



TOWN OF OYSTER BAY  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
NASSAU COUNTY, NEW YORK

---

**REQUEST FOR PROPOSALS**  
**FOR**  
**TELECOMMUNICATIONS FACILITIES CONSULTING**

---

**SOLICITATION NUMBER P&D 3-2019**

---

SCHEDULE

ISSUANCE DATE: June 26, 2019

THIS RESPONSE IS DUE BY: July 15, 2019 at or before 3:00 P.M.

Consideration will be given only to those responses that are received on or before the deadline  
for submission of proposals.

---

REQUEST FOR PROPOSALS  
TABLE OF CONTENTS

	<u>Page</u>
Authorized Contact Person .....	3
Introduction .....	3
Form of Proposal .....	4
Schedule for Proposals .....	4
Questions and Clarifications.....	4
Qualification Based Selection Process .....	4
Payments and Claims .....	4
Scope of Services.....	5
Use of Sub-consultants and Other Subordinate Entities .....	5
Familiarization with Current Programs, Facilities and Documents .....	6
Attachment Number 1.....	7
Attachment Number 2.....	8

## **AUTHORIZED CONTACT PERSON**

Prospective firms are advised that the authorized Town of Oyster Bay contact person for all matters concerning this RFP is:

### **COMMISSIONER ELIZABETH L. MACCARONE**

Department of Planning and Development

Town Hall North

74 Audrey Avenue

Oyster Bay, New York 11771

(516) 624-6294

lmaccarone@oysterbay-ny.gov

## **INTRODUCTION**

Pursuant to Section 104-b of the New York General Municipal Law and the written procurement policies and guidelines currently in effect in the Town of Oyster Bay (the "Town"), the Town Department of Planning and Development (the "Department") is seeking proposals from qualified individuals or entities to provide technical consulting with respect to telecommunications matters including, without limitation, the review of applications for the installation of telecommunications facilities, including DAS sites, within the Town. The term of the contemplated consulting shall begin on September 15, 2019, and shall continue to and until December 31, 2021, with an option, at the discretion of the Town and the selected firm, for one (1), two (2) year renewal.

As set forth below, selection will be based upon consideration of the overall qualifications and experience in providing such consulting services, with a particular emphasis placed upon prior experience consulting on behalf and for of other municipalities and local governments.

The intent of this RFP is to obtain the most qualified individual or firm to provide consulting services to the Town as provided for in Chapter 242 "Wireless Telecommunications Facilities" of the Code of the Town of Oyster Bay (the "Ordinance"). Among other features of the ordinance, the Town is empowered to hire consultants to review and evaluate applications for telecommunications installations, including the construction and modification of the site, once permitted, and any site inspections.

The Town reserves the right to negotiate with any and all proposers, to decline any and all proposals, and to select the proposer which in the Town's sole judgment, will best serve the needs of the Town and its residents.

## **FORM OF PROPOSAL**

Proposers must submit four (4) hard copies (one (1) signed original and three (3) copies) of each proposal with additional relevant information. The submission of extraneous or voluminous additional materials not expressly required pursuant to this Request for Proposals is not welcome and may be rejected and returned to the proposer.

## **SCHEDULE FOR PROPOSALS**

The Town will entertain questions relative to this RFP, which questions must be submitted in writing to the Authorized Contact Person no later than July 5, 2019. The Town will make its best efforts to fully answer any questions that are received, but in no instance should the proposer rely upon the responses as a binding statement upon the Town. Responses are for informational purposes, only.

## **QUESTIONS AND CLARIFICATIONS**

All communications during the RFP process must be directed solely to the Authorized Contact Person identified above. Communication with any other Town elected officials or employees may be cause for disqualification from this RFP process.

## **QUALIFICATION BASED SELECTION PROCESS**

It is expressly acknowledged that the quality of the services to be rendered is of paramount importance to the Town. However, it is further expressly acknowledged that the cost of the services to be rendered is a substantial concern because the Town seeks effective representation at reasonable rates.

Following its review, the Town may notify the firms of their standing. The top ranked firm(s) may be invited to submit a retainer, which will be subject to negotiation. If a satisfactory agreement cannot be negotiated with such firm(s) at a fee determined by the Town to be fair and reasonable, then negotiations with such firm(s) will be terminated and negotiations will continue with the suitably ranked firm(s). The Town may also notify the firms to determine whether any conflict of interest exists with the firm and any parties involved in the matter.

## **PAYMENTS AND CLAIMS**

Payments to the successful proposer will be made in accordance with the terms agreed to between the Town and the successful proposer; however, typically billing must be submitted monthly with a Town of Oyster Bay claim form. As noted in the Ordinance, it is anticipated that the successful proposer will be paid from escrow funds that are to be deposited by the applicant in advance of the consultant rendering services to the Town. Proposers must submit a proposed fee schedule as a part of their proposal.

#### TERMINATION PROVISIONS:

Either party may terminate the agreement, upon forty-five (45) days written notice to the other. However, the agreement shall provide that in the event of any material misrepresentation by the contractor, the Town shall have the right to immediately terminate the agreement. It shall also provide that in the event the contractor or any of its principals are convicted of a misdemeanor or felony during the term of the agreement, that the Town shall also have the right to immediately terminate the agreement.

**Note: The Town makes no representation of the actual value of the work. Further, as part of the award process, a maximum dollar amount may be determined and may be incorporated into the agreement that is awarded pursuant to this Request for Proposals. The Town further states that it also makes no representation that actual services required will be for the full maximum dollar amount incorporated into the agreement.**

### **SCOPE OF SERVICES**

The Town seeks qualified individuals or entities to provide consulting services relating to telecommunication and land use and zoning matters. Such services may include, but not be limited to, the following:

- Review of applications for permits or other required certificates or licenses as provided in the proposed Ordinance for, among other things, technical compliance with the Ordinance and any and all other applicable laws, rules, and/or regulations including, without limitation, the Telecommunications Act of 1996;
- Consultation with the Town and, in particular, with the Department relative to any applications made by telecommunications providers and/or heir agents;
- Preparation of comprehensive written reports relative to the consulting services provided to the Town, including reports as to any building/installation applications reviewed by the consultant and recommendations regarding same;
- Attendance at any and all meetings at which the Town and/or the Department request the consultants presence and input; and
- Perform site inspections, as may be deemed necessary by the Town or the Department.

Proposals should demonstrate the proposer's breadth of experience in providing these, and other similar services, within the context of, among other things, the Telecommunications Act of 1996.

### **USE OF SUBCONTRACTORS AND OTHER SUBORDINATE ENTITIES**

Prospective firms are advised that the Town will entertain proposals that include the use of sub-contractors and/or other subordinate entities. In such event, the proposal must clearly state the extent and nature of the work proposed to be delegated to the proposed subcontractor or other subordinate entity. The same information required by this RFP to be provided by the proposer shall also be provided for each proposed subcontractor or other subordinate entity.

**FAMILIARIZATION WITH  
CURRENT PROGRAMS, FACILITIES AND DOCUMENTS**

It is the sole responsibility of the prospective firms to familiarize themselves with the Town's current programs, facilities, documents and any other information which is necessary and relevant to the scope of this RFP. Upon sufficient and reasonable advance notice to the contact person named above, arrangements may be made to visit and inspect any involved Town facilities and/or to view applicable documents. Any and all costs borne by the prospective proposer in familiarizing themselves with the above are to be borne solely by the prospective proposer. In the event that the prospective proposer is ultimately awarded a retainer pursuant to this RFP, the Town will not allow any claims for payment which include billable time for such familiarization and travel costs, regardless of whether they were incurred prior to or following the submission of the proposer's proposal.

## **ATTACHMENT NUMBER 1**

### **FORMAT OF PROPOSAL**

Proposals should be organized as shown below with tab dividers between sections and should include all the information indicated. Note that elaborate brochures or other presentations beyond those sufficient to present a complete and extensive response to this solicitation are not desired. Four (4) hardcopies shall be submitted.

#### **SECTION A. INTRODUCTORY STATEMENT**

#### **SECTION B. QUALIFICATIONS AND APPROPRIATENESS OF PROPOSED STAFF**

1. Project team.
2. Provide names and resumes of key personnel proposed for this project.

#### **SECTION C. APPROPRIATENESS AND QUALITY OF PROPOSER'S EXPERIENCE**

1. Include experience with municipalities with a similar scope of work.
2. Minimum of two (2) references with contract information (recent, similar projects preferred).

#### **SECTION D. PROPOSED METHODOLOGY**

Based on the project description and scope of services, the firm should discuss how it would approach the project. This will include familiarization with Town codes and procedures, training and certification of staff, plan for interaction with Town personnel and residents, and management structure.

#### **SECTION E. MANPOWER COSTS/ UNIT PRICES**

Provide a schedule with employee wage rates and/or services for the contract period and the potential renewal options.

#### **SECTION F. SUPPLEMENTAL INFORMATION**

Any additional information relevant to the firm's qualifications for this project may be included at the firm's option.



## ATTACHMENT NUMBER 2

### SPECIAL REQUIREMENTS AND MODIFICATIONS

Provisions stated under Special Requirements and Modifications shall supersede and take precedence over information provided in the preceding documents and attachments.

1. Firms must provide a Maximum Hourly Wage Rate Schedule listing job classifications. The salary of all employees proposed in the response to this RFP must be within the limits of the schedule and will be subject to the approval of the Department of Planning and Development.
2. All payments will be made by check from the Town's Comptroller's Office after review and approval by the Department of Planning and Development and an audit by the Comptroller's Office of the Claim Form submitted by the firm.
3. All services shall be performed at the offices of the Town of Oyster Bay Department of Planning and Development, or other office as designated by the Town. The firm is not permitted to remove any files, plans, or paperwork from the designated office, unless authorization is given by the Commissioner of the Department of Planning and Development or his/her designee.
4. Under no circumstances shall the firm or any of its personnel, providing services as part of this Contract, also provide services of any nature relative to the subject application pursuant to the Town of Oyster Bay Code of Ethics. Further, the firm shall not provide services to the Town relative to the subject application if a personal or business interest exists between the applicant in said application and the firm or one of its personnel.
5. The firm shall not discriminate against employees or applicants for employment because of race, creed, color national origin, sex, age, disability or marital status and shall undertake and continue existing programs of affirmative action to ensure that group members and women are afforded equal employment opportunities without discrimination. When sub-consultants or other outside entities are to be utilized, the firm shall also make reasonable efforts to encourage the participation of Certified Minority and Women Owned Business Enterprises as sub-consultants, and to retain documentation of these efforts to be provided upon request of the Town. A listing can be found at [www.nylovesmwbe.ny.gov](http://www.nylovesmwbe.ny.gov).
6. In accordance with the Town of Oyster Bay Ethics Code, the attached Disclosure Affidavit form must be submitted along with your response to demonstrate that there is no conflict of interest between your firm and any employees or other relationships/arrangements/agreements with the Town of Oyster Bay. Additionally, a full disclosure of the company/firm's ownership must be included in the RFP response.

**TOWN OF OYSTER BAY  
DISCLOSURE QUESTIONNAIRE**

All questions on this questionnaire must be answered by an officer and any stakeholders who hold a majority or greater ownership interest in the proposer. Answers must be typewritten or printed in ink. If you need more space to answer any question, make as many photocopies of the appropriate page(s) as necessary and attach them to the questionnaire.

COMPLETE THIS QUESTIONNAIRE CAREFULLY AND COMPLETELY. FAILURE TO  
SUBMIT A COMPLETE QUESTIONNAIRE MAY MEAN THAT YOUR BID OR PROPOSAL  
MAY BE REJECTED AS NON-RESPONSIVE AND IT MAY NOT BE CONSIDERED FOR  
AWARD

**NOTE: All questions require a response, even if response is "none" or "not-applicable." No blanks.**

**SECTION I: GENERAL INFORMATION**

1. Business name (legal name): \_\_\_\_\_
2. Federal Employer ID No. (FEIN): \_\_\_\_\_
3. d/b/a – doing business as (if applicable): \_\_\_\_\_  
County filed: \_\_\_\_\_
4. Website address (if applicable): \_\_\_\_\_
5. Business e-mail address: \_\_\_\_\_
6. Principal place of business address: \_\_\_\_\_
7. Telephone number: \_\_\_\_\_ 7. Fax number: \_\_\_\_\_
8. Does the business use, or has it used in the past five (5) years, any other business name, FEIN, or d/b/a other than what is listed in questions 1-4 above? Yes \_\_\_ No \_\_\_  
If yes, please provide details. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Authorized contact:  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone number: \_\_\_\_\_ Fax number: \_\_\_\_\_  
E-mail: \_\_\_\_\_

10. How many years has this entity been in business? \_\_\_\_\_
11. The proposer is a (check one):  Sole Proprietorship  Partnership  Corporation  
 Other (Describe) \_\_\_\_\_

**SECTION II: PRINCIPAL INFORMATION**

1. Principal Name \_\_\_\_\_  
 Date of birth \_\_\_\_/\_\_\_\_/\_\_\_\_ % Equity Interest in Company \_\_\_\_\_  
 Home address \_\_\_\_\_  
 City/state/zip \_\_\_\_\_  
 Telephone \_\_\_\_\_

2. Positions held in submitting business  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Within the past five years, have you been a principal owner or officer of any business or not-for-profit organization other than the one submitting the questionnaire?  
 YES \_\_\_ NO \_\_\_; If Yes, provide details. \_\_\_\_\_  
 \_\_\_\_\_

4. Has any governmental entity awarded any contracts to a business or organization listed in question 3 above in the past five (5) years while you were a principal owner or officer?  
 YES \_\_\_ NO \_\_\_; If Yes, provide details. \_\_\_\_\_  
 \_\_\_\_\_

**SECTION III: DUE DILIGENCE QUESTIONS - TO BE COMPLETED IF CONTRACT VALUE IS \$25,000.00 OR OVER IN A 12 MONTH PERIOD.**

1. Does the business possess all certifications, licenses, permits, approvals, insurance, bonds or other authorizations issued by any local, state, or federal governmental entity in connection with the proposal/project, business services, operations, business, or ability to conduct its activities? Please note this does not include construction related activities such as building permits and certificates of occupancy.  
 YES \_\_\_ NO \_\_\_ If no, please provide details \_\_\_\_\_  
 \_\_\_\_\_

2. Does this business have one or more affiliates, and/or is it a subsidiary of, or controlled by, any other business?  
 YES \_\_\_ NO \_\_\_ If Yes, provide details. \_\_\_\_\_  
 \_\_\_\_\_

3. Has the proposer ever had a bond or surety cancelled or forfeited, or a contract with any entity terminated? YES \_\_\_ NO \_\_\_ If Yes, state the name of bonding agency, (if a bond), date, amount of bond and reason for such cancellation or forfeiture; or details regarding the termination.

---

---

4. On a separate document attached hereto, list all contracts that business has entered into with any municipality in the past three (3) years. Please list the names, address and contact person for the contracting entities.

5. Has the proposer, during the past five (5) years, been declared bankrupt? YES \_\_\_ NO \_\_\_ If Yes, state date, court jurisdiction, amount of liabilities and amount of assets \_\_\_\_\_

---

6. In the past five years, has this business and/or any of its owners and/or officers and/or any affiliated business, been the subject of a criminal investigation and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency?  
YES \_\_\_ NO \_\_\_ If Yes, provide details for each such investigation. \_\_\_\_\_

---

7. In the past 5 years, have any owner and/or officer of any affiliated business been the subject of a criminal investigation and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency, where such investigation was related to activities performed at, for, or on behalf of an affiliated business.  
YES \_\_\_ NO \_\_\_ If Yes, provide details for each such investigation. \_\_\_\_\_

---

8. In the past 5 years, has this business and/or any of its owners and/or officers and/or any affiliated business been the subject of an investigation by any government agency, including but not limited to federal, state and local regulatory agencies?  
YES \_\_\_ NO \_\_\_ If Yes, provide details for each such investigation. \_\_\_\_\_

---

9. In the past 5 years, has any owner and/or officer of an affiliated business been the subject of an investigation by any government agency, including but not limited to federal, state and local regulatory agencies, for matters pertaining to that individual's position at or relationship to an affiliated business.  
YES \_\_\_ NO \_\_\_ If Yes, provide details for each such investigation. \_\_\_\_\_

---

10. Has any current or former director, owner or officer or managerial employee of this business had, either before or during such person's employment, or since such employment( if the conduct pertained to events that allegedly occurred during the time of employment):

a) Any felony charge pending? YES \_\_\_ NO \_\_\_ If Yes, provide details for each such charge.

---

---

b) Any misdemeanor charge pending? YES \_\_\_ NO \_\_\_ If Yes, provide details for each such charge.

---

---

c) Any violations of administrative, statutory or regulatory provisions pending?  
YES \_\_\_ NO \_\_\_ If Yes, provide details for each such charge.

---

---

d) In the past ten (10) years, you been convicted, after trial or by plea, of any felony and/or any other crime, an element of which relates to truthfulness.? YES \_\_\_ NO \_\_\_ If Yes, provide details for each such conviction.

---

---

e) In the past ten (10) years, been convicted, after trial or by plea, of a misdemeanor?  
YES \_\_\_ NO \_\_\_ If Yes, provide details for each such conviction.

---

---

f) In the past ten (10)years, been found in violation of any administrative, statutory, or regulatory provisions? YES \_\_\_ NO \_\_\_ If Yes, provide details for each such occurrence.

---

---

11. In the past five (5) years, has this business or any of its owners or officers, or any other affiliated business had any sanction imposed as a result of judicial or administrative proceedings with respect to any professional license held? YES \_\_\_ NO \_\_\_; If Yes, provide details for each such instance.

---

---

12. For the past five (5) tax years, has this business failed to file any required tax returns or failed to pay any applicable federal, state or local taxes or other assessed charges? YES \_\_\_ NO \_\_\_ If Yes, provide details for each such year.

---

---

**SECTION IV: CONFLICT OF INTEREST**

Please disclose any conflicts of interest as outlined below. NOTE: If no conflicts exist, please expressly state "No conflict exists."

1. Any material financial relationships that your firm or any firm employee has that may create a conflict of interest or the appearance of a conflict of interest in being awarded this contract with the Town of Oyster Bay.

---

---

2. Any family relationship that any employee of your firm has with any public servant that may create a conflict of interest or the appearance of a conflict of interest in being awarded this contract with the Town of Oyster Bay.

---

---

3. Any other matter that your firm believes may create a conflict of interest or the appearance of a conflict of interest in being awarded this contract with the Town of Oyster Bay.

---

---

**CERTIFICATION**

A MATERIALLY FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN RENDERING THE SUBMITTING BUSINESS ENTITY NOT RESPONSIBLE WITH RESPECT TO THE PRESENT PROPOSAL OR FUTURE PROPOSALS, AND, IN ADDITION, MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

I, \_\_\_\_\_, being duly sworn, state that I have read and understand all the items contained in the foregoing pages of this questionnaire and the following pages of attachments; that I supplied full and complete answers to each item therein to the best of my knowledge, information and belief. The undersigned also certifies that s/he has not altered the content of the questions in the questionnaire in any manner; has read and understands all of the items contained in the questionnaire and any attached pages; has supplied full and complete responses to each item therein to the best of his/her knowledge, information and belief; is knowledgeable about the submitting business's business and operations; understands that the Town of Oyster Bay will rely on the information supplied in this questionnaire when entering into a contract or agreement with the business; and is under duty to notify the Town of Oyster Bay of any material changes to the business's responses herein

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Notary Public

Name of submitting business: \_\_\_\_\_

By: \_\_\_\_\_  
Print name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

**SAMPLE LETTER**  
**Please Use**  
**Company Letterhead**

Date \_\_\_\_\_

TOWN OF OYSTER BAY  
Division of Purchase and Supply  
74 Audrey Avenue  
Oyster Bay, NY 11771

**COMPANY NAME (must match your W9 form exactly)** is hereby requesting to extend contract **BID PROPOSAL NUMBER AND TITLE** for another year, under the same terms, conditions and pricing as awarded in the current contract.

There is no change in the information on the Town of Oyster Bay Disclosure Questionnaire submitted with the original bid documents.

Federal Tax ID# \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
(Signed by Principal/Officer of the Company)

CONTACT \_\_\_\_\_ TO SEND NOTICES  
REGARDING FUTURE BIDS  
E-MAIL ADDRESS \_\_\_\_\_