



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

REQUEST FOR PROPOSALS

TITLE: LEGAL PUBLISHING AND INFORMATION SERVICES
PIN: 02515X100007
E-PIN: 02515P0001

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AUTHORIZED AGENCY CONTACT PERSON

Proposers are advised that the Authorized Agency Contact Person for all matters concerning this Request for Proposals is:

Name: Esther S. Tak
Title: Assistant Corporation Counsel
Mailing Address: New York City Law Department
100 Church Street
New York, New York 10007
Telephone #: 212-356-1122
Fax #: 212-356-4066
E-Mail Address: etak@law.nyc.gov

SECTION I -- TIMETABLE

- A. **Release Date of this Request for Proposals (RFP):** March 5, 2015
- B. **Law Department Contact Person:**

Proposers are advised that the Agency's authorized contact person for ALL matters pertaining to this Request for Proposals is:

Esther S. Tak
Assistant Corporation Counsel
New York City Law Department
100 Church Street
New York, New York 10007
Telephone: 212-356-1122
Fax: 212-356-4066
E-Mail: etak@law.nyc.gov

- C. **Proposal Due Date, Time and Location:**

Due Date for Proposals: June 1, 2015

Time: No later than 5:00 PM.

Location: Proposals shall be submitted at or addressed to:

Messenger Center (located at street level in the middle of the block on the Park Place side of 100 Church Street),
New York City Law Department
100 Church Street, New York, New York 10007
(ATTENTION: Esther S. Tak, Assistant Corporation Counsel).

Proposals received at this location after the Proposal Due Date and Time are late and shall not be accepted by the City, except as provided under the City of New York Procurement Policy Board Rules (the "PPB Rules").

The City will consider requests made to the Authorized Law Department Contact Person to extend Proposal Due Date and Time prescribed above. However, unless the Law Department issues a written addendum to this RFP, which extends the Proposal Due Date and Time for all proposers, the Proposal Due Date and Time prescribed above shall remain in effect.

D. Anticipated Contract Start Date: August 1, 2015

SECTION II -- SUMMARY OF THE REQUEST FOR PROPOSALS

A. Purpose of the RFP

The New York City Law Department (the "Department") is seeking a qualified vendor to provide legal publishing and information services. This project has two components: (1) the publication of the Rules of the City of New York ("RCNY") in accordance with Section 1045(a) of the Charter, a copy of which is attached to this RFP as Exhibit C, and (2) the creation and maintenance of an electronic database, accessible at no cost to the public via the Internet, of the text of the New York City Charter (the "Charter"), the New York City Administrative Code (the "Code") and the RCNY (the "Database"). The Database shall be searchable, in a machine-readable format, or in formats that are capable of being downloaded in bulk, and which are chosen for the purpose of making the Database available to the greatest number of users. The contractor shall maintain the Database and update it monthly with current enactments and amendments, and for the Code shall obtain certification, issued pursuant to Section 70-b of the New York State Public Officers Law, that the text of the Code being maintained on the website is accurate and current. A copy of Section 70-b of the New York State Public Officer's Law is attached as Exhibit D. Vendors may submit a proposal on their own behalf or in conjunction with a joint venture partner or partners.

B. Anticipated Contract Term

It is anticipated that the term of the contract awarded through this RFP will be five (5) years from the date of award.

C. Anticipated Payment Structure

The Department will consider proposals to structure payments in any manner a proposer thinks is appropriate and the Department reserves the right to select any payment structure that is in the City's best interest.

SECTION III -- SCOPE OF SERVICES

A. Department Goals and Objectives

The goals and objectives to be met are (1) the publication of the Rules of the City of New York ("RCNY") in accordance with Section 1045(a) of the Charter and (2) the creation and maintenance of an electronic database, accessible at no cost to the public via the Internet, of the text of the New York City Charter (the "Charter"), the New York City Administrative Code (the "Code") and the RCNY (the "Database"). The Database shall be searchable, in a machine-readable format, or in formats that are capable of being downloaded in bulk, and which are chosen for the purpose of making the Database available to the greatest number of users. The contractor shall maintain the Database and update it monthly with current enactments and amendments, and for the Code shall obtain certification, issued pursuant to Section 70-b of the New York State Public Officers Law, that the text of the Code being maintained on the website is accurate and current. The City will provide the successful proposer, at no cost, a copy of the Database, which will be essentially current as of the time it is transferred to the successful proposer.

B. Department Assumptions Regarding Technical Approach

The Department's assumptions regarding the technical approach to be taken by the contractor that will best achieve the goals set out above are the following:

1. The City anticipates that the contractor would have 3 or more years of significant successful experience and expertise in traditional legal publishing and in the creation and maintenance of websites as complex and as large as that envisioned by the City.
2. The contractor would publish and supplement the RCNY in conformity with Section 1045(a) of the Charter.
3. The contractor would publish supplementation of the Database containing the Charter, Code and RCNY on a monthly basis.
4. The contractor would issue the first monthly supplementation of the Database as soon as reasonably practicable following the commencement date of the contract.
5. The contractor would obtain certification of the Code, issued pursuant to Section 70-b of the New York State Public Officers Law, that the text of the Code being maintained on the website is accurate and current.
6. The contractor, in order to produce the initial publication of the Database, would perform all of the tasks typically associated with the publication of compilations and codifications of comparable complexity, including but not limited to, editorial review, updating the prior version to reflect all changes in agency rules that have gone through the City's formal rule-making process in the period of time from the issuance of the last supplement by the current contractor through the contractor's publication of its first monthly supplement, conversion of the electronic version of the compilation to the electronic

format utilized by the successful proposer, proofreading and development of ancillary data.

7. Subsequent supplementation or reissuance of the compilation would require all or some of the typical editorial and publication tasks, with the exclusion of the initial conversion of the version current at the time of contract award.
8. The contractor would, upon request by a member or members of the public, prepare the requested number of hard copies of the entire RCNY compilation and/or portions thereof, as well as for the monthly supplementation thereof. The price for such hard copies, which would be subject to the approval of the City, would be fair and reasonable and would reflect, among other things, contractor's costs plus a reasonable return.
9. The contractor would update the Database monthly, each update reflecting all additions and amendments to the Charter, Code and RCNY.
10. Upon award of the contract, the contractor would receive a copy of the Database from the City at no cost.
11. The contractor would create and maintain a website containing electronic versions of the RCNY, the Charter and the Code that would enable no-cost public access to the foregoing via the internet. It is assumed that the website containing these electronic compilations would be accessible by means of an authorized link from the City's website. (See "Website Requirements and Preferences," attached as Exhibit E.)
12. The website created and maintained by the contractor would allow members of the general public to execute searches of selected text at no cost and with relative ease. The text on the Internet would be the plain and full text of the RCNY, Charter and Code without historical notes or annotations. The Database would be searchable, in a machine-readable format, or in formats that are capable of being downloaded in bulk, and which are chosen for the purpose of making the Database available to the greatest number of users.
13. At its own discretion, the contractor could derive revenue from the sale and supplementation of printed copies of the RCNY. That revenue could offset in part or in total the contractor's costs associated creating and maintaining the website and Database. The contractor would be able to charge an agreed upon price to members of the public for the entire RCNY compilation and/or individual volumes, as well as for the periodic supplementation thereof. The price, which would be subject to the approval of the City, would be fair and reasonable and reflect, among other things, contractor's costs plus a reasonable return
14. The Department would provide to the successful proposer a list of subscribers to the RCNY.
15. The vendor awarded this contract will be fully familiar with the latest technological developments available for creating, updating and maintaining the Database and for

satisfying the requirement that the Database be made available at no charge to members of the public, and the awardee will advise the Department concerning any technological development(s) it believes may be advantageous to the City in satisfying those goals in the most expeditious, efficient and cost-effective manner.

C. Compliance with Local Law 34 of 2007

Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City established a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. For the purposes of the database, proposers are required to complete the attached Doing Business Data Form (Exhibit H) and return it with this proposal, and should do so in a separate envelope. (If the proposer is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form.) If the City determines that a proposer has failed to submit a Data Form or has submitted a Data Form that is not complete, the proposer will be notified by the Agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the Agency. Failure to do so will result in a determination that the proposal is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the proposer has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

D. Whistleblower Protection Expansion Act Rider

Local Law Nos. 30 and 33 of 2012, codified at sections 6-132 and 12-113 of the New York City Administrative Code, the Whistleblower Protection Expansion Act, protect employees of certain City contractors from adverse personnel action based on whistleblower activity relating to a City contract and require contractors to post a notice informing employees of their rights. Please read Exhibit F, the Whistleblower Protection Expansion Act Rider, carefully.

E. Compliance with the Iran Divestment Act

Pursuant to State Finance Law Section 165-a and General Municipal Law Section 103-g, the City is prohibited from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Each proposer is required to complete the attached Bidders Certification of Compliance with the Iran Divestment Act (Exhibit G), certifying that it is not on a list of entities engaged in investments activities in Iran created by the Commissioner of the NYS Office of General Services. If a proposer appears on that list, the Agency/Department will be able to award a contract to such proposer only in situations where the proposer is taking steps to cease its investments in Iran or where the proposer is a necessary sole source. Please refer to Attachment for information on the Iran Divestment Act required for this solicitation and instructions on how to complete the required form and to <http://www.ogs.ny.gov/About/reggs/ida.asp> for additional information concerning the list of entities.

F. Participation by Minority-Owned and Women-Owned Business Enterprises in City Procurement

If the contract resulting from this Request for Proposals will be subject to M/WBE participation requirements under Section 6-129 of the Administrative Code of the City of New York, as indicated by the inclusion of Schedule B – M/WBE Utilization Plan (Exhibit I) and the Participation Goals indicated in Part I thereof, proposers must complete the Schedule B – M/WBE Utilization Plan and submit it with their proposal. Please refer to the Schedule B – M/WBE Utilization Plan and the Notice to All Prospective Contractors (Exhibit I) for information on the M/WBE requirements established for this solicitation and instructions on how to complete the required forms. If the proposer intends to seek a full or partial waiver of the Participation Goals on the grounds described in Section 10 of the Notice to All Prospective Contractors, including but not limited to, proposer's intention to use its own forces to perform any or all of the required contract work would result in a failure to attain the Participation Goals, the proposer must request and obtain from the Agency a full or partial waiver of the Participation Goals (M/WBE Utilization Plan, Part III) in advance of proposal submission and submit the waiver determination with the proposal. Please note that if a partial waiver is obtained, the proposer is required to submit a completed Schedule B-M/WBE Utilization Plan based on the revised Participation Goals in order to be found responsive.

SECTION IV -- FORMAT AND CONTENT OF THE PROPOSAL

Instructions: Proposers should provide all information required in the format below. The proposal should be typed on both sides of 8 ½" x 11" paper. The City requests that all proposals be submitted on paper with no less than 30% postconsumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>). Pages should be paginated. The proposal will be evaluated on the basis of its content, not length. In addition, proposers should submit a CD-ROM containing an electronic copy of all hardcopy documents submitted in response to this RFP. Failure to comply with any of these instructions will not make the proposal non-responsive.

A.

Proposal Format (Instructions for the submission of the Proposal)

1. Proposal Cover Letter

The Proposal Cover Letter form (Exhibit A) transmits the proposer's Proposal Package to the Agency. It should be completed, signed and dated by an authorized representative of the proposer.

2. Technical Proposal: The Technical Proposal should address the following:

- (a) **Experience:** (1) Demonstrate the proposer's relevant successful prior experience in the traditional legal publication of compilations such as the RCNY and the creation and maintenance of websites containing compilations such as those described herein (i.e., , the Charter, Code and RCNY). (2) Attach reference contact information for up to three major municipal or other governmental entities to which the proposing organization has provided or currently provides the types of services described in this RFP. The references should include the entities with respect to which the proposing organization has had relevant successful prior experience as described above. For each such reference account provide the contact person's name, title, and telephone number.
- (b) **Capability:** (1) Describe the organizational resources (personnel and other) that the proposer will deploy if awarded the contract. (2) Identify all key personnel by name and title and attach a resume for each. (3) Indicate the percentage of each such key person's time that will be devoted to the subject project. (4) Describe the other resources (e.g., printing, publication and/or website creation and maintenance resources) that would be utilized to accomplish the project. (5) Please include a copy of the proposer's latest audit report or certified financial statements or a statement as to why no such reports or statement are available.

(c) **Approach:** Describe in detail how the proposer will provide the work described in Section III of this RFP and demonstrate that the proposer's proposed approach will fulfill the Agency's goals and objectives. In so doing, address specifically how the proposer will accomplish the following:

- 1) the creation, implementation, maintenance and supplementation of the Database and website;
- 2) the first supplementation of the Database by the first reasonably practicable date following commencement of the contract;
- 3) the proposing organization's proposed pricing **to the public** for hard copies of the entire RCNY compilation and/or portions thereof, as well as for the monthly supplementation thereof. *(NOTE: Do not include in the Technical proposal any pricing information in terms of costs to the City (if any) for creating and maintaining the website that will contain the RCNY, Code and Charter. Prices for the Database, if any, shall be disclosed only in the Price Proposal.)*
- 4) In addition to the above information, a firm may provide in its Technical Proposal any further information it wishes the City to consider in determining award of the proposed contract. If the submission contains any information the firm regards as confidential, please specifically identify the confidential material, provide an explanation of why non-disclosure is requested, and ensure that the material deemed confidential is easily separable from the balance of the submission. Proposers may submit, for the Department's general information only, draft contract documents and/or draft terms and conditions for contracts for the types of services envisioned by this RFP. This material, if submitted, shall not contain any reference to the price or prices, if any, at which such services would be provided to the City. This material, if submitted shall be used for informational purposes only and shall not be considered as part of the evaluation process.

3. **Price Proposal:** Proposers are encouraged to propose innovative payment structures. The City reserves the right to elect any payment structure that is in the City's best interest.

The City assumes that the successful proposer may derive revenue from the sale of printed copies of the RCNY compilation and its monthly supplementation. That revenue would offset at least in part the contractor's costs associated with the creation, implementation, maintenance and supplementation of the Database and website. Based on that assumption, provide a full and complete price proposal to the City for all services described in this RFP, including pricing, if

any, for updating the Database on a monthly basis. Present the price proposal in terms of one of the general payment structures described below. Greater preference will be given to proposals that offer to provide all of the indicated services at the lowest cost or greatest gain to the City.

- (1) **Contractor would pay no fee to the City and the City would pay no fee to the Contractor** for the creation and maintenance of the Database and website enabling no-cost public access to the, Charter, Code and RCNY; or
 - (2) **Fees would be paid by the City to the Contractor**, taking into account, however, the revenue that may accrue to the contractor from the sales of printed copies of the RCNY. Such costs to the City would include those entailed by the proposing organization for the creation and maintenance of the Database and website enabling no-cost public access to the Charter, Code and RCNY.
4. **Acknowledgment of Addenda:** The Acknowledgment of Addenda form (Exhibit B) is the proposer's acknowledgment of receipt of addenda to this RFP which may have been issued by the Department prior to the Proposal Due Date and Time. The proposer should complete this form as instructed on the form.
5. **Other Information:** At its option, the proposer may submit, as part of its Technical Proposal, additional information as described in Section IV, paragraph A. 5, above. Such material, if submitted, shall not contain any reference to the price or prices, if any, at which such services would be provided to the City.

B. Proposal Package Contents ("Checklist")

The Proposal Package should contain the following materials. Proposers should utilize this section as a "checklist" to assure completeness prior to submitting their proposal to the City.

1. A sealed inner envelope labeled "Technical Proposal," containing one original set and the stated number (the number in parentheses) of duplicate sets of the documents listed below in the following order:
 - Proposal Cover Letter (Exhibit A)(1 original, 4 copies)
 - Technical Proposal (1 original, 4 copies)
 - Narrative
 - References
 - Resumes
 - Any other documents the proposer wants the Department to consider
 - Acknowledgement of Addenda Form (Exhibit B)(1 original)
 - Bidder's Certification of Compliance with the Iran Divestment Act (Exhibit G)(1 original)

2. Any other documents the proposer may wish the City to consider as part of its Technical Proposal (See paragraph A. 5, above).
3. A separate sealed inner envelope labeled “Doing Business Data Form” (Exhibit H) containing 1 original.
4. A separate sealed inner envelope labeled “Price Proposal” containing one original set and (4) copies of the Price Proposal.
5. A sealed outer envelope, enclosing the two sealed inner envelopes. The sealed outer envelope should have two labels containing:
 - The proposer’s name and address, the Title and PIN of this RFP and the name and telephone number of the Proposer’s Contact Person
 - The name, title and address of the Authorized Law Department Contact Person.

SECTION V -- PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES

A. Evaluation Procedures

All proposals accepted by the City will be reviewed to determine whether they are responsive or non-responsive to the requisites of this RFP. Proposals which are determined by the City to be non-responsive will be disqualified. The Evaluation Committee will evaluate and rate all remaining proposals based on the Evaluation Criteria prescribed below. Although discussions may be conducted with proposers submitting acceptable proposals, the agency reserves the right to award contracts on the basis of initial proposals received, without discussions; therefore, the proposer's initial proposal should contain its best programmatic and price terms. Proposers may be invited to make oral presentations or to be interviewed by the Evaluation Committee. Proposals may be re-evaluated in relevant part subsequent to any such oral presentation or interview.

B. Evaluation Criteria

| | |
|--|-----|
| Demonstrated quantity and quality of successful relevant experience..... | 40% |
| Demonstrated level of organizational capability..... | 20% |
| Quality of proposed program approach..... | 40% |

C. Basis for Contract Award

A contract will be awarded to the responsible proposer whose proposal is determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria, which are set forth in this RFP. The Department will compare the prices being offered by the proposer(s) being considered for award of the proposed contract to the prices normally paid by the Department for the same or similar services to determine whether the prices being offered are fair and reasonable and well within the range of prices normally paid by the Department for the same or similar services. Contract award shall be subject to the timely completion of contract negotiations between the City and the selected proposer.

SECTION VI - GENERAL INFORMATION TO PROPOSERS

A. **Complaints.** The New York City Comptroller is charged with the audit of contracts in New York City. Any proposer who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 1005, New York, NY 10007; contract@comptroller.nyc.gov, or at (212) 669-2323. In addition, the New York City Department of Investigation should be informed of such complaints at its Investigations Division, 80 Maiden Lane, New York, NY 10038; the telephone number is (212) 825-5959.

B. **Applicable Laws.** This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable provisions of New York State Law, the New York City Administrative Code, New York City Charter and New York City Procurement Policy Board (PPB) Rules. A copy of the PPB Rules may be obtained by contacting the PPB at (212) 788-0010 or at: <http://www.nyc.gov/html/mocs/ppb/html/home/home.shtml>.

C. **General Contract Provisions.** Contracts shall be subject to New York City's general contract provisions, in substantially the form that they appear in "Appendix A—General Provisions Governing Contracts for Consultants, Professional and Technical Services" or, if the Agency utilizes other than the formal Appendix A, in substantially the form that they appear in the Agency's general contract provisions. A copy of the applicable document is available through the Authorized Agency Contact Person.

D. **Contract Award.** Contract award is subject to each of the following applicable conditions and any others that may apply: New York City Fair Share Criteria; New York City MacBride Principles Law; submission by the proposer of the requisite New York City Department of Business Services/Division of Labor Services Employment Report and certification by that office; submission by the proposer of the requisite VENDEX Questionnaires/Affidavits of No Change and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity; and Section 6-108.1 of the New York City Administrative Code relating to the Local Based Enterprises program and its implementation rules.

E. **Proposer Appeal Rights.** Pursuant to New York City's Procurement Policy Board Rules, proposers have the right to appeal Agency non-responsiveness determinations and Agency non-responsibility determinations and to protest an Agency's determination regarding the solicitation or award of a contract.

F. **Multi-Year Contracts.** Multi-year contracts are subject to modification or cancellation if adequate funds are not appropriated to the Agency to support continuation of performance in any City fiscal year succeeding the first fiscal year and/or if the contractor's performance is not satisfactory. The Agency will notify the contractor as soon as is practicable that the funds are, or are not, available for the continuation of the multi-year contract for each succeeding City fiscal year. In the event of cancellation, the contractor will be reimbursed for those costs, if any, which are so provided for in the contract.

G. **Prompt Payment Policy.** Pursuant to the New York City's Procurement Policy Board Rules, it is the policy of the City to process contract payments efficiently and expeditiously.

H. **Prices Irrevocable.** Prices proposed by the proposer shall be irrevocable until contract award, unless the proposal is withdrawn. Proposals may only be withdrawn by submitting a written request to the Agency prior to contract award but after the expiration of 90 days after the opening of proposals. This shall not limit the discretion of the Agency to request proposers to revise proposed prices through the submission of best and final offers and/or the conduct of negotiations.

I. **Confidential, Proprietary Information or Trade Secrets.** Proposers should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification of why such materials, upon request, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the proposal. All information not so identified may be disclosed by the City.

J. **RFP Postponement/Cancellation.** The Agency reserves the right to postpone or cancel this RFP, in whole or in part, and to reject all proposals.

K. **Proposer Costs.** Proposers will not be reimbursed for any costs incurred to prepare proposals.

L. **Vendex Fees.** Pursuant to PPB Rule 2-08(f)(2), the contractor will be charged a fee for the administration of the Vendex system, including the Vendor Name Check Process, if a Vendor Name Check review is required to be conducted by the Department of Investigation. The contractor shall also be required to pay the applicable fees for any of its subcontractors for which Vendor Name Check reviews are required. The fee(s) will be deducted from payments made to the contractor under the contract. For contracts with an estimated value of less than or equal to \$1,000,000, the fee will be \$175. For contracts with an estimated value of greater than \$1,000,000, the fee will be \$350. The estimated value for each contract resulting from this RFP is estimated to be (less than or equal to \$1million) (above \$1million).

Message from the New York City Vendor Enrollment Center
Get on mailing lists for New York City contract opportunities!
Submit a NYC-FMS Vendor Application - Call 212/857-1680

EXHIBIT A

PROPOSAL COVER LETTER

RFP TITLE: LEGAL PUBLISHING AND INFORMATION SERVICES

PIN: 02515X100007; E-PIN: 02515P0001

Proposer:

Name: _____

Address: _____

Tax Identification #: _____

Proposer's Contact Person:

Name: _____

Title: _____

Telephone #: _____

Proposer's Authorized Representative:

Name: _____

Title: _____

Signature: _____

Date: _____

EXHIBIT B

ACKNOWLEDGMENT OF ADDENDA

| | |
|---|--|
| RFP TITLE: Legal Publishing and Information Services | PIN: 02515X100007; E-PIN: 02515P0001 |
| DIRECTIONS: Complete Part I or Part II, whichever is applicable, and return this page with the proposal submitted in response to the above-referenced RFP. | |
| PART I: Listed below are the dates of issue for each Addendum received in connection with the above-referenced RFP: Addendum # 1, Dated _____, 2015 Addendum # 2, Dated _____, 2015 Addendum # 3, Dated _____, 2015 Addendum # 4, Dated _____, 2015 Addendum # 5, Dated _____, 2015 Addendum # 6, Dated _____, 2015 Addendum # 7, Dated _____, 2015 Addendum # 8, Dated _____, 2015 Addendum # 9, Dated _____, 2015 Addendum # 10, Dated _____, 2015 | |
| PART II: _____ No Addendum was received in connection with the above-referenced RFP. | |
| Proposing Organization Name: _____ | |
| Printed Name of Signatory: _____ | |
| Authorized Signature: _____ | |
| Date: _____ | |

EXHIBIT C

Section 1045 of the Charter of New York City Charter

§ 1045 Compilation of city rules.

a. The corporation counsel shall publish a Compilation of city rules and thereafter keep such Compilation up to date through supplements issued at least every six months and at such other times as the corporation counsel shall determine. The Compilation and its supplements shall be certified by the corporation counsel and shall include every rule currently in effect. The Compilation and its supplements may contain such other information as the corporation counsel deems necessary and appropriate for full understanding of any rule or which the corporation counsel in his or her discretion determines may be of interest or assistance to the public. The Compilation and its supplements shall be organized by agency and indexed by subject matter. An indexed edition of the Compilation shall be published by the first day of July, nineteen hundred and ninety-one, which date shall be deemed the publication date of the Compilation, and shall be updated and republished by the first day of March every fourth calendar year.

b. The rules contained within the Compilation and its supplements shall be certified by the corporation counsel and shall be the rules of the city unless added to, amended, or repealed in accordance with section ten hundred forty-three of the charter. Materials included in the Compilation may be edited, rearranged and updated for clarity, accuracy and reorganization without change in substance. Section numbers, stylistic and organizational formats and other non-substantive revisions to the rules effected by the law department pursuant to this subdivision shall become effective on the publication date of the Compilation and upon the publication of each supplement.

EXHIBIT D

New York State Public Officers Law Section 70-b

70-b. Certificate on printed copies of laws

1. A published or printed copy of a law shall be entitled to be read into evidence if it is:

(a) Contained in a book or pamphlet published under the direction of the temporary president of the senate and speaker of the assembly pursuant to the provisions of section forty-four of the legislative law; or

(b) Certified to be a slip copy of a session law printed under the direction of the temporary president of the senate or speaker of the assembly; or

(c) Contained in a book or pamphlet, or supplement thereto, and certified by the temporary president of the senate and speaker of the assembly to be a correct transcript of the text of such law as last amended; or

(d) Certified as a correct transcript of the text of such law by the secretary of state.

2. **A published or printed copy of the administrative code of the city of New York shall be entitled to be read into evidence if it is contained in a book or pamphlet, or supplement thereto and certified by the temporary president of the senate and the speaker of the assembly to be a correct transcript of the text of such code as last amended; provided, however, that whenever the provisions of such code contain amendments, additions, or repeals effected by passage of local laws by the city council of the city of New York, certification by the temporary president of the senate and the speaker of the assembly shall not be made unless prior thereto certified or official copies of such local laws have been transmitted by the city clerk of the city of New York to the New York state legislative bill drafting commission at its office in Albany. (Emphasis Added.)**

EXHIBIT E
Database and Website Requirements and Preferences

Proposers are advised that the City intends to enter into negotiations with the successful proposer with respect to the precise specifications for the internet site anticipated to result from this solicitation. For purposes of proposal preparation, however, proposers are advised that the City's anticipated requirements for the website, as well as the City's preferences over and above the minimum anticipated requirements for the website are delineated below.

I. Maintenance & Updating of Site Content:

Anticipated Requirements:

- A. Updating at least monthly;
- B. Prominent display of last revision date for each section;
- C. Correction of errors within 30 days of written notice.

Preferences Over & Above Anticipated Requirements:

- A. Updating more often than monthly.
- B. Corrections within fewer than 30 days.

II. Search Capability:

Anticipated Requirements:

- A. Full-text searching, including Boolean; help screen or link on how to formulate search;
- B. Table of Contents with links to corresponding sections;;
- C. Search Results Screen: including cite list.

Preferences Over & Above Anticipated Requirements:

- A. Proximity search capability;
- B. Phrase search capability;
- C. Highlighting of search terms on result screen;
- D. Field restriction capability (e.g. limit search to title);
- E. Display search results in order of relevancy;
- F. Popular name table or subject index (common terms for subjects in Admin. Code vs. formal titles) with links to corresponding sections;
- G. Table of Contents is Explorer-type (explodable);
- H. Browse function (next page, previous page - for viewing adjacent Code sections).

III. Presentation:

Anticipated Requirements:

- A. Frames view: presents, e.g., TOC and Search Results in proximity for comparison.
- B. Compatibility with widely-used versions of browsers, having market share of 10% and above, released within last 4 years.
- C. Cross-references in text (to other sections, etc.) should be hyper-linked.
- D. Capable of being downloaded in bulk.

Preferences Over & Above Anticipated Requirements:

- A. User-friendly: not too many frames or animated graphics that slow response (or prevent access altogether for people with older computers);
- B. Short introduction text screen: What the Charter/Ad. Code are; how they relate to Local Laws and City Council information.

EXHIBIT F
WHISTLEBLOWER PROTECTION EXPANSION ACT RIDER

Rider 2

Local Laws 30 & 33 of 2012

Contract Rider and Poster

WHISTLEBLOWER PROTECTION EXPANSION ACT RIDER

1. In accordance with Local Law Nos. 30-2012 and 33-2012, codified at sections 6-132 and 12-113 of the New York City Administrative Code, respectively,

- (a) Contractor shall not take an adverse personnel action with respect to an officer or employee in retaliation for such officer or employee making a report of information concerning conduct which such officer or employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by any officer or employee relating to this Contract to (i) the Commissioner of the Department of Investigation, (ii) a member of the New York City Council, the Public Advocate, or the Comptroller, or (iii) the City Chief Procurement Officer, ACCO, Agency head, or Commissioner.
- (b) If any of Contractor's officers or employees believes that he or she has been the subject of an adverse personnel action in violation of subparagraph (a) of paragraph 1 of this rider, he or she shall be entitled to bring a cause of action against Contractor to recover all relief necessary to make him or her whole. Such relief may include but is not limited to: (i) an injunction to restrain continued retaliation, (ii) reinstatement to the position such employee would have had but for the retaliation or to an equivalent position, (iii) reinstatement of full fringe benefits and seniority rights, (iv) payment of two times back pay, plus interest, and (v) compensation for any special damages sustained as a result of the retaliation, including litigation costs and reasonable attorney's fees.
- (c) Contractor shall post a notice provided by the City in a prominent and accessible place on any site where work pursuant to the Contract is performed that contains information about:
 - (i) how its employees can report to the New York City Department of Investigation allegations of fraud, false claims, criminality or corruption arising out of or in connection with the Contract; and
 - (ii) the rights and remedies afforded to its employees under New York City Administrative Code sections 7-805 (the New York City False Claims Act) and 12-113 (the Whistleblower Protection Expansion Act) for lawful acts taken in connection with the reporting of allegations of fraud, false claims, criminality or corruption in connection with the Contract.
- (d) For the purposes of this rider, "adverse personnel action" includes dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space, equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected officer or employee.

- (e) This rider is applicable to all of Contractor's subcontractors having subcontracts with a value in excess of \$100,000; accordingly, Contractor shall include this rider in all subcontracts with a value a value in excess of \$100,000.

2. Paragraph 1 is not applicable to this Contract if it is valued at \$100,000 or less. Subparagraphs (a), (b), (d), and (e) of paragraph 1 are not applicable to this Contract if it was solicited pursuant to a finding of an emergency. Subparagraph (c) of paragraph 1 is neither applicable to this Contract if it was solicited prior to October 18, 2012 nor if it is a renewal of a contract executed prior to October 18, 2012.

REPORT
CORRUPTION, FRAUD, UNETHICAL CONDUCT
RELATING TO A NYC-FUNDED CONTRACT
OR PROJECT
CALL THE NYC DEPARTMENT OF INVESTIGATION
212-825-5959



DOI CAN ALSO BE REACHED BY MAIL OR IN PERSON AT:

New York City Department of Investigation (DOI)
80 Malden Lane, 17th floor
New York, New York 10038
Attention: COMPLAINT BUREAU

OR FILE A COMPLAINT ON-LINE AT:

www.nyc.gov/doi

All communications are confidential

**THE LAW PROTECTS EMPLOYEES OF
CITY CONTRACTORS WHO REPORT CORRUPTION**

- Any employee of a City contractor, or subcontractor of the City, or a City contractor with a contract valued at more than \$100,000 is protected under the law from retaliation by his or her employer if the employee reports wrongdoing related to the contract to the DOI.
- **To be protected by this law, an employee must report to DOI – or to certain other specified government officials** – information about fraud, false claims, corruption, criminality, conflict of interest, gross mismanagement, or abuse of authority relating to a City contract valued at more than \$100,000.
- Any employee who makes such a report and who believes he or she has been dismissed, demoted, suspended, or otherwise subject to an adverse personnel action because of that report is entitled to bring a lawsuit against the contractor and recover damages



← **Scan the QR Code at Left to File a Complaint**

EXHIBIT G

IRAN DIVESTMENT ACT COMPLIANCE RIDER FOR NYC CONTRACTORS

**IRAN DIVESTMENT ACT COMPLIANCE RIDER FOR
NEW YORK CITY CONTRACTORS**

The Iran Divestment Act of 2012, effective as of April 12, 2012, is codified at State Finance Law (“SFL”) §165-a and General Municipal Law (“GML”) §103-g. The Iran Divestment Act, with certain exceptions, prohibits municipalities, including the City, from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Pursuant to the terms set forth in SFL §165-a and GML §103-g, a person engages in investment activities in the energy sector of Iran if:

(a) the person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides 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) The person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created pursuant to paragraph (b) of subdivision three of Section 165-a of the State Finance Law and maintained by the Commissioner of the Office of General Services.

A bid or proposal shall not be considered for award nor shall any award be made where the bidder or proposer fails to submit a signed and verified bidder’s certification.

Each bidder or proposer must certify that it is not on the list of entities engaged in investment activities in Iran created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law. In any case where the bidder or proposer cannot certify that they are not on such list, the bidder or proposer shall so state and shall furnish with the bid or proposal a signed statement which sets forth in detail the reasons why such statement cannot be made. The City of New York may award a bid to a bidder who cannot make the certification on a case by case basis if:

(1) The investment activities in Iran were made before the effective date of this section (i.e., April 12, 2012), the investment activities in Iran have not been expanded or renewed after the effective date of this section 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 City makes a determination that the goods or services are necessary for the City to perform its functions and that, absent such an exemption, the City 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.

**BIDDER'S CERTIFICATION OF COMPLIANCE WITH
IRAN DIVESTMENT ACT**

Pursuant to General Municipal Law §103-g, which generally prohibits the City from entering into contracts with persons engaged in investment activities in the energy sector of Iran, the bidder/proposer submits the following certification:

[Please Check One]

BIDDER'S CERTIFICATION

- By submission of this bid or 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/proposer is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law.

- I am unable to certify that my name and the name of the bidder/proposer does not appear on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law. I have attached a signed statement setting forth in detail why I cannot so certify.

Dated: _____, New York
 _____, 20__

SIGNATURE

PRINTED NAME

TITLE

Sworn to before me this
____ da y of _____, 20__

Notary Public

Dated:

EXHIBIT H

DOING BUSINESS DATA FORM and FAQ



Doing Business Data Form

| To be completed by the City Agency prior to distribution | |
|---|--|
| Agency: 025 Law | Transaction ID: 02515X100007; 02515P0001 |
| Check One: <input checked="" type="checkbox"/> Proposal <input type="checkbox"/> Award | Transaction Type (check one): <input type="checkbox"/> Concession <input checked="" type="checkbox"/> Contract <input type="checkbox"/> Economic Development Agreement <input type="checkbox"/> Franchise <input type="checkbox"/> Grant <input type="checkbox"/> Pension Investment Contract |

Any entity receiving, applying for or proposing on an award or agreement must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. **Submission of a complete and accurate form is required for a proposal to be considered responsive or for any entity to receive an award or enter into an agreement.**

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York; no other information reported on this form will be disclosed to the public. **This Data Form is not related to the City's VENDEX requirements.**

Please return the completed Data Form to the City Agency that supplied it. Please contact the Doing Business Accountability Project at DoingBusiness@cityhall.nyc.gov or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

Section 1: Entity Information

Entity Name: _____

Entity EIN/TIN: _____

Entity Filing Status (select one):

- Entity has never completed a Doing Business Data Form. *Fill out the entire form.*
- Change from previous Data Form dated _____, *Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.*
- No Change from previous Data Form dated _____. *Skip to the bottom of the last page.*

Entity is a Non-Profit: Yes No

Entity Type: Corporation (any type) Joint Venture LLC Partnership (any type)
 Sole Proprietor Other (specify): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone : _____ Fax : _____

E-mail: _____

Provide your e-mail address and/or fax number in order to receive notices regarding this form by e-mail or fax.

Section 2: Principal Officers

Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the *Doing Business Database*, and indicate the date that the change became effective.

Chief Executive Officer (CEO) or equivalent officer

This position does not exist

The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

This person replaced former CEO: _____ on date: _____

Chief Financial Officer (CFO) or equivalent officer

This position does not exist

The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

This person replaced former CFO: _____ on date: _____

Chief Operating Officer (COO) or equivalent officer

This position does not exist

The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

This person replaced former COO: _____ on date: _____

Section 3: Principal Owners

Please fill in the required identification information for all individuals who, through stock shares, partnership agreements or other means, **own or control 10% or more of the entity**. If no individual owners exist, please check the appropriate box to indicate why and skip to the next page. If the entity is owned by other companies, those companies do **not** need to be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals who are no longer owners at the bottom of this page. If more space is needed, attach additional pages labeled "Additional Owners."

There are no owners listed because (select one):

- The entity is not-for-profit
- There are no individual owners
- No individual owner holds 10% or more shares in the entity
- Other (explain): _____

Principal Owners (who own or control 10% or more of the entity):

First Name: _____ MI: _____ Last: _____
 Office Title: _____
 Employer (if not employed by entity): _____
 Birth Date (mm/dd/yy): _____ Home Phone #: _____
 Home Address: _____

First Name: _____ MI: _____ Last: _____
 Office Title: _____
 Employer (if not employed by entity): _____
 Birth Date (mm/dd/yy): _____ Home Phone #: _____
 Home Address: _____

First Name: _____ MI: _____ Last: _____
 Office Title: _____
 Employer (if not employed by entity): _____
 Birth Date (mm/dd/yy): _____ Home Phone #: _____
 Home Address: _____

Remove the following previously-reported Principal Owners:

Name: _____ Removal Date: _____
 Name: _____ Removal Date: _____
 Name: _____ Removal Date: _____

Section 4: Senior Managers

Please fill in the required identification information for all senior managers who oversee any of the entity's relevant transactions with the City (e.g., contract managers if this form is for a contract award/proposal, grant managers if for a grant, etc.). Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any transaction with the City. **At least one senior manager must be listed, or the Data Form will be considered incomplete.** If a senior manager has been identified on a previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Senior Managers."

Senior Managers:

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

Remove the following previously-reported Senior Managers:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Certification

I certify that the information submitted on these four pages and _____ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.

Name: _____

Signature: _____ Date: _____

Entity Name: _____

Title: _____ Work Phone #: _____

Return the completed Data Form to the agency that supplied it.

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.



DOING BUSINESS ACCOUNTABILITY PROJECT
QUESTIONS AND ANSWERS ABOUT THE DOING BUSINESS DATA FORM

What is the purpose of this *Data Form*?

To collect accurate, up-to-date identification information about organizations that have business dealings with the City of New York in order to comply with Local Law 34 of 2007 (LL 34), a campaign finance reform law. LL 34 limits municipal campaign contributions from principal officers, owners and senior managers of entities doing business with the City and mandates the creation of a *Doing Business Database* to allow the City to enforce the law. The information requested in this *Data Form* must be provided, regardless of whether the organization or the people associated with it make or intend to make campaign contributions. No sensitive personal information collected will be disclosed to the public.

Why have I received this *Data Form*?

The contract, franchise, concession, grant or economic development agreement you are proposing on, applying for or have already been awarded is considered a business dealing with the City under LL 34. No proposal or application will be considered and no award will be made unless this *Data Form* is completed. Most transactions valued at more than \$5,000 are considered business dealings and require completion of the *Data Form*. Exceptions include transactions awarded on an emergency basis or by "conventional" competitive sealed bid (i.e. bids that do not use a prequalified list or "Best Value" selection criteria.) Other types of transactions that are considered business dealings include real property and land use actions with the City.

What individuals will be included in the *Doing Business Database*?

The principal officers, owners and certain senior managers of organizations listed in the *Doing Business Database* are themselves considered to be doing business with the City and will also be included in the *Database*.

- **Principal Officers** are the Chief Executive Officer (CEO), Chief Financial Officer (CFO) and Chief Operating Officer (COO), or their functional equivalents. See the *Data Form* for examples of titles that apply.
- **Principal Owners** are individuals who own or control 10% or more of the organization. This includes stockholders, partners and anyone else with an ownership or controlling interest in the entity.
- **Senior Managers** include anyone who, either by job title or actual duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any contract, concession, franchise, grant or economic development agreement with the City. At least one Senior Manager must be listed or the *Data Form* will be considered incomplete.

I have already completed a *Doing Business Data Form*; do I have to submit another one?

Yes. An organization is required to submit a *Doing Business Data Form* each time it enters into a transaction considered a business dealing with the City, including contract, concession and franchise proposals. However, the *Data Form* has both a Change option, which requires only information that has changed since the last *Data Form* was filed, and a No Change option. No organization should have to fill out the entire *Data Form* more than once.

If you have already submitted a *Data Form* for one transaction type (such as a contract), and this is the first time you are completing a *Data Form* for a different transaction type (such as a grant), please select the Change option and complete Section 4 (Senior Managers) for the new transaction type.

Will the personal information on this *Data Form* be available to the public?

No. The names and titles of the officers, owners and senior managers reported on the *Data Form* will be made available to the public, as will information about the organization itself. However, personal identifying information, such as home address, home phone and date of birth, will not be disclosed to the public, and home address and phone number information will not be used for communication purposes.



I provided some of this information on the VENDEX Questionnaire; do I have to provide it again?

Yes. Although the *Doing Business Data Form* and the VENDEX Questionnaire request some of the same information, they serve entirely different purposes. In addition, the *Data Form* requests information concerning senior managers, which is not part of the VENDEX Questionnaire.

What organizations will be included in the *Doing Business Database*?

Organizations that hold \$100,000 or more in grants, contracts for goods or services, franchises or concessions (\$500,000 for construction contracts), or that hold any economic development agreement or pension fund investment contract, are considered to be doing business with the City for the purposes of LL 34. Because all of the business that an organization does or proposes to do with the City will be added together, the *Data Form* must be completed for all transactions valued at more than \$5,000 even if the organization doesn't currently do enough business with the City to be listed in the *Database*.

No one in my organization plans to contribute to a candidate; do I have to fill out this *Data Form*?

Yes. All organizations are required to return this *Data Form* with complete and accurate information, regardless of the history or intention of the entity or its officers, owners or senior managers to make campaign contributions. The *Doing Business Database* must be complete so that the Campaign Finance Board can verify whether future contributions are in compliance with the law.

My organization is proposing on a contract with another firm as a Joint Venture that does not exist yet; how should the *Data Form* be completed?

A joint venture that does not yet exist must submit a *Data Form* for each of its component firms. If the joint venture receives the award, it must then complete a form in the name of the joint venture.

How long will an organization and its officers, owners and senior managers remain listed on the *Doing Business Database*?

- **Contract, Concession and Economic Development Agreement holders:** generally for the term of the transaction, plus one year.
 - **Franchise and Grant holders:** from the commencement or renewal of the transaction, plus one year.
 - **Pension investment contracts:** from the time of presentation on an investment opportunity or the submission of a proposal, whichever is earlier, until the end of the contract, plus one year.
 - **Line item and discretionary appropriations:** from the date of budget adoption until the end of the contract, plus one year.
 - **Contract proposers:** for one year from the proposal date or date of public advertisement of the solicitation, whichever is later.
 - **Franchise and Concession proposers:** for one year from the proposal submission date.
- For information on other transaction types, contact the Doing Business Accountability Project.

How does a person remove him/herself from the *Doing Business Database*?

When an organization stops doing business with the City, the people associated with it are removed from the *Database* automatically. However, any person who believes that s/he should not be listed may apply for removal. Reasons that a person would be removed include his/her no longer being the principal officer, owner or senior manager of the organization. Organizations may also update their database information by submitting an update form. Removal Request and Update forms are available online at www.nyc.gov/mocs (once there, click MOCS Programs) or by calling 212-788-8104.

What are the new campaign contribution limits for people doing business with the City?

Contributions to City Council candidates are limited to \$250 per election cycle; \$320 to Borough President candidates; and \$400 to candidates for citywide office. Please contact the NYC Campaign Finance Board for more information at www.nyccfb.info, or 212-306-7100.

The *Data Form* is to be returned to the City office that issued it.

If you have any questions about the *Data Form* please contact the Doing Business Accountability Project at 212-788-8104 or DoingBusiness@cityhall.nyc.gov.

EXHIBIT I

SCHEDULE B: SUBCONTRACTOR UTILIZATION PLAN/WAIVER APPLICATION

SCHEDULE B – M/WBE Utilization Plan

Part I: M/WBE Participation Goals

Part I to be completed by contracting agency

Contract Overview

APT E- Pin # _____ FMS Project ID#: _____
 Project Title/ Agency _____
 PIN # _____
 Bid/Proposal _____
 Response Date _____
 Contracting Agency _____
 Agency Address _____ City _____ State NY Zip Code _____
 Contact Person _____ Title _____
 Telephone # _____ Email _____

Project Description *(attach additional pages if necessary)*

M/WBE Participation Goals for Services
Enter the percentage amount for each group or for an unspecified goal. Please note that there are no goals for Asian Americans in Professional Services.

| Prime | Contract | Industry: | Percentage |
|-------|----------------------------------|---------------|------------|
| | <u>Group</u> | | |
| | <u>Unspecified</u> | | % |
| | or | | |
| | Black American | | % |
| | Hispanic American | | % |
| | Asian American | | % |
| | Women | | % |
| | Total Participation Goals | | % |
| | | Line 1 | |

SCHEDULE B - Part II: M/WBE Participation Plan

Part II to be completed by the bidder/proposer.

Please note: For Non-M/WBE Prime Contractors who will NOT subcontract any services and will self-perform the entire contract, you must obtain a FULL waiver by completing the Waiver Application on pages 5 and 6 and timely submitting it to the contracting agency pursuant to the Notice to Prospective Contractors. Once a FULL WAIVER is granted, it must be included with your bid or proposal and you do not have to complete or submit this form with your bid or proposal.

| Section I: Prime Contractor Contact Information | |
|---|-----------------------|
| Tax ID # _____ | FMS Vendor ID # _____ |
| Business Name _____ | Contact Person _____ |
| Address _____ | |
| Telephone # _____ | Email _____ |

Section II: M/WBE Utilization Goal Calculation: Check the applicable box and complete subsection.

| PRIME CONTRACTOR ADOPTING AGENCY M/WBE PARTICIPATION GOALS | | | |
|---|--------------------------|---|---------------------------------------|
| <input type="checkbox"/> For Prime Contractors (including Qualified Joint Ventures and M/WBE firms) adopting Agency M/WBE Participation Goals. | Total Bid/Proposal Value | Agency Participation Goals (Line 1, Page 1) | Calculated M/WBE Participation Amount |
| <p>Calculate the total dollar value of your total bid that you agree will be awarded to M/WBE subcontractors for services and/or credited to an M/WBE prime contractor or Qualified Joint Venture.</p> <p>Please review the Notice to Prospective Contractors for more information on how to obtain credit for M/WBE participation.</p> | \$ _____ | X _____ | = \$ _____ Line 2 |

PRIME CONTRACTOR OBTAINED PARTIAL WAIVER APPROVAL: ADOPTING MODIFIED M/WBE PARTICIPATION GOALS

| <input type="checkbox"/> For Prime Contractors (including Qualified Joint Ventures and M/WBE firms) adopting Modified M/WBE Participation Goals. | Total Bid/Proposal Value | Adjusted Participation Goal (From Partial Waiver) | Calculated M/WBE Participation Amount |
|---|--------------------------|---|---------------------------------------|
| <p>Calculate the total dollar value of your total bid that you agree will be awarded to M/WBE subcontractors for services and/or credited to an M/WBE prime contractor or Qualified Joint Venture.</p> <p>Please review the Notice to Prospective Contractors for more information on how to obtain credit for M/WBE participation.</p> | \$ _____ | X _____ | = \$ _____ Line 3 |

Section III: M/WBE Utilization Plan: How Proposer/Bidder Will Fulfill M/WBE Participation Goals. Please review the Notice to Prospective Contractors for more information on how to obtain credit for M/WBE participation.

Check applicable box. The Proposer or Bidder will fulfill the M/WBE Participation Goals:

As an M/WBE Prime Contractor that will self-perform and/or subcontract to other M/WBE firms a portion of the contract the value of which is at least the amount located on Lines 2 or 3 above, as applicable. The value of any work subcontracted to non-M/WBE firms will not be credited towards fulfillment of M/WBE Participation Goals. Please check all that apply to Prime Contractor:

MBE WBE

As a Qualified Joint Venture with an M/WBE partner, in which the value of the M/WBE partner's participation and/or the value of any work subcontracted to other M/WBE firms is at least the amount located on Lines 2 or 3 above, as applicable. The value of any work subcontracted to non M/WBE firms will not be credited towards fulfillment of M/WBE Participation Goals.

As a non M/WBE Prime Contractor that will enter into subcontracts with M/WBE firms the value of which is at least the amount located on Lines 2 or 3 above, as applicable.

Section IV: General Contract Information

What is the expected percentage of the total contract dollar value that you expect to award in subcontracts for services, regardless of M/WBE status? % _____

Enter brief description of the type(s) and dollar value of subcontracts for all/any services you plan on subcontracting if awarded this contract. For each item, indicate whether the work is designated for participation by MBEs and/or WBEs and the time frame in which such work is scheduled to begin and end. Use additional sheets if necessary.

✓ Scopes of Subcontract Work

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____
- 14. _____
- 15. _____
- 16. _____
- 17. _____

Section V: Vendor Certification and Required Affirmations

I hereby:

- 1) acknowledge my understanding of the M/WBE participation requirements as set forth herein and the pertinent provisions of Section 6-129 of the Administrative Code of the City of New York ("Section 6-129"), and the rules promulgated thereunder;
- 2) affirm that the information supplied in support of this M/WBE Utilization Plan is true and correct;
- 3) agree, if awarded this Contract, to comply with the M/WBE participation requirements of this Contract, the pertinent provisions of Section 6-129, and the rules promulgated thereunder, all of which shall be deemed to be

material terms of this Contract;

4) agree and affirm that it is a material term of this Contract that the Vendor will award the total dollar value of the M/WBE Participation Goals to certified MBEs and/or WBEs, unless a full waiver is obtained or such goals are modified by the Agency; and

5) agree and affirm, if awarded this Contract, to make all reasonable, good faith efforts to meet the M/WBE Participation Goals, or If a partial waiver is obtained or such goals are modified by the Agency, to meet the modified Participation Goals by soliciting and obtaining the participation of certified MBE and/or WBE firms.

Signature _____

Date _____

Print Name _____

Title _____

Contract Overview

Tax ID # _____ FMS Vendor ID # _____
 Business Name _____
 Contact Name _____ Telephone # _____ Email _____
 Type of Procurement Competitive Sealed Bids Other Bid/Response Due Date _____
 APT E-PIN # (for this Contracting Agency: _____
 procurement): _____

M/WBE Participation Goals as described in bid/solicitation documents

% _____ Agency M/WBE Participation Goal

Proposed M/WBE Participation Goal as anticipated by vendor seeking waiver

% _____ of the total contract value anticipated in good faith by the bidder/proposer to be subcontracted for services and/or credited to an M/WBE Prime Contractor or Qualified Joint Venture.

Basis for Waiver Request: Check appropriate box & explain in detail below (attach additional pages if needed)

- Vendor does not subcontract services, and has the capacity and good faith intention to perform all such work itself with its own employees.
- Vendor subcontracts *some* of this type of work but at a *lower* % than bid/solicitation describes, and has the capacity and good faith intention to do so on this contract. (Attach subcontracting plan outlining services that the vendor will self-perform and subcontract to other vendors or consultants.)
- Vendor has other legitimate business reasons for proposing the M/WBE Participation Goal above. Explain under separate cover.

References

List 3 most recent contracts performed for NYC agencies (if any). Include information for each subcontract awarded in performance of such contracts. Add more pages if necessary.

| CONTRACT NO. | AGENCY | DATE COMPLETED |
|---|---|---|
| Total Contract Amt \$ | Total Subcontract Amt \$ | |
| Item of Work Subcontracted and Value of subcontract | Item of Work Subcontracted and Value of subcontract | Item of Work Subcontracted and Value of subcontract |

| CONTRACT NO. | AGENCY | DATE COMPLETED |
|---|---|---|
| Total Contract Amount \$ | Total Amount Subcontracted \$ | |
| Item of Work Subcontracted and Value of subcontract | Item of Work Subcontracted and Value of subcontract | Item of Work Subcontracted and Value of subcontract |

| CONTRACT NO. | AGENCY | DATE COMPLETED |
|---|---|---|
| Total Contract Amount \$ | Total Amount Subcontracted \$ | |
| Item of Work Subcontracted and Value of subcontract | Item of Work Subcontracted and Value of subcontract | Item of Work Subcontracted and Value of subcontract |

List 3 most recent contracts performed for other entities. Include information for each subcontract awarded in performance of such contracts. Add more pages if necessary.

(Complete ONLY if vendor has performed fewer than 3 New York City contracts.)

| TYPE OF Contract | ENTITY | DATE COMPLETED |
|--|-------------------------------|----------------|
| Manager at entity that hired vendor (Name/Phone No./Email) _____ | | |
| Total Contract Amount \$ | Total Amount Subcontracted \$ | |
| Work Subcontracted | | |