

Notice to All Bidders:

The New York State Office of Temporary and Disability Assistance (OTDA) encourages all qualified Bidders to submit a proposal in response to the OTDA Printing IFB. Please note that it is crucial to the evaluation of proposals that Bidders include all required responses as requested for each component of the proposal submission which includes the Pass/Fail Screening and Bid Form Ranking.

As indicated in Section 1.1 of the OTDA Printing IFB, Bids must include all forms contained in Appendixes B, D and Z. Four of the forms are required as a result of OTDA's implementation of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 ("MWBE Regulations") for all State contracts as defined therein. This procurement is subject to NYS Executive Law Article 15-A and the implementing regulations and Minority and Woman Owned Business Enterprise (MWBE) participation goals have been established at 10% each for Minority and for Woman owned enterprises participation, for a total MWBE participation rate of 20%.

Please take note of Appendix Z which states:

"3. When M/WBE goals higher than 0% (zero percent) are included in OTDA's procurement document, a Contractor's failure to submit a M/WBE Subcontractor Utilization Plan and a M/WBE Subcontractor's and/or Suppliers' Letter of Intent to Participate, where applicable, may result in noncompliance with submission requirements, unless the Contractor provides OTDA with a completed M/WBE Subcontractor Request for Waiver, within the timeframe specified in writing by OTDA."

Furthermore, NYS Executive Law section 313 (5) (a) states that a contracting agency, such as OTDA, "shall not allow any automatic waivers but shall allow a contractor to apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to subdivisions six and seven of this section".

Approval or disapproval of a Request for Waiver by OTDA will be based on the Bidder's ability to meet the pre-established criteria found on the MWBE Subcontractor Request for Waiver Form as authorized by NYS Executive Law Section 313(7). A determination as to whether a waiver request is granted will be made after the contract has been tentatively awarded. To date, no waiver requests have been granted by OTDA. If the waiver request is denied, then the Bidder is notified that the proposal is noncompliant with the IFB MWBE goals. If the Bidder is unable to remedy the deficiency within seven business days, then OTDA will select a different Bidder for the contract award.

Please be aware that in addition to suppliers and direct subcontractors on State contracts, contractors may also utilize a number of NYS Certified MWBEs in support of their overall operations to satisfy the goals established on this contract. The following are examples of indirect services which Bidders may want to consider for compliance with OTDA's M/WBE subcontracting participation requirements: Accounting Services, Advertising, Building Maintenance, Car Rental, Cleaning Supplies, Copying, Electrical Services, Furniture, Heating and Cooling, Janitorial Services, Office Supplies, Pest Control, Printing Services, Publishing, Rubbish Removal, Security, Shredding Services, Tax Preparation, Technical Writing, Training, Travel Services, etc.

- Bidders should reference the directory of New York State Certified MWBEs which is located at <http://www.esd.ny.gov/MWBE/directorySearch.html>.
- Further information regarding Article 15-A of the New York State Executive Law and the New York State Minority and Women's Business Enterprise Program is available on the DMWBD Internet site at <http://www.esd.ny.gov/MWBE.html>.

If a Bidder decides to submit a Request for Waiver with their proposal, the form is located at <http://otda.ny.gov/contracts/mwbe/forms/OTDA-4969>.

Thank you for your interest in this procurement.