

PROCUREMENT DEPARTMENT
Rm 120 Municipal Services Building
Philadelphia, PA 19102-1685
FAX: (215) 686-4716

CITY OF PHILADELPHIA

Hugh Ortman
Procurement Commissioner

October 8, 2014

BID NUMBER: S5WO1680

TITLE: Internet Access Service

DEPARTMENT: MAYOR'S OFFICE OF INFORMATION SERVICES-EXECUTIVE
DIRECTION DIVISION

DATE TO OPEN: October 27, 2014 at 10:30 AM

ADDENDUM # 1

TO ALL BIDDERS:

You are hereby notified of the following changes to the above mentioned bid:

The title of the subject bid has been corrected on the cover page. The revised cover page is attached. Only the revised cover page will be accepted.

Please sign, date and return this addendum with your bid to the Procurement Department, 1401 J.F.K Boulevard, Bid Room 170A, Philadelphia, PA 19102-1685 as it now becomes a part of the proposal.

A. Campfield for
T. Vinson, Buyer *T. Vinson*

AUTHORIZED SIGNATURE

FIRM NAME (PRINT)

DATE

Attachment

TV/bws



(REVISED)

S5WO1680

Internet Access Service

Issued by: **CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT**

Required by: **OFFICE OF INNOVATION AND TECHNOLOGY**

Pre-Bid Meeting Date: October 9, 2014
Bid Opening Date: October 27, 2014
Bid Opening Time: 10:30 AM Philadelphia Local Time
Location for Bid Opening: MUNICIPAL SERVICES BUILDING - ROOM 170A
 1401 JFK BOULEVARD, PHILADELPHIA PA 19102
Buyer: T. Vinson
Spec. Writer: K. Owens

This Invitation and Bid with your quotations must be received prior to the above cited bid opening date and time.

BIDDER AGREES TO COMPLY WITH ALL CONDITIONS OF THIS BID. UNSIGNED BIDS WILL NOT BE ACCEPTED. BIDDER MUST COMPLETE THE INFORMATION BELOW:

Bid is Best and Good Faith Efforts.

NAME AND ADDRESS OF FIRM:
FEDERAL EIN/SOCIAL SECURITY NUMBER:

GENERAL INFORMATION

This Invitation and Bid and Contract is issued under the Antidiscrimination Policy described in the Mayor's Executive Order 03-12. While there are no ranges for the participation of Minority (MBE), Woman (WBE) or Disabled (DSBE) Owned Business Enterprises (collectively, M/W/DSBEs) projected for this Bid, bidders are prohibited from discriminating in their selection of subcontractors and are encouraged to use their Best and Good Faith Efforts to solicit quotes from M/W/DSBEs on an equitable basis with other firms. See the Office of Economic Opportunity (OEO) Instructions and Form which is part of this Invitation and Bid and Contract.

BID QUESTIONS

All questions concerning this Invitation and Bid, including specifications and conditions, must be presented prior to the bid opening date and time. Contact the Procurement Department Customer Service Unit by emailing Bid.Info@phila.gov or by calling (215) 686-4720 with questions.

FOR PROCUREMENT USE ONLY. DO NOT MAKE ANY MARKS IN THIS BOX.

Bid Security Fee Yes No Method (if paid with bid) _____ Check or M/O # _____
 Bid Processing Fee Yes No Method _____ Check or M/O # _____

Hugh Ortman
Procurement Commissioner

PROCUREMENT DEPARTMENT
Rm 120 Municipal Services Building
Philadelphia, PA 19102-1685
FAX: (215) 686-4716

CITY OF PHILADELPHIA

Hugh Ortman
Procurement Commissioner

October 22, 2014

BID NUMBER: S5WO1680
TITLE: Internet Access Service
DEPARTMENT: MAYOR'S OFFICE OF INFORMATION SERVICES-EXECUTIVE
DIRECTION DIVISION
DATE TO OPEN: October 27, 2014 at 10:30 AM

ADDENDUM # 2

TO ALL BIDDERS:

You are hereby notified of the following changes to the above mentioned bid:

The subject bid has been postponed until further notice.

Please sign, date and return this addendum with your bid to the Procurement Department, 1401 J.F.K Boulevard, Bid Room 170A, Philadelphia, PA 19102-1685 as it now becomes a part of the proposal.


T. Vinson, Buyer

AUTHORIZED SIGNATURE

FIRM NAME (PRINT)

DATE

TAV/bws

PROCUREMENT DEPARTMENT
Rm 120 Municipal Services Building
Philadelphia, PA 19102-1685
FAX: (215) 686-4716

CITY OF PHILADELPHIA

Hugh Ortman
Procurement Commissioner

November 6, 2014

BID NUMBER: S5WO1680
TITLE: Internet Access Service
DEPARTMENT: MAYOR'S OFFICE OF INFORMATION SERVICES-EXECUTIVE
DIRECTION DIVISION
DATE TO OPEN: October 27, 2014 at 10:30 AM

ADDENDUM # 3

TO ALL BIDDERS:

You are hereby notified of the following changes to the above mentioned bid:

1. The subject bid will now open on **November 24, 2014** at 10:30 AM.
2. Office of Economic Opportunity (OEO) Participation Ranges have been established and approved for this Invitation and Bid. The revised cover page is attached and will be the only cover page accepted for Bid S5WO1680. The OEO Anti-discrimination forms, instructions and special provisions sheets as well as the OEO Commitment form are attached as well.
3. Also attached, please find the sign-in sheet from the Mandatory Pre-Bid Meeting on October 9, 2014.
4. Below, please see the questions resulting from the Mandatory Pre-Bid Meeting and the corresponding answers.

Question #1

How would the City prefer us to propose the contractual terms and conditions we require without being deemed non-responsive?

Answer:

In accordance with Paragraph 3.1.3 of the Invitation & Bid:

Bid may be disqualified if they are deemed to be non-responsive without notice. Any and all decisions regarding responsiveness are final and are not appealable. A bid may be deemed non-responsive for any of the following:

- (i) *improper bid security*
- (ii) *improper bid execution*
- (iii) *incompleteness*
- (iv) *offering counter terms and conditions*
- (v) *improper or incomplete execution of OEO documents (if applicable)*

Question #2

Can this be addressed before responding the bid providing our contract documents that other government organizations have agreed to or is it best negotiated upon being selected the vendor of choice?

Answer:

Bidders shall refer to the response provided in Question #1 of this Addendum.

Question #3

Will any offered terms and conditions get us disqualified as expressed?

Answer:

Bidders shall refer to the response provided in Question #1 of this Addendum.

Question #4

Please clarify designation "LO" under "Unit of Measure" in the Pricing section 5.

Answer:

The Unit of Measure for "LO" represents a one time price that will be paid by the City under the awarded contract.

Question #5

The Pricing section 5 asks for monthly charges for "CSU/DSU". Our Company can provide Internet service with or without a managed Cisco router. Will the Managed Router option satisfy the CSU/DSU requirement?

Answer:

Yes.

Question #6

The Pricing section 5 states that, "The monthly prices shall include all charges for installation, set-up". Should the installation and set-up charges instead be listed under Non-Recurring Charge?

Answer:

For clarification purposes "installation, set-up" is hereby removed from the Monthly Recurring Price. The installation and set-up charges shall be provided as part of the bidders Non-Recurring Charge.

Question #7

Please clarify Section 2.6: Redundant Point of Presence requirement.

- a. Is this requirement only for the 1234 Market Street, 1GB option?
- b. What level of redundancy is required? Our Company provides Backbone Node and Access Router Redundancy options.

Answer:

The primary Internet circuits require redundant links. Currently 1234 Market is the only edge but that will change in the future.

Question #8

For 1234 Market St., could you please identify the Floor # where the connection should be terminated? Would the 15th Floor be acceptable?

Answer:

The 15th Floor is correct.

Question #9

SS&E Terms and Conditions of Bidding. Will the City permit vendors to include in its proposal response its standard service and product operational terms to supplement the bid documents and/or include necessary terms and conditions relevant to its telecommunication products and services not present within the Invitation and Bid?

Answer:

Bidders shall refer to the response provided in Question #1 of this Addendum.

Question #10

Section 2.4 Qualifications. Item a. Can you please elaborate on Local POP Gigabit connectivity in Philadelphia?

Answer:

Will need to be able to provide 1Gb+ connections.

Question #11

Section 2.4 Qualifications. Item i. Please describe in more detail your request for the carriers' ability to deploy fiber? Do you mean a fiber handoff to the router?

Answer:

Yes, we mean a fiber handoff to the router.

Question #12

Section 2.6 Redundant Point of Presence (POP). If a loss of service occurs you are asking the carrier to provide a DR plan. You are also requesting redundant access to prevent loss of service. Is the City of Philadelphia requesting the carrier bring two circuits into each site for redundancy purposes? Do you have this solution in place today? Do you have alternate paths into each building? If redundant points of presence are not available at a particular site, can the carrier bid an alternate disaster recovery solution?

Answer:

Yes the City of Philadelphia requesting the carrier bring two circuits into each site for redundancy purposes

Yes, the City has a solution in place today.

Yes, we have alternate paths into each building.

Yes, if redundant points of presence are not available at a particular site, can the carrier bid an alternate disaster recovery solution.

Question #13

Section 5 Pricing. The RFP has requested the vendor provide monthly pricing to include install, set-up, CSU/DSU, management, etc.. Is this a request that the vendor provide routers and pricing for the routers at the various locations to support the access loops? Or, is the City of Philadelphia providing the routers? If yes, are you requesting the vendor to fully manage the routers along with the access?

Answer:

The city provides their own routers and the city would support the routers. The awarded vendor would be responsible for the lines and any equipment that is required to hand the service off to the city router.

Question #14

Section 5 Pricing. The RFP requests that install and set-up charges be included in the pricing. How do you want the vendors to provide the Non-Recurring Charges associated with the Monthly fees you are asking for? In other words, you have requested MRC based on a 12 month time period and NCR based on the total year. Where should the vendor list any NCR charges for install, etc.?

To clarify; for example, vendors have been given the bandwidth requirements per site. If it is determined that a 5M Ethernet may be better priced than a 1.5M T1, should the vendor note that? Or, should access be priced as is in the proposal?

Answer:

For clarification purposes "installation, set-up" is hereby removed from the Monthly Recurring Price. The installation and set-up charges shall be provided as part of the bidders Non-Recurring Charge.

Question #15

Responses and RFP Structure/Format. Will the City permit vendors to insert responses between the paragraphs in the RFP in developing their proposal? Such responses will not change the format but will increase page count and the page numbering will be changed according. A new Table of Contents will be created too. Or, is it preferred vendors respond with separate Attachment documents which are simply referenced in RFP as the response?

Answer:

Should a bidder require additional writing space to complete their bid responses (e.g. Qualifications - Paragraph 2.4, Disaster Recovery Plan- Paragraph 2.6, etc.) they may submit a document numbered to correspond with the Invitation and Bid Paragraphs with their bid submittal.

Question #16

As discussed at the Pre-bid meeting, will the City consider a 50Mb Ethernet connection as opposed to a T-3/45Mg connection? We feel there would be both a cost and scalability advantage to the city to do so.

Answer:

There will be no revisions to Paragraph 5.5 of the Invitation and Bid.

Question #17

Wanted to confirm that only the companies listed on the attached Mandatory Pre-Bid Meeting Sign-in Sheet will be permitted to submit bids.

Answer:

Correct.

Question #18

Who is the current vendor (or vendors) for the services being bid on?

Answer:

This information request can be obtained by contacting Procurement Customer Service at (215) 686-4720 and/or by visiting the Municipal Services Building, 1401 JFK Boulevard, Philadelphia, Pa. 19102, Room 170A.

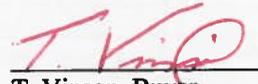
Question #19

How long have they provided the services?

Answer:

This information request can be obtained by contacting Procurement Customer Service at (215) 686-4720 and/or by visiting the Municipal Services Building, 1401 JFK Boulevard, Philadelphia, Pa. 19102, Room 170A.

Please sign, date and return this addendum with your bid to the Procurement Department, 1401 J.F.K Boulevard, Bid Room 170A, Philadelphia, PA 19102-1685 as it now becomes a part of the proposal.


T. Vinson, Buyer

AUTHORIZED SIGNATURE

FIRM NAME (PRINT)

DATE

Attachments

TAV/bws



Internet Access Service SWO1680

Issued by: CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT
Required by: OFFICE OF INNOVATION AND TECHNOLOGY

Pre-Bid Meeting Date: October 9, 2014
Bid Opening Date: November 24, 2014
Bid Opening Time: 10:30 AM Philadelphia Local Time
Location for Bid Opening: MUNICIPAL SERVICES BUILDING - ROOM 170A
1401 JFK BOULEVARD, PHILADELPHIA PA 19102
Buyer: T. Vinson
Spec. Writer: K. Owens

This Invitation and Bid with your quotations must be received prior to the above cited bid opening date and time.

BIDDER AGREES TO COMPLY WITH ALL CONDITIONS OF THIS BID. UNSIGNED BIDS WILL NOT BE ACCEPTED. BIDDER MUST COMPLETE THE INFORMATION BELOW:

Office of Economic Opportunity (OEO) Anti-Discrimination Policy Executive Order 03-12 – Bidder Requirements

NAME AND ADDRESS OF FIRM:

FEDERAL EIN/SOCIAL SECURITY NUMBER:

This Invitation and Bid is issued under the Anti-Discrimination Policy described in the Mayor's Executive Order, policy and guidelines as attached. Specific instructions must be adhered to and forms completed. Bidders are advised to review the instructions carefully. Failure to comply may disqualify the bidder. The specified ranges represent the percentage of Minority, Woman and Disabled participation that should be attained by the Bidder. Any and all questions about Executive Order 03-12 and bidder compliance should be directed to the Office of Economic Opportunity (OEO) office at (215) 683-2000.

BID QUESTIONS

All questions concerning this Invitation and Bid, including specifications and conditions, must be presented prior to the bid opening date and time. Contact the Procurement Department Customer Service Unit by emailing Bid.Info@phila.gov or by calling (215) 686-4720 with questions.

PARTICIPATION RANGES:

M-BE: 10% to 15%
AND/OR
W-BE: 10% to 15%
DS-BE: 0% to 0%

FOR PROCUREMENT USE ONLY. DO NOT MAKE ANY MARKS IN THIS BOX.

Bid Security Fee Yes No Method (if paid with bid) _____ Check or M/O # _____
Bid Processing Fee Yes No Method _____ Check or M/O # _____

Hugh Ortman
Procurement Commissioner

**CITY OF PHILADELPHIA
OFFICE OF ECONOMIC OPPORTUNITY
ANTIDISCRIMINATION POLICY- MINORITY, WOMAN AND DISABLED OWNED BUSINESS
ENTERPRISES
FORMS, INSTRUCTIONS AND SPECIAL CONTRACT PROVISIONS
(SEALED BID CONTRACTS)**

Under the authority of Executive Order No. 03-12, the City of Philadelphia has established an antidiscrimination policy ("Policy") relating to the participation of Minority (MBE), Woman (WBE) and Disabled (DSBE) Owned Business Enterprises in City contracts. Executive Order 03-12 is administered by the City's Office of Economic Opportunity ("OEO").

The purpose of this Policy is to provide equal opportunity for all businesses and to assure that City funds are not used, directly or indirectly, to promote, reinforce or perpetuate discriminatory practices. The City is committed to fostering an environment in which all businesses are free to participate in business opportunities without the impediments of discrimination and participate in all City contracts on an equitable basis. In accordance with the contracting requirements of the City, the City's Policy is applicable to this Invitation and Bid (hereinafter, "Bid").

The Office of Economic Opportunity has approved the following projected ranges of participation for this Bid which serve as a guide in determining each bidder's responsibility:

MBE	10%	to	15%
	AND/OR		
WBE	10%	to	15%
DSBE	0%	to	0%

These ranges represent the percentage of MBE, WBE, DBE¹ and/or DSBE (collectively, "M/W/DSBE") participation that should be attained by M/W/DSBEs from business opportunities existing in the available market absent discrimination in the solicitation and selection of these businesses and through bidder's exercise of Best and Good Faith Efforts. Best and Good Faith Efforts are those efforts, the scope, intensity and appropriateness of which are taken to achieve meaningful and representative opportunities for participation by M/W/DSBEs. These ranges are based upon an analysis of factors such as the size and scope of the contract and the availability of certified M/W/DSBEs to perform various elements of the contract. The submission of a Solicitation For Participation and Commitment Form and any supporting documentation (more fully discussed below) is an element of responsiveness to the Bid and failure to submit the required information will result in rejection of your bid.

Bidder hereby verifies that all forms, information and documentation submitted to OEO are true and correct and is notified that the submission of false information by bidder is subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities which may include payment of a fine of at least \$1,000 and a term of imprisonment of not more than two years. Bidder also acknowledges that under 18 Pa.C.S. §4107.2 (a)(4) it is a felony in the third degree, punishable by a term of imprisonment of not more than seven years in addition to the payment of any fines or restitution, if, under any contract awarded pursuant to this Bid, bidder fraudulently obtains public moneys reserved for or allocated or available to minority business enterprises or women's business enterprises.

¹"DBE" or "Disadvantaged Business Enterprise" means a socially and economically disadvantaged minority or woman owned business that is certified under 49 C.F.R. Part 26. If Bidder makes solicitation(s) and commitment(s) with a DBE, Bidder shall indicate which category, MBE or WBE, is submitted for credit.

A. M/W/DSBE PARTICIPATION

1. Only firms that are certified by an approved certifying agency² and identified in the OEO Certification Registry by the time of contract award will be credited toward the participation ranges on City contracts. An OEO Certification Registry is maintained by the OEO and is available online at www.phila.gov/OEO/directory. Firms owned and controlled by minority persons, women or disabled persons, which are certified as MBE, WBE, DSBE or DBE by an approved certifying agency may apply to the OEO for listing in its OEO Certification Registry.
2. No bidder that seeks to meet the participation range(s) for participation by entering into a subcontract with any M/W/DSBE participant shall be considered to meet the range(s) if the M/W/DSBE participant does not perform a commercially useful function ("CUF"). An M/W/DSBE performs a Commercially Useful Function when it performs a distinct element of a City Contract (as required by the services to be performed in accordance with the Bid Specification) which is worthy of the dollar amount of the M/W/DSBE Subcontract and the M/W/DSBE carries out its responsibilities by managing and supervising the services involved and actually self-performing at least twenty percent (20%) of the work of the Subcontract with its own employees. For suppliers, an M/W/DSBE performs a Commercially Useful Function when it is responsible for sourcing the material, negotiating price, determining quality and quantity, ordering the material and paying for it from its own funds. Commercial usefulness will be evaluated and determined by the OEO on a bid by bid basis as informed by prevailing industry standards and the M/W/DSBE's NAIC codes. Participation that is not commercially useful will not be counted.
3. In order to maximize opportunities for as many businesses as possible, a firm that is certified in two or more categories (e.g. MBE and WBE and DSBE or WBE and DSBE) will only be credited toward one participation range as either an MBE or WBE or DSBE. The firm will not be credited toward more than one category. Bidders will note with their submission which category, MBE or WBE or DSBE, is submitted for credit.
4. An MBE/WBE/DSBE submitting as the prime bidder is required, like all other bidders, to submit a bid that is responsive to the Policy and will only receive credit toward the relevant participation ranges (e.g., MBE range or WBE range or DSBE range) for the amount of its own work or supply effort on this Bid. In addition, the participation of an M/W/DSBE partner, as part of a joint venture created for this bid, may be credited towards the participation ranges only to the extent of the M/W/DSBE partner's ownership interest in the joint venture in accordance with the following criteria:
 - The MBE, WBE or DSBE partner(s) must be identified in the OEO Registry prior to contract award;
 - The M/W/DSBE partner(s) must derive substantial benefit from the arrangement;
 - The M/W/DSBE partner(s) must be substantially involved in all phases of the contract including planning, staffing and daily management;
 - The business arrangement must be customary (i.e., each partner shares in the risk and profits of the joint venture commensurate with their ownership interest, contributes working capital and other resources, etc).

²Approved certifying agencies are identified on the OEO webpage found at www.phila.gov/OEO. Applicant is strongly encouraged to search the Pennsylvania Unified Certification Program ("PaUCP") Directory which offers a robust listing of DBEs; the PaUCP Directory is found at www.paucp.com.

5. In listing participation commitments on the Solicitation for Participation and Commitment Form, bidders are required to list a detailed description of the work or supply effort, the dollar amount of the quotation, and percentage of the contract the participation represents. In calculating the percentage amount, bidders may apply the standard mathematical rules in rounding off numbers. The OEO reserves the right to request clarifying information in the event of an inconsistency or ambiguity in the Solicitation For Participation and Commitment Form.

B. RESPONSIVENESS

1. A Bid responsive to the Policy is one which contains documentary evidence of the M/W/DSBEs that have been solicited and that will be used by the Bidder on the contract, if awarded; where the Bid satisfies the M/W/DSBE participation ranges for that contract, the Bidder is rebuttably presumed not to have discriminated in its selection of contract participants.
2. Bidders must submit documentary evidence of MBEs, WBEs and DSBEs who have been solicited and with whom commitments have been made in response to the participation ranges included in this Bid. Failure to submit the Solicitation For Participation and Commitment Form will result in the rejection of the Bid as nonresponsive, although the City, at its sole discretion, may allow Bidders to submit or amend the Solicitation For Participation and Commitment Form at any time prior to award. The Solicitation For Participation and Commitment Form must contain the following information:
 - Documentation of all solicitations (regardless of whether commitments resulted therefrom) as well as all commitments made on the enclosed document entitled "Solicitation For Participation and Commitment Form". Bidders should only make actual solicitations of M/W/DSBEs whose work or materials are within the scope of this Bid. Mass mailing of a general nature to M/W/DSBEs or similar methods will not be deemed solicitation, but rather will be treated as informational notification only. A reasonable period of time should be given to all solicited firms to ensure that they have sufficient time to adequately prepare their quotes/subproposals. The bidder's listing of a commitment with an M/W/DSBE constitutes a representation that the Bidder has made a legally binding commitment to contract with such firm, upon receipt of a contract award from the City.
 - If the Bidder has entered into a joint venture with an MBE, WBE and/or DSBE partner, the bidder is also required to submit along with the Solicitation For Participation and Commitment Form, a document entitled "Joint Venture Eligibility Information Form," available at OEO, for the City's review and approval of the joint venture arrangement.
3. If bidder does not fully meet each of the range(s) for participation established for this Bid, bidder must demonstrate that it exercised Best and Good Faith Efforts to achieve the M/W/DSBE participation ranges along with a written request, on its letterhead, for the reduction of part or all of the M/W/DSBE participation ranges ("Request For Reduction/Waiver"). Bidder, through the submission of documentary evidence must show that bidder took all necessary steps and made reasonable efforts to achieve the M/W/DSBE participation ranges, even if these efforts were not fully successful. OEO will evaluate the scope, intensity and appropriateness of these efforts to ascertain whether they could reasonably be expected to achieve M/W/DSBE participation commensurate with the ranges.

Failure to submit the documentary evidence will result in rejection of the bid as nonresponsive; the City, at its sole discretion, may allow bidders to submit or amend their submission at any time prior to award which may result in revision to bidder's participation commitments. The submission shall contain and discuss, at a minimum, the following:

- Provide reasons for not committing with any M/W/DSBEs that submitted a quote/subproposal, regardless of whether the quote/subproposal was solicited by Bidder.
- Provide list of all certification directories used to solicit participation for this Bid.
- Provide any additional evidence pertinent to Bidder's conduct relating to this Bid including sufficient evidence which demonstrates to the OEO that Bidder has not engaged in discriminatory practices in the solicitation of and commitment with contract participants. In describing Bidder's efforts to achieve participation within the ranges, Bidder may submit any corroborating documentation (e.g., copies of advertisements for participation).

The bidder's documentary evidence will be reviewed by the OEO to determine whether bidder exercised Best and Good Faith Efforts in response to the participation ranges. **Bidder's expressed desire to self-perform work with its own employees will not excuse bidder from exercising Best and Good Faith Efforts to include M/W/DSBEs in its bid and cannot be used as a basis for requesting a reduction or waiver of the participation ranges.** OEO's review will include consideration of the following:

- Whether the bidder's actions were motivated by considerations of race or gender or disability. The OEO may investigate the bidder's contracting activities and business practices on similar public and private sector contracts. For example, if bidder rejects any M/W/DSBE based on price, bidder must fully document its reasons for the rejection and also demonstrate that bidder subjects non-M/W/DSBEs to the same pricing standards. OEO will investigate whether there was any attempt at good faith negotiation of price.
 - Whether M/W/DSBEs were treated equally as other businesses in the solicitation and commitment process. For example, the OEO will investigate whether M/W/DSBEs are given the same information, access to the plans and requirements of the contract and given adequate amount of time to prepare a quote/subcontract as others who were solicited by bidder. The OEO will also investigate whether M/W/DSBEs were accorded the same level of outreach as non-M/W/DSBEs, for example whether bidder short listed M/W/DSBEs for participation or solicited M/W/DSBEs at any pre-bid meetings.
 - Whether the bidder's contracting decisions were based upon policies which disparately affect M/W/DSBEs. OEO will ascertain whether bidder selected portions of work or material needs consistent with the capacity of available M/W/DSBE subcontractors and suppliers. OEO will consider whether bidder employed policies which facilitate the participation of M/W/DSBEs on City contracts such as segmentation of the contract or prompt payment practices.
4. After review of the bidder's submission and other information the OEO deems relevant to its evaluation, the OEO will make a written determination that will be forwarded to the awarding City Department.

- If the bid is determined nonresponsive by the OEO, the applicant will be notified and may file a written appeal with the Executive Director of OEO within forty-eight (48) hours of the date of notification; the decision of the Executive Director of OEO shall be final.

C. RESPONSIBILITY

1. Upon award, the completed Solicitation For Participation and Commitment Form and accompanying documents regarding solicitation and commitments with MBEs, WBEs and DSBEs become part of the contract and the successful bidder is required to enter into legally binding agreement(s) ("M/W/DSBE Subcontract(s)") with its M/W/DSBE participants for the work and in the dollar amount(s) and percentage(s) as so committed (the "Contract Commitment(s)"). M/W/DSBE percentage commitments are to be maintained throughout the term of the contract and shall apply to the total contract value (including amendments). Any change in commitment, including but not limited to, substitutions for the listed firm(s), changes or reductions in the work and/or listed dollar/percentage amounts, must be pre-approved in writing by the OEO.
2. The Successful Bidder shall, within five (5) business days after receipt of a payment from the City for work performed under the contract, deliver to its M/W/DSBE subcontractors the proportionate share of such payment for work performed (including the supply of materials) by its M/W/DSBE subcontractors. In connection with payment of its M/W/DSBE subcontractors, the Successful Bidder agrees to fully comply with the City's payment reporting process which may include the use of electronic payment verification systems.
3. No privity of contract exists between the City and any M/W/DSBE subcontractor identified in any contract resulting from this Bid. The City does not intend to give or confer upon any such M/W/DSBE subcontractor(s) any legal rights or remedies in connection with the subcontracted services under Executive Order 03-12 or by reason of any contract resulting from the Bid except such rights or remedies that the M/W/DSBE subcontractor may seek as a private cause of action under any legally binding contract to which it may be a party.
4. If the OEO determines that the bidder has discriminated against a M/W/DSBE at any time during the term of the contract, the OEO may recommend to the Procurement Commissioner the imposition of sanctions on the Bidder including debarment of the bidder from submitting and/or participating in future City contracts for a period of up to three (3) years.

D. ACCESS TO INFORMATION

1. The OEO shall have the right to make site visits to the Bidder's place of business and/or job site and obtain documents, such as quotations, and information from any Bidder, subcontractor, supplier, manufacturer or contract participant that may be required in order to ascertain a Bidder's responsiveness and responsibility.
2. Failure to cooperate with the OEO in its review may result in a recommendation to terminate the contract.

E. RECORDS AND REPORTS

1. The Successful Bidder shall maintain all books and records relating to its M/W/DSBE commitments (e.g. copies of quotations, subcontracts, joint venture agreement, correspondence, cancelled checks, invoices, telephone logs) for a period of at least three (3) years following acceptance of final payment. These records shall be made available for inspection by the OEO and/or other appropriate City officials. The Successful Bidder agrees to submit reports and other documentation to the OEO as deemed necessary by the OEO to ascertain the successful bidder's fulfillment of its M/W/DSBE commitments.

F. REMEDIES

1. The successful applicant's compliance with the requirements of Executive Order 03-12 is material to the contract. In the event the City determines that the successful applicant has failed to comply with any of the requirements of this Antidiscrimination Policy, including substantial compliance with any Contract Commitment, the City may, in addition to any other rights and remedies it may have under the Contract which includes termination of the Contract, exercise one or more of the following remedies which shall be deemed cumulative and concurrent:

- Debar successful bidder from bidding on and/or participating in any future contracts for a maximum period of three (3) years.
- Withhold from the contract payment(s) or any part thereof until corrective action is taken. If corrective action is not taken to the satisfaction of OEO, the City may, without institution of a lawsuit, deduct money in an amount equal to the M/W/DSBE shortfall which amount shall be collected and considered not as a penalty but as liquidated damages for the successful bidder's failure to comply with the contract.

The remedies enumerated above are for the sole benefit of the City and City's failure to enforce any provision or the City's indulgence of any non-compliance with any provision hereunder, shall not operate as a waiver of any of the City's rights in connection with any contract resulting from this Bid nor shall it give rise to actions by any third parties including identified M/W/DSBE participants.

ANTIDISCRIMINATION POLICY SOLICITATION FOR PARTICIPATION AND COMMITMENT FORM
Minority (MBE), Woman (WBE), Disabled (DSBE) and Disadvantaged (DBE) Business Enterprises¹

DEPARTMENT OF COMMERCE

OFFICE OF ECONOMIC OPPORTUNITY (OEO)

Bid Number or Proposal Title:		Name of Bidder/Proposer:				Bid/RFP Opening Date:		
List below ALL MBE/WBE/DBE/DSBEs that were solicited regardless of whether a commitment resulted therefrom. - Photocopy this form as necessary.								
<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> DSBE <input type="checkbox"/> M-DBE <input type="checkbox"/> W-DBE		Work or Supply Effort to be Performed	Date Solicited		Commitment Made		Give Reason(s) If No Commitment	
Company Name			By Phone	By Mail	Yes (# Yes, give date)	NO		
Address								
Contact Person								
Telephone Number			Quote Received		Amount Committed To			
Fax Number			YES²	NO	Dollar Amount			
Email Address					\$			
OEO REGISTRY #	CERTIFYING AGENCY			Percent of Total Bid/RFP				
				%				
<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> DSBE <input type="checkbox"/> M-DBE <input type="checkbox"/> W-DBE		Work or Supply Effort to be Performed	Date Solicited		Commitment Made		Give Reason(s) If No Commitment	
Company Name			By Phone	By Mail	Yes (# Yes, give date)	NO		
Address								
Contact Person								
Telephone Number			Quote Received		Amount Committed To			
Fax Number			YES²	NO	Dollar Amount			
Email Address					\$			
OEO REGISTRY #	CERTIFYING AGENCY			Percent of Total Bid/RFP				
				%				
<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> DSBE <input type="checkbox"/> M-DBE <input type="checkbox"/> W-DBE		Work or Supply Effort to be Performed	Date Solicited		Commitment Made		Give Reason(s) If No Commitment	
Company Name			By Phone	By Mail	Yes (# Yes, give date)	NO		
Address								
Contact Person								
Telephone Number			Quote Received		Amount Committed To			
Fax Number			YES²	NO	Dollar Amount			
Email Address					\$			
OEO REGISTRY #	CERTIFYING AGENCY			Percent of Total Bid/RFP				
				%				

1. If Bidder/Proposer makes solicitation(s) and commitment(s) with a DBE, Bidder/Proposer shall indicate which class type, M-DBE or W-DBE, is submitted for credit.
 2. Attach all quotations to this form.

**SIGN-IN SHEET
PROCUREMENT DEPARTMENT**

**MANDATORY PRE-BID MEETING
Thursday, October 9, 2014 AT 12:00 PM
#S5-WO168-0 Internet Access Service**

	NAME	COMPANY NAME OR DEPARTMENT/Unit	Phone/Email
1.	<u>Doreen Esposito</u>	<u>Sprint</u>	<u>doreen.esposito@sprint.com</u>
2.	<u>ANDREW KEVITCH</u>	<u>SPRINT</u>	<u>ANDREW.KEVITCH@SPRINT.COM</u>
3.	<u>PABLO ADAM</u>	<u>AT&T</u>	<u>PA1362@ATT.COM</u>
4.	<u>TERRY Cummings</u>	<u>Fibertech NETWORKS</u>	<u>tcummings@fibertech.com</u>
5.	<u>Chrissy Grosso</u>	<u>Windstream</u>	<u>Christine.grosso@windstream.com</u>
6.	<u>HELEN SEATON</u>	<u>WINDSTREAM</u>	<u>HELENA.CONNAN.SEATON @WINDSTREAM.COM</u>
7.	<u>KELVIN JOHNSON</u>	<u>VERIZON</u>	<u>KELVIN.JOHNSON@VERIZON.COM</u>
8.	<u>KEN SCHUBACH</u>	<u>VERIZON</u>	<u>KENNETH.W.SCHUBACH@ VERIZON.COM</u>
9.	<u>Mike Sullivan</u>	<u>Xtel</u>	<u>msullivan@xtel.net</u>
10.	<u>Jeff Samdonis</u>	<u>Xtel</u>	<u>jsamdonis@xtel.net</u>