

# Former Beech-Nut Plant Demolition/Rehabilitation

Montgomery County, New York

Village of Canajoharie, New York



## *REQUEST FOR QUALIFICATIONS*

for

Professional Engineering Services for Updated Asbestos Assessment and Preparation of Plans, Specifications and Bid Documents and Construction Inspection for Asbestos Abatement and Multiple Structure Demolition/Rehabilitation



**MONTGOMERY**  
**COUNTY**<sup>NY</sup>  
Made of Something Stronger



April 12, 2018

## *REQUEST FOR QUALIFICATIONS*

For Professional Engineering Services for Updated Asbestos Assessment and Preparation of Plans, Specifications and Bid Documents and Construction Inspection for Asbestos Abatement and Multiple Structure Demolition

### **1. Summary**

Montgomery County in partnership with the Village of Canajoharie hereby solicits submission of Statement of Qualifications (SOQ) for the provision of professional engineering services for the updated assessment of asbestos as well as the preparation of plans, specifications and bid documents for asbestos abatement and demolition/rehabilitation of multiple structures associated with the former Beech-Nut manufacturing facility. In accordance with New York State General Municipal Law Section 104-b, this Request for Qualifications (RFQ) is designed to identify New York State licensed professional architectural/engineering (A/E) firms best qualified to provide the services necessary to determine the most efficient means for the scheduling and completion of the demolition/rehabilitation of multiple structures within the Project's budgetary limitations.

The purpose of this RFQ is to solicit SOQs from prospective professional engineering firms to perform the engineering services as described in greater detail below through the Restore New York Grant Program administered by Empire State Development. The Village of Canajoharie has been awarded \$6.5 Million through the Restore New York Grant Program for the former Beech-Nut Manufacturing Facility which is being administered by Montgomery County which is owner of the site. Montgomery County will select qualified architectural or engineering firms of the highest quality that employ adequate staff and possess the financial and management capacity to be able to focus immediate attention on this project. Respondents will not be reimbursed for costs incurred in the preparation of the proposal.

### **Background**

Comprising 26.9 acres and situated in the heart of the Village of Canajoharie, the abandoned Beech-Nut Facility, and especially its central multi-story monolithic structure, visually dominates the community. All of the buildings associated with the site have been abandoned and have remained vacant for 11 years. During this time, deterioration and an overall lack of maintenance have led to a progressive decline in the various structures and the deterioration of building frames and exterior shear walls which are comprised of either Concrete Masonry Unit concrete block or concrete encased steel frames. Structural connections associated with beams, columns, and roof joist girders exhibit significant deterioration and corrosion.

Successful site redevelopment will encourage business/residential investment, infuse energy into the downtown, and transform the adjoining neighborhoods. In order to realize this redevelopment potential, abandoned/condemned warehouse space will need to be demolished/rehabilitated. This includes warehouse area east of the Canajoharie Creek and deteriorated structures on the west side of the Creek; while leaving historically important building space to continue to frame Church Street.

## *REQUEST FOR QUALIFICATIONS*

For Professional Engineering Services for Updated Asbestos Assessment and Preparation of Plans, Specifications and Bid Documents and Construction Inspection for Asbestos Abatement and Multiple Structure Demolition

Asbestos remediation activities will be conducted throughout much of the facility. This project will raze compromised and obsolete warehouse/manufacturing space. The project will also include the removal of the three northernmost footbridges over the Canajoharie Creek. It is anticipated that upon completion of the project, the entire property will be shovel-ready and available for redevelopment.

The demolition services are expected to be completed within 12 months commencing in 2018.

### **Previous Studies and Survey's**

Numerous Studies and Surveys have been conducted on the site including a Phase I and Phase II Environmental Site Assessments, Structural Assessment Reports associated with the Restore NY Grant Submittals, etc. It should also be noted that the Montgomery County Industrial Development Agency, through Columbia Heritage, has been engaged with the Office of Parks Recreation and Historic Preservation as it relates to compliance with any requirements of NYSOPRHP associated with that Agency and the selected firm will coordinate with Columbia Heritage throughout this project. The previous studies, survey's and Restore NY Applications can be found here

[https://www.dropbox.com/sh/wshgnw5h1q5ljwb/AAAp7S49vzDTQvWs\\_oNbuDQ7a?dl=0](https://www.dropbox.com/sh/wshgnw5h1q5ljwb/AAAp7S49vzDTQvWs_oNbuDQ7a?dl=0)

### **Pre-RFQ Submittal Site Visit**

Prospective Proposers will have the opportunity to take part in a site walk through on

**Wednesday, April 18<sup>th</sup> at 12:00 P.M.**

## REQUEST FOR QUALIFICATIONS

For Professional Engineering Services for Updated Asbestos Assessment and Preparation of Plans, Specifications and Bid Documents and Construction Inspection for Asbestos Abatement and Multiple Structure Demolition

### 2. Scope of Engineering Services

#### A. Permits and Approvals:

The demolition of multiple structures will require that the engineer secure extensive permitting and approvals with associated documentation and management from some or all of the following entities:

- ↳ NYS Department of Transportation
- ↳ NYS Department of Environmental Conservation
- ↳ NYS Department of Labor
- ↳ NYS Historic Preservation Office
- ↳ Village of Canajoharie Demolition Permit
- ↳ Environmental Protection Agency

#### B. Hazardous Material Abatement

Prior to full structural demolition, the Engineer shall manage and coordinate asbestos abatement and removals in accordance with NYSDOL regulations. This will include:

- ↳ Preparation of engineering specifications and contract documents associated with permitting, removal, and abatement of hazardous materials;
- ↳ Assisting the County with the bidding process and awarding resulting bids to qualified abatement and hazardous removal contractors to complete the abatement and hazardous removals work,
- ↳ Oversight, coordination, and permit compliance for contracted work.

#### C. Multiple Structure Demolition

The Engineer shall prepare plans, specifications and bid documents as required for the demolition of the former Beech-Nut facility, including:

- ↳ Utility disconnects and/or relocation;
- ↳ Maintenance and protection of all public and private utilities and public infrastructure;
- ↳ Demolition sequencing and hauling schedules;
- ↳ Compliance with all regulations relating to noise and dust control; and
- ↳ Temporary structures and utilities.

#### D. Safety

*REQUEST FOR QUALIFICATIONS*

For Professional Engineering Services for Updated Asbestos Assessment and Preparation of Plans, Specifications and Bid Documents and Construction Inspection for Asbestos Abatement and Multiple Structure Demolition

The Engineer shall advise and guide the County with respect to site safety. All relevant protection of the general public must be in place and maintained continuously and seamlessly throughout the entire demolition process.

**E. Documentation**

All documentation must be high-quality, including photographic, written, and drawn documents, both electronic and hard copies.

*REQUEST FOR QUALIFICATIONS*

For Professional Engineering Services for Updated Asbestos Assessment and Preparation of Plans, Specifications and Bid Documents and Construction Inspection for Asbestos Abatement and Multiple Structure Demolition

**3. Project Schedule**

Permitting	June 2018 Initiation of Work
Hazardous Materials Abatement	2-3 Months
Commencement of Demolition	9-10 Months
Completion of Demolition/Rehabilitation	July 2019

## *REQUEST FOR QUALIFICATIONS*

For Professional Engineering Services for Updated Asbestos Assessment and Preparation of Plans, Specifications and Bid Documents and Construction Inspection for Asbestos Abatement and Multiple Structure Demolition

### **4. Qualifications of the Engineer**

The firm selected through the RFQ process shall act as the County's on-site representative and directly monitor the activities of all personnel and subcontractors as necessary to perform and complete the scope of services. The selected firm, including its staff and subcontractors, must have expertise in the following areas:

- A.** Project Management
- B.** Structural Engineering
- C.** Demolition/Rehabilitation Sequencing
- D.** Demolition/Rehabilitation Technologies and Equipment
- E.** Hazardous Material Abatement
- F.** Permitting

## *REQUEST FOR QUALIFICATIONS*

For Professional Engineering Services for Updated Asbestos Assessment and Preparation of Plans, Specifications and Bid Documents and Construction Inspection for Asbestos Abatement and Multiple Structure Demolition

### **5. Selection Criteria**

Montgomery County and the Village of Canajoharie will determine which firms are qualified to perform the required scope of service based upon the following factors:

- A.** The firm's experience working with NYS-funded capital projects including Restore NY;
- B.** The firm's demonstrated experience coordinating projects between multiple government entities;
- C.** The firm's experience with asbestos abatement and/or other hazardous materials;
- D.** The firm's demonstrated experience in demolition projects and services;
- E.** The firm's experience in the coordination and implementation of large scale projects;
- F.** The firm's available equipment and staffing resources;
- G.** The firm's expertise in cutting edge solutions for the mitigation of adverse impacts through the coordination of activities and sequencing of work; and
- H.** The firm's ability to meet the 15% Minority and 15% Women-Owned Business Enterprise participation requirements.

## REQUEST FOR QUALIFICATIONS

For Professional Engineering Services for Updated Asbestos Assessment and Preparation of Plans, Specifications and Bid Documents and Construction Inspection for Asbestos Abatement and Multiple Structure Demolition

### 6. Minority/Women-Owned Business Enterprise Participation

#### **NOTICE TO RESPONDENTS**

Montgomery County “County” will finance portions of this project using grant funding provided by the Empire State Development (“ESD”) and ESD’s Non-Discrimination and Contractor and Supplier Diversity policies will apply. All respondents will be required to comply with the provisions of New York State Executive Law, Article 15-A and the rules and regulations set forth in 5NYCRR §142-144. These policies are intended to promote and encourage participation by New York State certified Minority- and Women-owned Businesses (“MWBE”) in state contracting opportunities.

Respondents must document “good faith efforts” to provide meaningful participation by MWBEs as subcontractors and/or suppliers in the performance of this project. All respondents should reference the directory of New York State Certified M/WBEs at the following website: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>.

#### **CONTRACT GOAL**

Montgomery County, NYS funded portions of the project only, requires 30% Minority and Women Participation by the contractors and subcontractors on this project.

#### **Overall M/WBE Participation Goal = 30%**

MBE – is defined as any United States business wherein the minority group member(s) or stockholder(s) have at least 51% ownership interest in the business and possess control over management, capital and earnings. A minority classification is characterized as a person of Black, Hispanic, Asian or Pacific Islander, or American Indian or Alaskan Native descent. MBE certification must be with New York State Division of Minority and Women Owned Business Development.

WBE – is defined as any United States business wherein the women group member(s) or stockholder(s) have at least 51% ownership interest in the business and possess control over management, capital and earnings. WBE certification must be with New York State Division of Minority and Women Owned Business Development.

#### **M/WBE COMPLIANCE DOCUMENTATION**

To comply with your contract and the applicable regulations, your company will be required to prepare, maintain and submit the following documentation and forms on a regular and timely basis. All required documentation must be submitted to Kenneth Rose, Director, Montgomery County Business Development, 9 Park Street, Fonda, NY 12068.

## REQUEST FOR QUALIFICATIONS

For Professional Engineering Services for Updated Asbestos Assessment and Preparation of Plans, Specifications and Bid Documents and Construction Inspection for Asbestos Abatement and Multiple Structure Demolition

### **Staffing Plan (OCSD-2)**

Non-M/WBE subcontractors performing work on the Project are required to submit a staffing plan to document the composition of the proposed workforce to be utilized in the performance of the Project by the specified categories listed, including ethnic background, gender, and Federal occupational categories.

### **M/WBE Utilization Plan (OCSD-4)**

Utilization refers to the percentage of each contract that is sub-contracted to M/WBE firms. This plan must be completed to identify the subcontracting opportunities to minority and women-owned enterprises. This plan must be submitted with **any bid, proposal, or proposed negotiated contract to Kenneth Rose, Director, Montgomery County Business Development Center, 9 Park Street, Fonda, NY 12068 within ten (10) days.**

### **Monthly Workforce Utilization Report (OCSD-3)**

The Workforce Utilization Report ("Report") is to be submitted on a monthly basis for construction contracts during the life of the contract to report the actual workforce utilized in the performance of the contract broken down by job title. The prime contractor is responsible for submitting the reports of its subcontractors as well as its own. Reports are to be submitted electronically, using the provided Report worksheet, to **Kenneth Rose, Director, Montgomery County Business Development Center, 9 Park Street, Fonda, NY 12068** within ten (10) days of the end of each month.

### **Quarterly M/WBE Compliance and Payment Report (OCSD-6)**

The Payment Report is completed by the prime contractor on a quarterly basis, identifying payments made to all M/WBE subcontractor(s) and supplier(s)/vendor(s) ONLY. This report must be submitted to **Kenneth Rose, Director, Montgomery County Business Development Center, 9 Park Street, Fonda, NY 12068** within **[five] (5) days of the end of each [quarter]**.

## REQUEST FOR QUALIFICATIONS

For Professional Engineering Services for Updated Asbestos Assessment and Preparation of Plans, Specifications and Bid Documents and Construction Inspection for Asbestos Abatement and Multiple Structure Demolition

### 7. Submittal Requirements and Further Information

Respondent must provide five (5) paper copies and one (1) digital copy in PDF format of its submission to the attention of Mr. Ken Rose, Economic Development Director, Montgomery County Business Development Center, no later than 4:00 PM EST on **May 4, 2018**.

Mr. Ken Rose, Economic Development Director  
Montgomery County Business Development Center  
9 Park Street  
Fonda, NY 12068  
Attn: Exit 29 Redevelopment  
[krose@co.montgomery.ny.us](mailto:krose@co.montgomery.ny.us)  
518.853.8334

The submittal must contain the following information and documentation:

- A. Firm Information:** Background, location and other descriptive documentation for the firm
- B. Approach and Methodology:** The firm's understanding of the scope, including a detailed work plan to complete the requested services and the role of any subconsultants
- C. Staff Information:** Resumes, credentials, experience of firm's staff
- D. Relevant Experience:** Detailed descriptions of no more than three (3) projects completed by the firm that are most similar to this project including contact information for references
- E. Subconsultant Information:** Firm background, experience (no more than three similar projects with references), staff resumes and credentials, and other relevant information.
- F. Estimated Costs to Provide Services**
- G. M/WBE Compliance Information:** Staffing Plan (OCSD-2) and M/WBE Utilization Plan (OCSD-4)
- H. Certification 1.1 Bid/Proposal Certifications**

Montgomery County is an equal opportunity provider and employer. To file a complaint of discrimination, write: ISDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W.; Washington, D.C. 20250-9410, or call (800) 795-3237 (voice) or (202) 720-6382 (TTD).

<b>Solicitation No.:</b>	<b>Reporting Entity:</b>	<b>Report includes Contractor's/Subcontractor's:</b> <input type="checkbox"/> Work force to be utilized on this contract <input type="checkbox"/> Total work force <input type="checkbox"/> Offeror <input type="checkbox"/> Subcontractor <b>Subcontractor's Name:</b>
<b>Offeror's Name:</b>		
<b>Offeror's Address:</b>		

**Submit with Bid or Proposal – Instructions on page 2**

**Enter the total number of employees for each classification in each of the EEO-Job Categories identified**

EEO-Job Category	Total Work force	Work force by Gender		Work force by Race/Ethnic Identification														
		Total Male (M)	Total Female (F)	White (M) (F)		Black (M) (F)		Hispanic (M) (F)		Asian (M) (F)		Native American (M) (F)		Disabled (M) (F)		Veteran (M) (F)		
Officials/Administrators																		
Professionals																		
Technicians																		
Sales Workers																		
Office/Clerical																		
Craft Workers																		
Laborers																		
Service Workers																		
Temporary /Apprentices																		
<b>Totals</b>																		

<b>PREPARED BY (Signature):</b>  _____	<b>NAME:</b> <b>TITLE:</b> <b>DATE:</b>	<b>TELEPHONE NO.:</b> <b>ALTERNATE TEL:</b> <b>EMAIL ADDRESS:</b>
--	---	---

Submit completed with bid or proposal M/WBE 101 (Rev 04/2012)

**FORM OCSD-2**

---

**General Instructions:** All Offerors and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan (M/WBE 101) and submit it as part of the bid or proposal package. Where the work force to be utilized in the performance of the State contract can be separated out from the contractor's and/or Subcontractor's total work force, the Offeror shall complete this form only for the anticipated work force to be utilized on the State contract. Where the work force to be utilized in the performance of the State contract cannot be separated out from the contractor's and/or Subcontractor's total work force, the Offeror shall complete this form for the contractor's and/or Subcontractor's total work force.

**Instructions:**

1. Enter the Solicitation number that this report applies to along with the name and address of the Offeror.
2. Check off the appropriate box to indicate if the Offeror completing the report is the contractor or a subcontractor.
3. Check off the appropriate box to indicate work force to be utilized on the contract or the Offerors' total work force.
4. Enter the total work force by EEO job category.
5. Break down the anticipated total work force by gender and enter under the heading 'Work force by Gender'
6. Break down the anticipated total work force by race/ethnic identification and enter under the heading 'Work force by Race/Ethnic Identification'. Contact the OM/WBE Permissible contact(s) for the solicitation if you have any questions.
7. Enter information on disabled or veterans included in the anticipated work force under the appropriate headings.
8. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in the designated boxes.

**RACE/ETHNIC IDENTIFICATION:**

Race/ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group. The race/ethnic categories for this survey are:

- **WHITE** (Not of Hispanic origin) All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- **BLACK** a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
- **HISPANIC** a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
- **ASIAN & PACIFIC ISLANDER** a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
- **NATIVE INDIAN (NATIVE AMERICAN/ALASKAN NATIVE)** a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

**OTHER CATEGORIES:**

- **DISABLED INDIVIDUAL** any person who: - has a physical or mental impairment that substantially limits one or more major life activity(ies)  
- has a record of such an impairment; or  
- is regarded as having such an impairment.
- **VIETNAM ERA VETERAN** a veteran who served at any time between and including January 1, 1963 and May 7, 1975.
- **GENDER** Male or Female



**OCSD-4**

**INSTRUCTIONS:** This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. This MWBE Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Minority and Women-owned Business Enterprise (M/WBE) under the contract. Attach additional sheets if necessary.

**\* indicates mandatory fields**

\*Contractor Name: \_\_\_\_\_

Address: \_\_\_\_\_

\*Representative Name: \_\_\_\_\_

Town, State & Zip: \_\_\_\_\_

\*Phone: \_\_\_\_\_

\*ESD Contract/Project Number: \_\_\_\_\_

\*Fax: \_\_\_\_\_

RFP/RFQ/Solicitation Number: \_\_\_\_\_

\*Email: \_\_\_\_\_

\*MWBE Goals: MBE \_\_\_% + WBE \_\_\_% = MWBE GOAL \_\_\_%

1. *Certified M/WBE Firm Name, Contact Person's Name, Address, Phone and Email.	2. * MBE / WBE / or BOTH	3. Federal ID No.	4. Detailed Description of Work (Attach additional sheets, if necessary, Attach Contract if available)	5. Dollar Value of Contract (if unavailable or yet undetermined, indicate \$1)
A.	<input type="checkbox"/> <u>YS ESD CERTIFIED</u>  <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
B.	<input type="checkbox"/> <u>YS ESD CERTIFIED</u>  <input type="checkbox"/> MBE <input type="checkbox"/> WBE			

6. If unable to fully meet the M/WBE goals set forth in the contract, the Contractor must submit a Waiver Request form, which may be obtained from the Office of Contractor and Supplier Diversity, at [OCSD@ESD.NY.GOV](mailto:OCSD@ESD.NY.GOV).



OCSD-4

OFFICE OF CONTRACTOR AND SUPPLIER DIVERSITY
MINORITY AND WOMEN BUSINESS ENTERPRISE PARTICIPATION PLAN

PREPARED BY (Signature): \_\_\_\_\_ DATE: \_\_\_\_\_
Preparer's Name (Print or Type): \_\_\_\_\_
Preparer's Title: \_\_\_\_\_
Date: \_\_\_\_\_
SUBMISSION OF THIS FORM CONSTITUTES THE CONTRACTOR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE-REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND POSSIBLE TERMINATION OF YOUR CONTRACT.

TELEPHONE NO.: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_
\*\* FOR OCSD-M/WBE USE ONLY \*\*
REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_
UTILIZATION PLAN APPROVED?
[ ] YES [ ] NO Date: \_\_\_\_\_
Contract No.: \_\_\_\_\_
Project No. (if applicable): \_\_\_\_\_
Contract Award Date: \_\_\_\_\_
Estimated Date of Completion: \_\_\_\_\_
Amount Obligated Under the Contract: \_\_\_\_\_
Description of Work: \_\_\_\_\_
NOTICE OF DEFICIENCY ISSUED?
[ ] YES [ ] NO Date of Issue: \_\_\_\_\_
NOTICE OF ACCEPTANCE ISSUED?
[ ] YES [ ] NO Date of Issue: \_\_\_\_\_

The MWBE Certification status of the firms listed on this form MUST be verified using the New York State Contract System's Directory of Certified Minority and Women-owned Business Enterprises.

This directory is available at https://ny.newnycontracts.com.

**CERTIFICATION 1.1  
BID/PROPOSAL CERTIFICATIONS**

Firm Name \_\_\_\_\_

Business Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ Date of Bid/Proposal \_\_\_\_\_

**I. General Bid Certification**

The Bidder certifies that he will furnish, at the prices herein quoted, the material, equipment and/or services as proposed on this bid.

**II. Non-Collusive Bidding Certification**

By submission of this bid proposal, the bidder certifies that he is complying with Section 103-d of the General Municipal Law as follows:

1. Statement of non-collusion in bids and proposals to political subdivision of the state. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation, or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury: Non-collusive bidding certification.

(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in this bid have been arrived at independently without collusion: consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(b) A bid shall not be considered for award nor shall any award be made where (a) (1) (2) and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore, Where (a) (1) (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph one (a).

2. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one of the section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Signature (Authorized) \_\_\_\_\_

Title \_\_\_\_\_