

**REQUEST FOR  
EXPRESSED INTEREST IN:**

**A DEMONSTRATION OF  
INNOVATIVE ALTERNATIVE ONSITE WASTEWATER  
TREATMENT SYSTEMS  
IN SUFFOLK COUNTY**

**ISSUED: April 14, 2014**

*Application Due Date: May 16, 2014 (by 12:00 p.m. Noon)*

- *Applicants must first register online at:*

<http://www.suffolkcountyny.gov/Departments/Planning/ReclaimOurWaterInitiativeUpdate.aspx>

*by Wed. April 30, 2014 and final application is due by Friday, May 16, 2014*

- *Information Conference Session (optional attendance) will be held on:*

*Date: Friday May 2, 2014 2pm*

*Location:* Suffolk County Offices  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Economic Development and Planning Department, 4th Floor  
P.O. Box 6100  
Hauppauge, NY 11788-0099

*Alternately attendance via conference call-in*

*– call-in information to be provided after registering online.*

## **I. BACKGROUND**

Suffolk County is seeking applications from manufacturers (hereinafter “Applicant(s)”) from throughout the nation for the opportunity to showcase and demonstrate single family residential onsite wastewater treatment system technologies in Suffolk County—at no cost to the County or participating homeowners — in an effort to test these systems in local conditions.

Suffolk County, with a population of 1.5 million, is Long Island's eastern-most county, has in excess of 200,000 existing residential on-site wastewater disposal systems in environmentally sensitive areas which could potentially benefit from utilization of nitrogen reducing technologies.

This Request for Expressed Interest (RFEI) is part one of a two-part process. The initial RFEI seeks from Applicants their qualifications for the manufacture, installation and maintenance of innovative alternative onsite wastewater treatment systems (hereinafter “I/A OWTS”) for use on residential property or county property. The second part of the process is to pair property with Applicants to install, maintain and operate these I/A OWTS. Note that construction or installation of any OWTS requires site specific approvals (*See IV B(d) p.7, IV C(d) p.9*)

## **II. PURPOSE**

Suffolk County is initiating this demonstration program for installing two types of innovative OWTS. The first are those certified by the USEPA Environmental Technology Verification Program (“ETV”) or the National Sanitation Foundation/American National Standards Institute (NSF/ANSI) Standard 245 testing program (“NSF 245”) to be demonstrated on a limited number of private residential properties

The second type of I/A OWTS demonstration will include systems not yet certified by ETV/NSF 245 for testing on County municipal property which will require the authorization of the County Legislature.

The demonstration programs are intended to provide field-testing and technology verification to determine if a particular alternative technology can function effectively in Suffolk County. A technology may only be approved when the Suffolk County Department of Health Services (SCDHS) has determined, based on relevant technical data, that the proposed alternative is capable of a level of environmental protection at least equivalent to that of a system designed in accordance with the Suffolk County Sanitary Code Article 6, and other applicable state or local provisions.

Special priority will be given to systems which demonstrate coastal resiliency principles (ability to withstand storm damage, and/or long-term ability to mitigate impacts of rising sea level and groundwater tables). If applicable, applicants should specify how their systems promote these goals.

The County is seeking proposals from Applicants for:

- 1) Installation of up to five (5) I/A OWTS per system at no cost to the *homeowner* inclusive of a five year warranty and maintenance.; and/or
- 2) Installation of up to five (5) I/A OWTS per system at no cost to the *County* inclusive of a five year warranty and maintenance.

This process will involve the submission of this RFEI. Applicants will be selected from among the RFEI responders.

Any New York State Department of Health (NYSDOH) or other state agency approvals that may be required must be obtained by the applicant.

Subject to the necessary County and/or State approvals, a chosen Applicant will install and maintain the I/A OWTS (s) at no cost to the participating homeowners or the county. Terms of this relationship are subject to negotiation.

Subject to possible necessary approvals from the Commissioner of SCDHS, Suffolk County Board of Health, NYSDOH and NYS Department of Environmental Conservation (NYSDEC), the SCDHS envisions the approval process to occur as follows:

\*For demonstration projects involving NSF 245 or USEPA ETV systems at residential sites: SCDHS has a goal of adopting standards which will allow for general use by the end of year.

\*For pilot projects on County facilities: SCDHS will utilize the Massachusetts three-tiered approval model for new technology: Piloting, Provisional Use, and General Use. Piloting involves installation of a technology at 15 sites monitored for 18 months. Piloting is considered successful if a minimum of 75% meet TN removal targets for 12 months. Under Provisional Use Approval, a minimum of 50 installations must be evaluated for a period of 3 years. Provisional Use is considered successful if at least 90% of the systems perform properly. Systems are then certified for General Use, and should maintain general use approval so long as there are no significant environmental or public health concerns (e.g., recurring overflows/failures or odor nuisances that can't be abated with proper operation and maintenance), and so long as 75% continue to meet TN removal targets on an annual basis.

### III. SUBMISSION REQUIREMENTS IN RESPONSE TO THIS RFEI

The submission requirements are outlined below. The County will not consider any responses that do not fulfill these requirements.

- All proposers must respond to all questions in the format indicated and must register on-line at <http://www.suffolkcountyny.gov/Departments/Planning/ReclaimOurWaterInitiativeUpdate.aspx> by **April 30, 2014**

If you should need assistance, please contact the Economic Development and Planning Department for help.

- All copies of the proposals must be in writing and be submitted to:

Sarah Lansdale, Director of Planning  
H Lee Dennison Building  
100 Veterans Memorial Highway  
Hauppauge New York 11788

- Seven (7) copies of the RFEI response and all other required documents must be received no later than **May 16, 2014, at 12:00 p.m. (Noon)**
- Those submitting RFEI responses do so at their own expense. The County will not be obligated to reimburse any costs incurred in preparing or submitting the RFEI response, including additional requests for information and interviews.
- No verbal proposals will be accepted.
- In order to be considered, proposals must be accompanied by a signed Public Disclosure Statement and Proposal Bid/Certification (see attachments).
- The County may request additional written or oral information from proposers, as needed.
- All proposals will be held in confidence until completion of the selection process, except as required by law.
- Information Conference Session (optional attendance) will be held on:

**Friday May 2, 2014 2pm**

Suffolk County Offices  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Economic Development and Planning Dept, 4th Fl  
Hauppauge, NY 11788-0099

*Alternately attendance via conference call-in – call-in information to be provided after registering online.*

#### **IV. CONTENT OF SUBMISSION**

##### **A. GENERAL INFORMATION on the Applicant**

Every **RFEI Response** must include the following:

##### **a) Corporate Ownership and History:**

1. The names of and contact information for:
  - i. The proposer(s);
  - ii. All persons who will hold an ownership, equity or other economic interest with proposer;
  - iii. All individuals who designed, engineered or tested the I/A OWTS (s) to be utilized and those from the company who oversaw the submission for testing for USEPA ETV or NSF-45 certification; and
  - iv. The names, affiliates and addresses of the individuals who prepared, or assisted in preparing, the response to this RFEI.
  - v. A history and description of the proposer, including experience in the manufacture, installation and maintenance of I/A OWTS. Please detail regulatory compliance history.

##### **b) Qualifications and Experience of Personnel**

1. Provide full names of the corporate officers/partners, engineers, hydrogeologists, scientists, testing experts, managers and other key staff in your company and provide resumes for each individual.
2. For each professional listed above, describe his/her qualifications and provide information regarding:
  - i. Education;
  - ii. Professional licenses and other affiliations (copies of which shall be submitted with your response);
  - iii. Number of years engaged in manufacturing of I/A OWTS;
  - iv. Other relevant work experience or qualifications; and
  - v. The role each identified person would play.

3. Describe other accounts involving similar services, in particular identify any governmental, public authority, public agency, and/or other quasi-governmental entities for which you provide or have provided systems or support in New York State; and in other states. Describe the role and experience of key personnel assigned to other similar accounts who will be assigned to this account.
  4. Will temporary staff also be involved? If so, include details of their supervision and training.
  5. Please list the company's concurrent material engagements and outstanding current proposals that could impact the availability of the individuals listed in response to paragraph b2 above.
  6. Provide a statement as to whether the company is listed in any directory of I/A OWTS manufacturing.
  7. Please set forth why your company should be selected.
  8. Please set forth any unique qualities your company possesses that other companies do not have.
- c) **Current Financial Statement** (if current year not available previous calendar year acceptable) prepared and certified by Independent CPA to include:
- i. Balance sheet
  - ii. Income Statement
  - iii. Cash Flow Projection
  - iv. Opinion Letter

If independently audited financial statement is not available, the most current in-house Company statement to include:

- i. Balance Sheet
- ii. Income Statement
- iii. Cash Flow Projection
- iv. Financial Statement to be signed by one of the following attesting to the accuracy of the statement: CEO/CFO/COO.

**d) Customer/Client History**

1. Provide a list of all government entities or corporations for whom you have provided I/A OWTS design with the number of units installed in each municipality, manufacturing and/or installation within the last five (5) years (from Jan 2009 to date). Please also list customers with contracts (in excess of \$250,000

gross value) in which your company participated. For each customer/client, provide the following:

- a. government entity's or corporation's name; and
- b. government entity's or corporation's name address; and
- c. Contact name, title, and telephone number; and
- d. Description of product or services provided, approximate gross value, and time period.

**e) References**

1. From the list of government entities or corporations provided in response to paragraph d1 above, provide three (3) references for which the company has provided services (current governmental or quasi-governmental agencies preferred). Provide name of the organization, services, contact name and telephone number.
2. From the list of personnel provided in response to paragraph 2 above, provide three (3) references for each key staff member identified. Provide name of the individual or organization, services, contact name and telephone number.
3. Provide a list of all contracts your company has had with the County within the last five (5) years (regardless of type of service), the time period for those services and your primary County contact.

**f) Other General Information**

1. All additional information relating to the proposer's character, reputation, and competence, including any information relevant to the ability to achieve required approvals.
2. Any additional, relevant information that would distinguish the proposer for consideration by the County.
3. Suffolk County Contractor's/Vendor's Public Disclosure Statement - Form 22 attached.

## **B. RESIDENTIAL DEMONSTRATION PROGRAM DETAILS:**

### **USEPA/ETV or NSF 245 Certified Systems**

- a)** The Residential Demonstration Program is a means to test whether these I/A OWTS can be operated to reduce nitrogen concentrations by a minimum of 50% as compared to effluent from a standard septic tank, and importantly, be maintained in a manner which homeowners can reasonably be expected to implement to insure continued environmental compliance. The residential demonstration program will assess the operation and maintenance requirements, equipment cost, installation issues, and the overall ability of each technology to meet nitrogen reduction objectives.
- b)** In order to be considered for participation in the demonstration program, the manufacturer or agent of an I/A OWTS must have attained verification and/or certification status through the USEPA Environmental Technology Verification Program (ETV) or National Sanitation Foundation/American National Standards Institute (NSF/ANSI) Standard 245 testing program.
- c)** Although all applications for the demonstration project are being submitted to the Department of Economic Development and Planning, the applicant should be aware that the Suffolk County Department of Health Services will be responsible for initial system authorization for this demonstration project, evaluation of monitoring and performance, and creating and maintaining a database of the analytical results of system monitoring.
- d)** The systems will be authorized by the Department of Health Services for use within the Suffolk County Demonstration Program and subject to:
  - 1.** Coordination and consultation with NYS Department of Health and NYS Department of Environmental Conservation.
  - 2.** Further required approval at the design and installation phase for a particular property by SC DHS pursuant to Suffolk County Sanitary Code Article 6, and other applicable provisions,
  - 3.** Any other required state or local approvals, if applicable.
  - 4.** We reserve the right to deem as unapprovable, a particular I/A OWTS within the demonstration project if that I/A OWTS is determined to be unsuitable on a

particular parcel of property. Acceptance in the demonstration project does not guarantee actual approved installation.

- e) Proposers will be responsible for costs of all issues identified in RFEI (including, but not limited to: design, construction, operation and maintenance, monitoring, and covenants).

**f) Technical Specifications for Residential Demonstration Program:**

1. Providing all laboratory test data and reports associated with the technology's participation in the USEPA ETV Program or NSF/ANSI Standards 245 testing program and proof of verification and/or certification status;
2. Engineering design drawings, installation and maintenance specifications for the I/A OWTS; and
3. Detailing the expected total nitrogen concentration to be achieved by the technology when serving residential development in Suffolk County; and
4. A description of the technical support system that the Applicant will utilize to supply and support the treatment system in Suffolk County;
5. Engagement letter for New York certified laboratory to have the treated effluent sampled on a quarterly basis during the first five years of operation to confirm conformance to nitrogen and contaminant discharge limits.

**g) Contractual Requirements/Considerations for Residential Demonstration Program:**

1. An estimate of the cost of the technology including but not limited to equipment, shipping, warranty, operation and maintenance services, and effluent monitoring;
2. A description of the distribution support system that the Applicant will utilize to supply and support the treatment system in Suffolk County.
3. Submission of a sample five-year parts and labor warranty for the I/A OWTS and to be regularly serviced by qualified personnel under a renewable, non-cancelable five year operation and maintenance contract for inclusion with the contract with the homeowner as well as detailing of estimated costs of maintenance of the system during the expected life of the system will be covered during the warranty period without additional cost to the homeowner. Additionally provide an estimate of the costs of maintenance during the expected life of the system once beyond the five-year period and the ability of the company to provide same to the homeowner.
4. Applicants should note that prior to approval to install an I/A OWTS will be subject to posting of letters of credit to cover the cost of installation, maintenance, operation, warranty and replacement with standard septic system if I/A OWTS fails to meet manufacturer's representations of performance.

**C. COUNTY FACILITIES DEMONSTRATION PROGRAM DETAILS:**

**non-NSF 245/ETV Systems<sup>1</sup>**

- a) The County Facilities Demonstration Program is a means to test whether innovative systems not yet certified by USEPA/ETV or ANSI/NSF Standard 245 can be operated to reduce nitrogen by a minimum of 50% as compared to effluent from a standard septic tank, through installation and testing at County owned properties. The County Facilities Demonstration Program will assess the operation and maintenance requirements, suitability for homeowner operation, equipment cost, installation issues, and the overall ability of each technology to meet nitrogen reduction objectives.

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<sup>1</sup> It should be noted that a testing protocol will be developed by SC Department of Health Services to provide for testing under multiple flow and loading scenarios before these systems are approved for use in residential settings.

- b) The Department of Health Services will be responsible for review of the I/A OWTS technical data and drawings, evaluation of monitoring performance, and creating and maintaining a database of the analytical results of system monitoring. The systems will be authorized by a determination of the Suffolk County Department of Health Services for use within the Suffolk County Demonstration Program and subject to:
1. Coordination and consultation with NYS Department of Health and NYS Department of Environmental Conservation.
  2. Further required approval at the design and installation phase for a particular property by SC DHS pursuant to Suffolk County Sanitary Code Article 6, and other applicable provisions,
  3. Any other required state or local approvals, if applicable.
  4. We reserve the right to deem as unapprovable a particular I/A OWTS within the demonstration project if that I/A OWTS is determined to be unsuitable on a particular parcel of property. Acceptance in the demonstration project does not guarantee actual approved installation.
- c) Although all applications for the demonstration project are being submitted to the Department of Economic Development and Planning, the applicant should be aware that in addition to Suffolk County Department of Health Services requirements the Suffolk County Department of Public Works will be responsible for oversight of installations, operation, maintenance, and inspections of systems installed at County owned facilities.
- d) Technical Specifications for County Facilities Demonstration Program:**
1. Providing all laboratory test data and reports to date on the proposed system;
  2. Engineering design drawings, installation and maintenance specifications for the I/A OWTS; and
  3. Detailing the expected total nitrogen concentration to be achieved by the technology when serving the county property/facility in Suffolk County; and

4. A description of the technical support system that the Applicant will utilize to supply and support the treatment system in the Suffolk County;
  5. Engagement letter for New York certified laboratory to have the treated effluent sampled on a quarterly basis during the first five years of operation to confirm conformance to nitrogen and contaminant discharge limits.
- e) **Contractual Requirements/Considerations for County Facilities Demonstration Program:**
1. An estimate of the cost of the technology including but not limited to equipment, shipping, warranty, operation and maintenance services, and effluent monitoring;
  2. A description of the distribution support system that the Applicant will utilize to supply and support the treatment system in Suffolk County.
  3. Submission of a five-year parts and labor warranty and to be regularly serviced by qualified personnel under a renewable, non-cancelable five year operation and maintenance contract to assure that equipment failures will be covered during the warranty period without additional cost to the county. Additionally provide an estimate of the costs of maintenance during the expected life of the system once beyond the five-year period and the ability of the company to provide same to the county.
  4. Applicants should note that prior to approval to install an I/A OWTS will be subject to posting of letters of credit to cover the cost of installation, maintenance, operation, warranty and replacement with standard septic system if I/A OWTS fails to meet manufacturers representations of performance.

**D. DETAILED ASPECTS FOR PARTICIPATION IN EITHER DEMONSTRATION PROGRAM:**

- a) Please include a statement that each of the following is understood by the company to be required under this demonstration program:
1. As with all onsite wastewater systems, the engineering plans for these systems will need to be prepared (signed & sealed) by a NYS licensed professional engineer (NYPE) or registered architect. The plans will then need to be certified by the Applicant's in-house engineer(s) as being consistent with the manufacturer's specifications for achieving the degree of nitrate nitrogen mitigation required by Suffolk County. In the event of electrical outage, non-passive alternative treatment systems for nitrogen reduction must be capable of continually treating, or holding for treatment, one additional day's sewage flow.
  2. The Suffolk County Departments of Health Services (SCDHS) and Public Works, as appropriate, and the Applicant's engineer will conduct a final construction inspection and certify that as-built conditions are in conformance with the approved design. As-built plans will be required.
  3. For the first five years of operation the I/A OWTS will be covered under a renewable, non-cancelable operation and maintenance contract which requires the service provider to periodically inspect the site (in conformance with any state and county requirements) to monitor system operation, make necessary process adjustments, and pump solids as required, and report results to SCDHS in a format to be specified by the Department. After the first five years of operation, I/A OWTS will require inspection from a licensed operator in compliance with any state and county requirements.
  4. Sampling of the effluent from the systems must be achievable at final grade without excavation. Systems will be sampled on a quarterly basis for a minimum of five years and analyzed by a NYS certified laboratory utilizing *Standard Methods for the Examination of Water and Wastewater* for total nitrogen (TN), biochemical oxygen demand (BOD) and total suspended solids (TSS) with results submitted to the SC Department of Health Services within 30 days. In the event that a technology is determined to fail to meet nitrate nitrogen removal requirements, the technology would no longer be considered for new installations;

5. No more than five (5) of the same manufacturer's alternate design wastewater treatment system may be installed in the Suffolk County Demonstration Program, except by special approval of the Suffolk County Department of Health Services.
6. Suffolk County reserves the right to sample, test, or inspect the systems at any time.
7. *Note that in the event the County ever contracts with an applicant, we have included a copy of the Legislative Requirements for a contract with the County of Suffolk for your review and reference.*

## V. TIMELINE

The County will endeavor to follow the timetable below; however, the activities and timetable are guidelines only, subject to change at the County's discretion and without prior notice.

- RFEI Response: Seven (7) copies of the written response must be submitted in writing and received **no later than 12:00 p.m. Noon on May 16, 2014** to the attention of:

Sarah Lansdale, Director of Planning  
Department of Economic Development and Planning  
H. Lee Dennison Building, 4th Floor  
100 Veterans Memorial Highway  
Hauppauge New York 11788

- Screening of applicants: A selection committee shall evaluate all RFEI applications and make appropriate recommendations on the selection of potential qualified candidates.

## VI. RFEI SUBMISSION EVALUATION

The County will have sole discretion to determine the composition of the selection committee, who will, in turn, evaluate the RFEI responses.

- The evaluation process is designed to identify proposers who would be most successful in submitting a proposal for demonstration of innovative alternative onsite wastewater treatment systems and successfully obtaining necessary approvals from the Suffolk County DHS and any additional approvals required by NYS Department of Health and/or Suffolk County DPW.
- Approximately one month after submission closing period, the County will notify the selected entities who have qualified.

## **VII. RESERVATION OF RIGHTS AND MISCELLANEOUS CONDITIONS**

The County reserves the following rights with respect to this RFEI:

- To request more detailed information.
- To utilize criteria of its choosing to select the entity whose proposal best satisfies the interests of the County.
- To take no action on the responses received.
- To reject all submissions that are submitted under this RFEI.
- To change any portion of the RFEI at any time.
- To issue additional, subsequent solicitations for proposals.
- To negotiate with proposers for amendments or other modifications to their proposals.
- To modify deadline for submissions.
- To conduct investigations with respect to the qualifications of each proposer and its personnel who may bid on this proposal.

## **VIII. ADMINISTRATIVE INFORMATION**

### **A. Questions and Comments**

#### **a) Administrative Questions**

Administrative questions (e.g., procedural questions on how to respond to this RFEI) may be submitted in writing (email preferred) on or before **May 1, 2014** to:

Sara Lansdale, Director of Planning,  
Suffolk County Department of Economic Development and Planning at:  
[Sarah.Lansdale@suffolkcountyny.gov](mailto:Sarah.Lansdale@suffolkcountyny.gov)

#### **b) Technical Questions**

Technical questions (questions which are specific to the information requested in this RFEI) must be submitted in writing (email preferred) on or before **May 1, 2014** to the attention of:

Walter Dawydiak, Director, Division of Environmental Quality,  
Suffolk County Department of Health Services  
[Walter.Dawydiak@suffolkcountyny.gov](mailto:Walter.Dawydiak@suffolkcountyny.gov)

Responses to such technical questions will be issued in the form of an Addendum to this RFEI.

### **B. RFEI Policies, Procedures and Disclaimers**

- a) This RFEI is issued solely for information and planning purposes and does not constitute a solicitation or offer to procure or contract for any services. Responses to

this RFEI are not an offer and cannot be accepted by the County to form a binding contract.

- b) This RFEI is not intended, and shall not be construed, to commit the County to pay any costs incurred in connection with any Response submitted during the RFEI process. The Respondent shall be solely and fully responsible for all costs associated with the development, preparation, transmittal, and submission of any material in response to this RFEI. The County may request selected Respondents to present their material in person to the County's representative at County offices, and the costs of such presentations shall be solely the responsibility of the Respondent. The County assumes no contractual or other obligations as a result of the issuance of this RFEI, the preparation or submission of materials by a Respondent, the evaluation of materials, the Respondents conducting of presentations, or the selection of any Respondent for further negotiations. There may be no claims whatsoever for reimbursement from the County or any of its consultants or agents for such costs.
- c) The County reserves the right to amend or withdraw this RFEI at any time in the sole discretion of the County. The County reserves the right to request additional information from any Respondent. While the County is under no obligation to contact Respondents for clarifications, it reserves the right to do so. Depending on the number and quality of the Responses received, the County may elect to interview all or some of the Respondents.
- d) The County reserves the right to reject or cancel any or all Responses or any part thereof submitted in response to this RFEI.
- e) The County reserves the right to disqualify any Respondent whose conduct and/or Response fails to conform to the requirements of the RFEI.
- f) No oral response by any employee, consultant or agent of the County shall be binding on the County, or shall in any way constitute a commitment by the County.
- g) *Engineering Certificate:* In the event that the Contract requires any Engineering Services, the Contractor shall submit to the County, no later than the due date for submission for approval of any engineering work product, the Certificate of Authorization ("Certificate"), issued pursuant to § 7210 of the New York Education Law, of every person performing any Engineering Services. The failure to file, submit or maintain the Certificate shall be grounds for rejection of any engineering work product submitted for approval.

### **C. Confidentiality**

All Responses submitted for the County's consideration will be held in confidence unless disclosure is required by the New York State Freedom of Information Law (FOIL), codified at Public Officers Law Article 6. Therefore, if a Respondent believes that any information in its submission constitutes a trade secret or is otherwise information which

if disclosed would cause substantial injury to the competitive position of the Respondent's enterprise and the Respondent wishes such information to be withheld if requested pursuant to FOIL, the Respondent shall include with its submission a separate letter addressed to the primary contact referenced in this RFEI, specifically identifying the page number(s), line(s) or other appropriate designation(s) containing such information, explaining in detail why such information is a trade secret or is other information which if disclosed would cause substantial injury to the competitive position of the Respondent's enterprise, and formally requesting that such information be kept confidential. Failure by a Respondent to include such a letter with its Response will constitute a waiver by the Respondent of any interest in seeking exemption of this information under Article 6 of the Public Officers' Law relating to protection of trade secrets. The proprietary nature of the information designated confidential by the Respondent may be subject to disclosure if it is requested and the County deems it subject to disclosure or if ordered by a court of competent jurisdiction. A request that an entire submission be kept confidential may not be considered reasonable since a submission cannot reasonably consist of all data subject to FOIL.

#### **D. RFEI Posted On County Website**

This RFEI is available on-line at:

<http://www.suffolkcountyny.gov/Departments/Planning/ReclaimOurWaterInitiativeUpdate.aspx>

and follow the instructions to register and download the documents. By registering on-line you will automatically be notified of all future addendums. If you should need assistance, please contact the Department of Economic Development and Planning for help.

#### **E. Suffolk County Background and Demographic Information**

Suffolk County (the "County") is Long Island's eastern-most county, and covers an area of approximately 900 square miles, 20 miles at its widest part and approximately 86 miles in length.

The County is a municipal corporation of the State of New York with an annual operating budget of approximately \$2.6 billion. The County employs approximately 11,000 employees, with main offices located in Hauppauge, Yaphank, Riverhead, and several smaller locations.

##### **a) Population:**

The County has a population of 1.5 million people. The five western towns contain 91% of the population within 62% of the County's land area and the population of the County is projected to increase by approximately 9% by the year 2035 (*Suffolk County Division of Planning & Environment estimates*). It is the fourth most populous county in the state.

**b) Ethnic Diversity**

The majority of the County's population is Caucasian, and as of 2010 the Hispanics were the largest minority group comprising 16% of the population, followed by 7% African-American and 3% Asian.

**c) Age**

The median age of the County's population in 2010 was 39.8 years, with 14% of the population over the age of 65.

**d) Household Income**

According to the U.S. Census Bureau, the 2009 median household income in the County was \$83,620.00, ranking it the 25<sup>th</sup> highest (in the top 1%) out of all counties in the nation.

## **ATTACHMENTS**

**Article V**

**Suffolk County Legislative Requirements**

**1. Contractor’s/Vendor’s Public Disclosure Statement**

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of section A5-7 of Article V of the Suffolk County Code.

Unless certified by an officer of the Contractor as being exempt from the requirements of section A5-7 of Article V of the Suffolk County Code, the Contractor represents and warrants that it has filed with the Comptroller the verified public disclosure statement required by Suffolk County Administrative Code Article V, Section A5-7 and shall file an update of such statement with the Comptroller on or before the 31st day of January in each year of the Contract’s duration. The Contractor acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of the Contract, for which the County shall be entitled, upon a determination that such breach has occurred, to damages, in addition to all other legal remedies, of fifteen percent (15%) of the amount of the Contract.

**Required Form:**

Suffolk County Form SCEX 22; entitled “Contractor’s/Vendor’s Public Disclosure Statement”

**2. Living Wage Law**

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 575, of the Suffolk County Code.

This Contract is subject to the Living Wage Law of the County of Suffolk. The law requires that, unless specific exemptions apply, all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law of the County of Suffolk. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate the Contract and to seek other remedies as set forth therein, for violations of this Law.

**Required Forms:**

Suffolk County Living Wage Form LW-1; entitled “Suffolk County Department of Labor – Living Wage Unit Notice of Application for County Compensation (Contract)”

Suffolk County Living Wage Form LW-38; entitled “Suffolk County Department of Labor – Living Wage Unit Living Wage Certification/Declaration – Subject To Audit”

**3. Use of County Resources to Interfere with Collective Bargaining Activities**

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 803 of the Suffolk County Code.

County Contractors (as defined by section 803-2) shall comply with all requirements of Chapter 803 of the Suffolk County Code, including the following prohibitions:

- a. The Contractor shall not use County funds to assist, promote, or deter union organizing.
- b. No County funds shall be used to reimburse the Contractor for any costs incurred to assist, promote, or deter union organizing.
- c. No employer shall use County property to hold a meeting with employees or supervisors if the purpose of such meeting is to assist, promote, or deter union organizing.

If the Services are performed on County property, the Contractor must adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, non-intimidation agreement, and a majority authorization card agreement.

If the Services are for the provision of human services and are not to be performed on County property, the Contractor must adopt, at the least, a neutrality agreement.

Under the provisions of Chapter 803, the County shall have the authority, under appropriate circumstances, to terminate the Contract and to seek other remedies as set forth therein, for violations of this Law.

**Required Form:**

Suffolk County Labor Law Form DOL-LO1; entitled “Suffolk County Department of Labor – Labor Mediation Unit Union Organizing Certification/Declaration – Subject to Audit.”

**4. Lawful Hiring of Employees Law**

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 353 of the Suffolk County Code.

This Contract is subject to the Lawful Hiring of Employees Law of the County of Suffolk. It provides that all covered employers, (as defined), and the owners thereof, as the case may be, that are recipients of compensation from the County through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees (as defined) and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the covered employer or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County; and shall be made available to the public upon request.

All contractors and subcontractors (as defined) of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the contractor, subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the County; and shall be made available to the public upon request.

An updated affidavit shall be submitted by each such employer, owner, contractor and subcontractor no later than January 1 of each year for the duration of any contract and upon the renewal or amendment of the contract, and whenever a new contractor or subcontractor is hired under the terms of the contract.

The Contractor acknowledges that such filings are a material, contractual and statutory duty and that the failure to file any such statement shall constitute a material breach of the Contract.

Under the provisions of the Lawful Hiring of Employees Law, the County shall have the authority to terminate the Contract for violations of this Law and to seek other remedies available under the law.

The documentation mandated to be kept by this law shall at all times be kept on site. Employee sign-in sheets and register/log books shall be kept on site at all times during working hours and all covered employees, as defined in the law, shall be required to sign such sign-in sheets/register/log books to indicate their presence on the site during such working hours.

**Required Forms:**

Suffolk County Lawful Hiring of Employees Law Form LHE-1; entitled “Suffolk County Department of Labor – Notice Of Application To Certify Compliance With Federal Law (8 U.S.C. SECTION 1324a) With Respect To Lawful Hiring of Employees.”

“Affidavit Of Compliance With The Requirements Of 8 U.S.C. Section 1324a With Respect To Lawful Hiring Of Employees” Form LHE-2.

**5. Gratuities**

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 664 of the Suffolk County Code.

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of the County or the State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement.

**6. Prohibition Against Contracting with Corporations that Reincorporate Overseas**

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of sections A4-13 and A4-14 of Article IV of the Suffolk County Code.

The Contractor represents that it is in compliance with sections A4-13 and A4-14 of Article IV of the Suffolk County Code. Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

**7. Child Sexual Abuse Reporting Policy**

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article II of Chapter 880 of the Suffolk County Code.

The Contractor shall comply with Article II of Chapter 880, of the Suffolk County Code, entitled “Child Sexual Abuse Reporting Policy,” as now in effect or amended hereafter or of any other Suffolk County local law that may become applicable during the term of the Contract with regard to child sexual abuse reporting policy.

**8. Non Responsible Bidder**

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article II of Chapter 189 of the Suffolk County Code.

Upon signing the Contract, the Contractor certifies that it has not been convicted of a criminal offense within the last ten (10) years. The term “conviction” shall mean a finding of guilty after a trial or a plea of guilty to an offense covered under the provision of section 189-5 of the Suffolk County Code under “Nonresponsible Bidder.”

**9. Use of Funds in Prosecution of Civil Actions Prohibited**

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article III of Chapter 893 of the Suffolk County Code.

The Contractor shall not use any of the moneys, in part or in whole, and either directly or indirectly, received under the Contract in connection with the prosecution of any civil action against the County in any jurisdiction or any judicial or administrative forum.

**10. Youth Sports**

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article III of Chapter 730 of the Suffolk County Code.

All contract agencies that conduct youth sports programs are required to develop and maintain a written plan or policy addressing incidents of possible or actual concussion or other head injuries among sports program participants. Such plan or policy must be submitted prior to the award of the County contract, grant or funding. Receipt of such plan or policy by the County does not represent approval or endorsement of any such plan or policy, nor shall the County be subject to any liability in connection with any such plan or policy.

**11. Reincorporation**

The Contractor represents that it is in compliance with Suffolk County Local Law No. 20-2004, entitled “A Local Law to Amend Local Law 5-1993, To Prohibit the County of Suffolk From Contracting with Corporations That Reincorporate Overseas.” Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

**12. Leadership in Energy and Environment Design (LEED) Requirement**

a. Resolution 126-2006, as amended by Resolution 551-2008 mandates the incorporation of LEED principles in County construction projects exceeding \$1,000,000 in aggregate construction costs or planning of renovation of an existing County building which requires the expenditure of \$1,000,000 or more or planning of new construction or renovation “built to suit” for long term lease by the County of Suffolk in an effort to promote energy efficiency and sound environmental practices. In the event this Project Construction Cost exceed this threshold, the Contractor shall apply the principles of the LEED Building Rating System 2.2, as a standard that meets environmental and economic performance of commercial buildings, using established and/or advanced building principles, practices, materials and standards. An equivalent minimum rating of 26 credits is expected, however the Contractor is encouraged to obtain additional credits within budgeted amounts. Although reporting documentations submissions to the U.S. Green Building Council are not required, the Contractor shall submit a detailed report of compliance with the LEED Building Rating System 2.2 to the Department as part of the Sketch Study Phase and shall also reaffirm compliance with LEED Requirements upon final completion of the project.

a. Once approved by the Department of Public Works, the initial report will be forwarded to the County’s Council of Environmental Quality (CEQ) as part of the SEQRA process, a prerequisite to appropriating the construction funding. Fifteen (15) copies of the approved report are required.

**13. Light Pollution**

In the event this Agreement involves the design and/or construction of lighting or lighting systems, the Contractor’s design and installation shall comply with the Suffolk County Code, Chapter 108 imposing certain requirements upon new or replacement outdoor lighting fixtures installed by the County on County-owned facilities.

**14. Suffolk County Local Laws Website Address**

A. Suffolk County Local Laws, Rules and Regulations can be [accessed](#) on the homepage of the Suffolk County Legislature

**End of Text for Article V**

## **Exhibits**

1. Public Disclosure
2. Living Wage
3. Union Certification
4. Local Law 25 as amended
5. Lawful Hiring
6. Comptroller's Rules
7. Affirmation Action Package
8. Bid Certification
9. Minority/Women Business Enterprise
8. E-verify
10. Apprenticeship Training Program ( For Construction Work only)