

ERIE COUNTY WATER AUTHORITY

**Public Relations Services
2018 Request for Proposals
Project No: 201800099**



**Erie County Water Authority
295 Main Street
Room 350
Buffalo, New York 14203**

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This Request for Proposal (RFP) for Professional Services, to provide Public Relations Services to the Erie County Water Authority, is being conducted pursuant to enacted legislation, New York State Finance Law § 139-j and § 139-k and the Erie County Water Authority’s Procurement Disclosure Policy. A copy of the latter is provided with this RFP.

I. Purpose:

The Authority is soliciting proposals and qualifications from interested parties for public relations services.

The Authority is seeking a firm that has the capabilities to work in collaboration with the Authority to develop proactive public relations programs that strategically help maintain and/or improve opinions among our various targeted constituencies. The firm should have proven capabilities in local media relations, customer relations, organizational marketing, web site and social media management, and issues/crisis communications, among other services as requested by the Authority.

The contract begins on July 1, 2018 and is expected to run for a three (3) year term with the ability to renew for two (2) additional one (1) year terms at the option of the Authority on 30 days written notice to the firm.

II. Background:**BACKGROUND INFORMATION:***Organizational Information*

The Erie County Water Authority is a public benefit corporation formed in 1949 to provide a potable water supply to the residents of Western New York. The Authority was created by an Act of the State Legislature, codified in Sections 1050 through 1073 of Title 3 (the “Erie County Water Authority Act”) of Article 5 of the Public Authorities Law of the State of New York (as amended), to, among other things, finance, construct, operate and maintain a water supply and distribution system to benefit the residents of the County of Erie, New York. The Authority became operational in 1953. The Authority is financially self-sustaining, paying all operating expenses from revenues generated from the sale of water to 170,042 customers.

The Erie County Water Authority is not an agency of New York State, nor an agency of Erie County government. The Authority is completely independent with respect to budgeting, bonding authority, debt management and credit rating.

The Erie County Water Authority is governed by a Board of Commissioners. The Board consists of three members appointed by the Chairman of the Legislature of Erie County, subject to confirmation by a majority of said Legislature. Each Board member is appointed for a three-year term and continues to hold office until a successor is confirmed. The three-year terms of office are staggered. The enabling State legislation provides that the officers of the Authority shall consist of a Chairman, a Vice-Chairman and a Treasurer who shall be members of the Authority, and a Secretary, who need not be a member of the Authority. The Board establishes policy and is responsible for the overall operations of the Authority.

III. Scope of Services:

The selected firm would be responsible for:

- Developing and implementing proactive public relations programs on behalf of the Authority. Potential program areas would include, but not be limited to: media relations, customer communications/education; public affairs/advocacy; issues/crisis management; water quality initiatives; public awareness and community events programming; and web site/social media content management.
- Providing strategic consultation and planning on Authority public relations programs and matters.
- Providing strategic consultation and planning on Authority public relations matters.
- Providing strategic consultation and planning to assist the Authority in managing crises and issues as they arise.
- Writing and/or editing of public relations materials, such as press releases, media alerts and statements, opinion pieces and letters to the editor, issue and advocacy advertisements, annual report and annual water quality report, customer communications, and additional communications materials as requested.
- Consult and advise on ECWA website content and design.
- Monitoring, tracking, researching and distributing media reports related to the Authority, drinking water issues/regulations, etc.
- Providing the Authority with routine graphic design services for placement of issues advertisements in print publications as well as assist in the design and layout of Authority's's annual report, annual water quality report and additional publications and materials as needed.
- Attend meetings with Commissioners to discuss ongoing public relations opportunities and challenges, as requested by the Secretary to the Authority.
- Other public relations activities as requested by ECWA.
- Develop communication with ECWA employees.

IV. Proposal Requirements:

All respondents are required to send six (6) complete sets of responses (1 original and 5 copies) which should be submitted to the Authority at the following address:

Terrence McCracken
Erie County Water Authority
295 Main Street, Room 350
Buffalo, New York 14203

Package should be marked: **2018 RFP for Public Relations Services**

Proposals must be delivered via mail or hand delivery to the Authority at the above location no later than **Tuesday, June 5, 2018**, Proposals delivered prior to the deadline shall remain unopened, so long as the package is properly marked as set forth above. Late proposals will not be accepted and will be marked "TOO LATE" and returned to the sender unopened.

All six (6) copies of the respondent's proposal should be arranged as follows:

1. **Title Page:** Showing RFP name and respondent's name, address, telephone number and contact person.
2. **Letter of Introduction:** One page, introducing the respondent and manually signed by the person(s) authorized to sign on behalf of, and bind the company to, statements made in response to this RFP.
3. **Company Profile and Respondent Information:** The following will be required in a company overview/profile as part of respondent's proposal:
 - a. Brief (one or two paragraphs) description of the respondent's business, its history and its ability to provide the requested services, including number of years in business.
 - b. Information pertinent to the respondent's background and experience relative to this project, public relations experience with a utility provider and/or a public entity.
 - c. A statement of the respondent's understanding of the scope of services.
 - d. Submit a case study of a public relations program the firm has completed for a comparable client, including challenge presented, a description of the program implemented and any subsequent results. Please include contact information for the client.
 - e. Identify principals and/or officers of the respondent firm.
 - f. Firm name.
 - g. Firm address.
 - h. Telephone numbers and e-mail addresses.
 - i. Contact person.
 - j. Respondent's size and organizational structure.
 - k. Resumes or bio's of personnel to be assigned to the project.

1. References that respondent may wish to provide – provide at least three references with contact name and telephone number.
4. **Compensation:** Please provide quotes for costs of services that will be paid at a monthly rate with a “not to exceed” dollar amount for any given month. Please include the total number of service hours the Authority can expect to receive under these terms. Further under these terms, the Authority would not expect to be limited in the number of hours it receives if such services were needed during a catastrophic crisis event.
5. **Certifications and Insurances:** All attached required NYS Finance Law Certifications Forms A, B, C, Proposer Certification and Insurance certificates must be submitted.
6. **Additional Information:** If additional services are provided by your firm that are not specified in the SCOPE OF SERVICES (i.e., graphic design), please include those services in your company’s response.

V. **Terms and Conditions:**

- All proposals become the property of the Authority.
- The Authority shall have no financial responsibility for any costs assumed by the “Proposer” in submitting the RFP.
- Each proposal shall be prepared simply and economically, and should provide straightforward and concise responses that satisfy the requirements of the RFP.
- The Authority reserves the right to request additional information from any and all Proposers to assist in the evaluation process. It is the responsibility of the Proposer to inquire about and clarify any aspect of the RFP that is not understood.

Acceptance/Rejection

The Authority reserves the right to accept or to reject any or all of the proposal(s) and to select the proposal(s) which, in the opinion of the Authority, will be in the Authority’s best interest. The Authority also reserves the right to reject the response of any respondent who has previously failed in the proper performance of any agreement with the Authority. The Authority specifically may choose other than the lowest cost proposal in order to provide the requisite experience and background which are deemed to be most appropriate for the Authority.

THE ISSUANCE OF THIS RFP CONSTITUTES ONLY AN INVITATION TO PRESENT PROPOSALS. THE AUTHORITY AND THE RFP EVALUATION COMMITTEE RESERVE THE RIGHT TO DETERMINE, IN THEIR SOLE DISCRETION, WHETHER ANY ASPECT OF THE PROPOSAL SATISFACTORILY MEETS THE CRITERIA ESTABLISHED IN THE RFP. THE AUTHORITY AND THE RFP EVALUATION COMMITTEE RESERVE THE RIGHT TO SEEK ADDITIONAL INFORMATION AND/OR CLARIFICATION FROM ANY RESPONDENT, THE RIGHT TO NEGOTIATE WITH ANY RESPONDENT SUBMITTING A RESPONSE,

AND THE RIGHT TO REJECT ANY OR ALL RESPONSES, WITH OR WITHOUT CAUSE. IN THE EVENT THAT THE RFP IS WITHDRAWN BY THE AUTHORITY FOR ANY REASON, INCLUDING, BUT NOT LIMITED TO, THE FAILURE TO OCCUR OF ANY OF THOSE THINGS OR EVENTS SET FORTH HEREIN, THE AUTHORITY SHALL HAVE NO LIABILITY TO ANY RESPONDENT FOR ANY COSTS OR EXPENSES INCURRED IN CONNECTION WITH THE RFP OR OTHERWISE.

Selection/Evaluation Process

1. An RFP evaluation committee will review all accepted proposals, and will have the option of selecting firms for possible oral presentations. It is anticipated that this process may be completed by June 14, 2018.
2. The RFP evaluation committee will report to the Board of Commissioners, and it is anticipated that the committee will recommend a firm by June 14, 2018. After acquiring the Board of Commissioners consent, the selected firm will be notified.
3. The Authority will negotiate with the firm deemed in its sole judgment to be the most qualified.
4. The successful firm will be required to enter into a written Professional Services Agreement with the Authority in a form approved by the Authority's legal counsel. The Authority reserves the right to negotiate the terms and conditions of the agreement with the selected firm.
5. All proposals must state the period for which the proposal shall remain in effect, with a minimum of 120 days from the due date of the proposal.
6. The Authority reserves the right to request additional information from any and all respondents to assist in the evaluation process.
7. The Authority reserves the right to reject any and all proposals. The award will be made to the firm whose proposal is deemed to be in the best interest of the Authority at its sole discretion.
8. Respondents, agents and/or associates are prohibited from contacting or soliciting any other Erie County Water Authority official, including Authority members, during the restricted period from May 17, 2018 through the award of contract date.
9. Any changes to the request for proposal will be communicated in writing to all firms who receive this RFP.
10. Should the Authority be unable to negotiate a satisfactory contract with the selected firm, negotiations with that firm will be formally terminated. The Authority will then undertake negotiations with the second most qualified firm.

VI. Additional Information:

It is the sole responsibility of the respondent to inquire about and seek clarification on any aspect of the RFP that is not understood.

All questions and requests for clarification should be addressed in writing to the designated contact person, Terrence McCracken, at tmccracken@ecwa.org. All questions and requests for clarifications will be answered and distributed via e-mail to all firms eligible to submit a response to the RFP.

VII. Time Table of Events

- | | |
|---------------|---|
| May 17, 2018 | - Distribute Request for Proposal (RFP) |
| May 29, 2018 | - Deadline for submitting questions due by 4:00 PM, EDT |
| June 5, 2018 | - RFP Responses due by 10:00 a.m. |
| June 5, 2018 | - The review process begins and respondents may be requested to provide additional information or requested to make oral presentations. |
| June 14, 2018 | - RFP Evaluation Committee brings recommendation to Board of Commissioners as a staff item and asks for authorization to negotiate. |
| June 28, 2018 | - RFP Evaluation Committee to seek Board of Commissioners authorization to enter into a contract. |

FORMS A, B and C

SECTION 139 OF STATE FINANCE LAW

Pursuant to State Finance Law §139-j and §139-k, this Invitation to Bid includes and imposes certain restrictions on communications between a Governmental Entity and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest notice of intent to solicit offers, through final award and approval of the Procurement Contract by the Governmental Entity. The designated contact is identified in the Notice to Bidders. Governmental Entity employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4-year period; the Offerer/bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found in §139-j and §139-k of the New York State Finance law and the Erie County Water Authority's Procurement Disclosure Policy.

- Form A - Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law.
- Form B - Offerer's Certification of Compliance with State Finance Law.
- Form C - Offerer's Disclosure of Prior Non-Responsibility Determinations.
- Contract Termination Provision.

FORM A

Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)

Instructions:

A Governmental Entity must obtain the required affirmation of understanding and agreement to comply with procedures on procurement lobbying restrictions regarding permissible Contacts in the restricted period for a procurement contract in accordance with State Finance Law §§139-j and 139-k. It requires that this affirmation be obtained as early as possible in the procurement process, but no later than when the Offerer submits its proposal.

Offerer affirms that it understands and agrees to comply with the procedures of the Government Entity relative to permissible Contracts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By: _____

Date: _____

Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

FORM B

**Offerer's Certification of Compliance
With State Finance Law §139-k (5)**

Instructions:

A Governmental Entity must obtain the required certification that the information is complete, true, and accurate regarding any prior findings of non-responsibility, such as non-responsibility pursuant to State Finance Law §139-j. The Offerer must agree to the certification and provide it to the procuring Governmental Entity. It is required that the certification be obtained as early as possible in the process, but no later than when an Offerer submits its proposal.

Offerer Certification:

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

By: _____ Date: _____

Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

FORM C

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**Offerer's Disclosure of Prior
Non-Responsibility Determinations****Background:**

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

As part of its responsibility determination, State Finance Law §139-k (3) mandates consideration of whether an Offerer fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offerer that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offerer is necessary to protect public property or public health safety, and that the Offerer is the only source capable of supplying the required Article of Procurement within the necessary time frame. See State Finance Law §139-j (10) (b) and §139-k (3).

Instructions:

A Governmental Entity must include a disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract. It shall be submitted to the Governmental Entity conducting the Governmental Procurement no later than when an Offerer submits its proposal.

FORM C

Offerer's Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity seeking to Enter into the Procurement Contract:

Address: _____

Name and Title of Person Submitting this Form: _____

Contract Procurement Number: _____

Date: _____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle)

No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j? (Please circle)

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle)

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-Responsibility: _____

Basis of Finding Non-Responsibility: _____

(Add additional pages as necessary)

FORM C

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle)

No

Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

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

By: _____

Date: _____

Signature

Name: _____

Title: _____

Contract Termination Provision

Instructions:

A Contract Termination Provision will be included in each Procurement Contract governed by State Finance Law §139-k. New York State Finance Law §139-k (5) provides that every procurement contract award subject to the provisions of State Finance Law §139-k and §139-j shall contain a provision authorizing the Governmental Entity to terminate the contract in the event that the certification is found to be intentionally false or intentionally incomplete. This statutory contract language authorizes, but does not mandate, termination. “Government Entity” and “procurement contract” are defined in State Finance Law §139-k (1).

This required clause will be included in a covered procurement contract.

A sample of the Termination Provision is included below. If a contract is terminated in accordance with State Finance Law §139-k (5), the Governmental Entity is required to include a statement in the procurement record describing the basis for any action taken under the termination provision.

Sample Contract Termination Provision

The Governmental Entity reserves right to terminate this contract in the event it is found that the certification filed by the Offerer in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, the Governmental Entity may exercise its termination right by providing written notification to the Offerer in accordance with the written notification terms of this contract.