraph (a)(1)-(3) of this certification.

Any Bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a Bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such Bid contains the certification referred to in subparagraph (a)(1)-(3) of this certification, shall be deemed to have been authorized by the board of directors of the Bidder, or other authorizing body or vote of the bidder's business entity if other than a corporation, and such authorization shall be deemed to include the signing and submission of the Bid and the this Non-Collusion Certification as the act and deed of the corporation or other business entity submitting the Bid.

DATE_____
SIGNATURE_____
NAME_____
TITLE_____
BUSINESS NAME

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INSTRUCTIONS FOR COMPLETING THE DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS

Background:

New York State Finance Law §139-k(2) obligates a Governmental Entity to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance with State Finance Law §139-k, an Offeror must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. The terms “Offerer” and “Governmental Entity” are defined in State Finance Law § 139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offeror fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offeror that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offeror is necessary to protect public property or public health safety, and that the Offeror is the only source capable of supplying the required Article of Procurement within the necessary timeframe.

Instructions:

The County of Orange includes this disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of Proposals or Bid documents or specifications or contract documents, as applicable, for procurement contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract, Supplement or Change Order. It shall be submitted with your Bid or Proposal to the County agency conducting the Governmental Procurement.

This following disclosure form must accompany each Bid Form, Letter of Interest, or Proposal submitted by all Offerors.

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RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES**RFB-OC084-24****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:

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? (Please circle): 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 §139-j (Please circle):
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? (Please circle): No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below and attach additional pages as necessary.

Governmental Entity:

Date of Finding of Non-Responsibility:

Basis of Finding of Non-Responsibility:

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? (Please circle): No Yes

6. If yes, please provide details below and attach additional pages as necessary.

Governmental Entity:

Date of Termination or Withholding of Contract:

Basis of Termination or Withholding:

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By:

Signature

Date:

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RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES**RFB-OC084-24****IRAN DIVESTMENT ACT CERTIFICATION**

The Iran Divestment Act of 2012 ("Act"), Chapter 1 of the 2012 Laws of New York, added State Finance Law (SFL), §165-a and General Municipal Law §103-g, effective April 12, 2012. Under the Act, the Commissioner of the New York State Office of General Services ("OGS") developed a list ("Prohibited Entities List") of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). In accordance with SFL § 165-a(3), the Prohibited Entities List may be found on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>.

Pursuant to General Municipal Law §103-g, by signing below, Bidder certifies as true under the penalties of perjury that: 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 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 State Finance Law.

A proposal shall not be considered for award nor shall any award be made where the certification has not been made, provided, however, that if in any case the Bidder cannot make the certification, the Bidder shall so state and shall furnish with the proposal a signed statement which sets forth in detail the reasons therefor. The County may award a contract to a Bidder who cannot make the required certification on a case-by-case basis if:

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 person 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 County makes a determination that the goods and services are necessary for the County 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.

During the term of the Contract, should the County receive information that a person is in violation of the above-referenced certifications, the County will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the contractor in default.

The County reserves the right to reject any Bid, Proposal, contract or request for assignment for an entity that appears on the Prohibited Entities List prior to the award or execution of a contract or any renewal thereof, as applicable, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities List after contract award.

DATE_____
SIGNATURE_____
BUSINESS NAME_____
NAME_____
TITLE

**ORANGE COUNTY, NEW YORK**

Department of General Services
PO Box 218, 255-275 Main St.
Goshen, New York 10924

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RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES**RFB-OC084-24****INFORMATION SHEET**

The questions asked on this Information Sheet are voluntary. It is not necessary to complete this Information Sheet. Filling out this sheet does not change your chances of a contract award in any respect. By completing this form, you will be helping the County track trends that we believe to be of importance. The information collected will NOT be used to compile mailing lists and will not be used to contact you. It will also not be sold. The information collected may be used to generate reports showing historical data with regard to the County's purchasing process.

Business Name _____

Address _____

In what county are the primary operations of this business conducted? _____

Business type (Sole Proprietorship, Corporation, LLC, etc.) _____

Does this business have a minority, women's, disadvantaged or small business status? Yes No

If yes, please list the designation and the certifying entity (ties) _____

How many individuals does this business employ? _____

Have you conducted business with the County before? Yes No

How did you discover this Bid opportunity? _____

Do you use the Empire State Municipal Purchasing Group Website (BidNet)? Yes No

If Yes, do you find it useful (explain) or if No, why? _____

Please list any other comments or suggestions pertaining to doing business with Orange County.

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RFB TITLE: MIDDLETOWN AREA FIXED-ROUTE TRANSIT SERVICES**RFB-OC084-24****NON-BIDDER'S RESPONSE**

BUSINESS NAME:

For the purpose of facilitating your firm's response to our Request for Bids, the County of Orange is interested in ascertaining reasons for prospective Bidders' failure to respond to Requests for Bids. If your firm is not responding to this RFB, please indicate the reason(s) by checking any appropriate item(s) below and faxing it to the Department of General Services at (845) 378-2365 or mailing it to the above address.

We are **not** responding to this RFB for the following reason(s):

- ☐ We do not offer this product or service.
- ☐ We are unable to meet specifications.
- ☐ Specifications are not clearly understood or applicable (please note in "Other reason(s) below if too vague, too rigid, etc.)
- ☐ We are unable to meet your bond requirements.
- ☐ Insufficient time allowed for preparation of Bid.
- ☐ Incorrect address used, or our branch/division does not handle this type of Bid. Correct name and mailing address is:

- ☐ Other reason(s): _____
