

CITY OF NEW YORK
Request for Proposals

THE CITY OF NEW YORK
The New York County District Attorney’s Office (the “Agency”/“DANY”)
REQUEST FOR PROPOSALS

TITLE: Web Design, Content Management, and Support

EPIN #: 20160600076

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AUTHORIZED AGENCY CONTACT PERSON

Proposers are advised that the Authorized Agency Contact Person for all matters concerning this Request for Proposals is:

Name: Mallorie Thomas
Title: Policy and Planning Analyst
Mailing Address: 1 Hogan Place, Room 837
New York, NY 10013
Telephone #: 212-335-3150
E-Mail Address: thomasma@dany.nyc.gov and copy BIDSRFPS@dany.nyc.gov

SECTION I - TIMETABLE

A. Release Date of this Request for Proposals: June 2, 2016

All questions and requests for additional information concerning this RFP should be directed to the Authorized Agency Contact Person listed above.

Proposers should submit all questions no later than **June 30, 2016**, to allow time for the Agency to respond to questions received after that date.

B. Pre-Proposal Conference:

Date: June 23, 2016
Time: 3:00 p.m.
Location: Conference Call (Information listed below)

Toll Free: 1-866-663-5876

Toll Number: 1-517-966-6934 (restrictions may exist when accessing free phone/toll free numbers using a mobile telephone. Please use this number if you cannot access with the toll free number.)

The passcode for conference entry

Participants Passcode: 9463851

Participant Instructions:

- Dial your conference toll free number
- At the prompt, enter your passcode followed by the pound sign or hashtag symbol (#)
- If the conference has not yet started, you may be placed on music hold
- To exit a conference say goodbye to conference participants and hang up

Conference call attendance by proposers is optional but recommended.

C. Proposal Due Date and Time and Location:

Date: July 11, 2016
Time: 3:00 p.m.
Location: Proposals shall be submitted to via email to the Agency at: BIDSRFPS@dany.nyc.gov

Faxed proposals will not be accepted.

Proposals received at this Location after the Proposal Due Date and Time are late and shall not be accepted by the Agency, except as provided under New York City's Procurement Policy Board Rules. The Agency will consider requests made to the Authorized Agency Contact Person to extend the Proposal Due Date and Time prescribed above. However, unless the Agency issues a written addendum to this RFP which extends the Proposal Due Date and Time for all proposers, the Proposal Due Date and Time prescribed above shall remain in effect.

D. Anticipated Contract Start Date: October 2016

SECTION II - SUMMARY OF THE REQUEST FOR PROPOSALS

A. Purpose of RFP

The New York County District Attorney's Office (DANY) is seeking an appropriately qualified vendor to provide website redesign, web content management services, and ongoing support and maintenance services. The Office's website, ManhattanDA.org, is currently hosted and administered by an outside vendor and maintained by a small team of DANY staff members who create, manage, and administer content on the site each day using Drupal's web content management platform. Activities handled by DANY staff members include posting content, including press releases, photo galleries from events, victim resources and community event information; managing event registration and contact forms; and linking live event broadcasting to the site. DANY seeks a qualified, professional firm to work closely with its Communications team to modernize the ManhattanDA.org web presence and improve the site's accessibility, navigation, search, and interactive functions.

B. Anticipated Contract Term

It is anticipated that the term of the contract(s) awarded from this RFP will be from October 2016 to June 30, 2017. The contracts may include two, one year option(s) to renew the contract associated with the work of Phase 2 of the project. DANY reserves the right, prior to contract award, to determine the length of the initial contract term and each option to renew, if any. DANY anticipates that the contract for web design and launch will begin six (6) months prior to contract for web hosting.

C. Anticipated Payment Structure

It is anticipated that the payment structure of the contract awarded from this RFP will be based on a combination of line-item budget reimbursement and performance-based deliverables tied to a not-to-exceed annual amount for phase one of the project (web design, launch and training). For phase two, web hosting, the contract will be based on a time and materials hourly rate.

However, the Agency will consider proposals to structure payments in a different manner and reserves the right to select any payment structure that is in the City's best interest.

D. Anticipated Annual Funding will be \$105,000:

Phase 1 website design and launch will be an amount not to exceed **\$85,000**.

Phase 2 web hosting annual funding will be approximately: **\$25,000**

E. Minimum Qualification Requirements

The following are the Minimum Qualification Requirements of this RFP. Proposals that fail to meet all of these requirements will be rejected.

- A minimum of three (3) years' experience providing web designing and hosting services is required. While not required, experience with government entities is encouraged.

Failure to submit an application that does not contain the required level of experience, above, may negatively affect the review of an application. Moreover, applications that are not responsive to the scope of the solicitation will not proceed to peer review and will not receive further consideration.

SECTION III - SCOPE OF WORK

A. Scope of Work Overview

The District Attorney's Office of New York County ("DANY") serves and protects the people of New York through the fair administration of justice. Building on a tradition of prosecutorial independence and courtroom excellence, the Office is an internationally recognized leader in the development of innovative crime-fighting strategies and justice reform initiatives. Each year, DANY handles approximately 100,000 cases, which are investigated and prosecuted by a staff of more than 550 assistant district attorneys with 700 investigative analysts, paralegals, and highly trained support staff members.

DANY seeks a qualified, professional firm to work closely with its Communications team to modernize the ManhattanDA.org web presence in order to achieve the following goals within 6 months of contract/project start:

- Create a modern, responsive, visually appealing website that clearly represents DANY's professional characteristics and brand attributes;
- Organize information with an easy-to-use site navigation and intuitive information architecture;
- Create an effective search function that allows site visitors to find information about the Office's publications, programs, and activities; and,
- Provide support for interactive features, such as video streaming and social media integration.

In order to achieve these goals, DANY is seeking a firm to provide website design, web content management services and ongoing support and maintenance services.

B. Web Design Services

The Office's website, ManhattanDA.org, is currently hosted and administered by an outside vendor and maintained by a small team of DANY staff members who create, manage, and administer content on the site daily. Activities handled by DANY staff members include posting content, including press releases, photo galleries from events, victim resources and community event information; managing event registration and contact forms; and linking live event broadcasting to the site.

Site Organization and Navigation

Major goals for the redesigned website include vastly improved navigation and search capabilities. Specific requirements related to the overall structure of the website, including home page and subsections, as well as organization of content are as follows:

- Selected vendor will provide recommendations on a proposed site architecture and navigation based on input from the DANY team, including content priorities, user needs, and web traffic and search analytics.
 - The proposed navigation should be designed for both the homepage and subsection header pages.
 - The proposed information architecture should enable intuitive navigation to content and subsections, including "breadcrumb" or similar navigation functionality.
- Selected vendor should define relevant keywords based on input from the DANY team, as well as web traffic and search analytics, and enhanced through search engine optimization.
- The redesign will need to allow for the creation of static URLs (shortcuts) to allow users to access specific web pages easily.
- The redesign will be required to include a prominently displayed search button or function.

Visual Appeal and Branding

The selected vendor will be responsible for redesigning the Office's website to be consistent with DANY's brand and professional characteristics as a leader in law enforcement and prosecution, and convey an emphasis on justice and transparency. In addition to redesign services, the selected vendor will be asked to provide guidance on branding and logo designs. Specific requirements related to the design of the overall appearance of the website home page and subsections are as follows:

- Selected vendor will provide iterative mock up designs of both the current website's homepage and major subsection pages that will have a modern look and feel.
- The redesigned homepage and subsections will need to adhere to DANY's existing branding and style guidelines, including use of images, logos, fonts, color schematic and keywords. Where guidelines do not currently exist, the vendor will defer to branding and style considerations outlined by the Office.
- The redesigned homepage and subsections will support the ability to display rotating graphics and embedded videos.
- The redesigned homepage and subsections will support the ability to prominently feature "pinned" news items, hot topics and seasonal awareness initiatives.

Accessibility and Mobility

The selected vendor will be responsible for ensuring that DANY's newly designed website meets all mobility and accessibility requirements. DANY is seeking to improve the experience and decrease the bounce rate for users who access the Manhattan DA website on a phone or tablet device. Specific requirements include the following:

- The redesigned homepage and subsections will support responsive web design, including the ability to display different text sizes and page format on a range of devices such as standard desktop monitors, laptops, tablets and mobile devices.
- The redesigned homepage and subsections will need to allow for the presentation of translated critical web content, as defined by DANY staff, into Spanish and Chinese without altering the page layout.
- The redesigned homepage and subsections will be compatible on standard web browsers including, but not limited to, the latest versions of Internet Explorer, Google Chrome, Firefox, Safari and Microsoft Edge, with improved loading time (current website averages 4 seconds per page).
- The redesigned homepage and subsections will be optimized for mobile access, including the ability to display top-level or consolidated content when accessed from a mobile device.
- The redesigned homepage and subsections will be compatible with standard mobile operating systems, including Apple, Android and Windows, etc.
- The redesigned homepage and subsections will be in compliance with the Americans with Disabilities Act (ADA) rules and regulations, e.g. WCAG 2.0 and Section 508, and maintain compliance throughout the course of contracted services.

Templates and Assets

The selected vendor will be responsible for creating and providing web page templates to use throughout the newly designed website. DANY is seeking to use templates in order to reduce the administrative burden of maintaining and updating content throughout the website. Specific requirements related to page templates and graphical assets include the following:

- The selected vendor will create and provide templates for the homepage and subsections for future use and modification by the Office.
- The selected vendor will create and provide a variation of the redesigned website templates for smart phone and tablet views, as necessary.

- The selected vendor may be asked to create and provide new graphical assets for DANY including a redesigned Manhattan District Attorney watermark, banners, headers, and footers for the homepage and subsections for future use and modification by the office.
- The selected vendor will be responsible for creating the front-end development for the redesigned website, including HTML, CSS and Javascript as necessary.
- The redesign will feature a calendar template to display and maintain event listings with the ability for users to download event information from the website calendar directly into standard external calendar applications, including iCal, Outlook and Google calendar entries.

C. Web Content Management Services

The selected vendor will be responsible for deployment of newly designed DANY web content to a Web Content Management (WCM) system, which then will be managed by DANY staff members on an on-going basis.

Platform

The selection of a new WCM platform will provide the ability for DANY's Communications and Community Partnerships Units to easily and quickly update the website without external resources or vendor support. Specific requirements related to the WCM platform functionality include the following:

- The selected vendor will be responsible for recommending and implementing a comprehensive, industry-leading, non-proprietary WCM system hosted in a secure and responsive environment.
- The WCM system will support content creation capabilities by DANY staff members, including the use of pre-defined templates, creation of new templates, WYSIWYG interface for editing content, and conversion of content to HTML / XML.
- The WCM system will support the ability to easily add, update, modify and remove content, including new pages, text and media (i.e. photo galleries, embedded video, etc.), and include a photo uploading tool with basic editing capabilities.
- The WCM system will support content deployment capabilities including website design and user interface customization, deployment of content to web servers, management of rich media (e.g., streaming and embedded video), and support for content aggregation/syndication (e.g., APIs, REST interfaces, RSS).
- The WCM system will support content management capabilities including dedicated WCM system content repository, check-in / check-out functionality for files stored in the content repository, and version control / audit trail functionality for files stored in the content repository.
- All templates created by the selected vendor will be deployed via and stored on DANY's WCM system.
- The WCM system will support multiple collaborator functionality, including access rights for users, assignment of rights according to user roles and workflow capabilities for content review and approval.
- The WCM system will support web analytic and reporting capabilities.
- The WCM system will support the ability to schedule the publishing and retirement of time sensitive content that might include press releases and announcements.
- The WCM system will support enhanced search capabilities, including predictive text for search queries and the ability to include images in search results.
- The WCM system will support the easy creation and management of online forms, enabling users to sign up for newsletters.
- The WCM system will support social media integration, including sharing capabilities on major social media platforms, such as Facebook, Twitter, Google+, LinkedIn and Instagram, etc.
- The WCM system will support HR software, such as ApplicantStack.
- The WCM system will support the ability to share web content by email on common email platforms, such as Outlook and Google Mail, etc.

- The WCM system will have a mobile app or mobile functionality, to enable DANY staff to edit and update the website from mobile devices.

Implementation and Deployment

The selected vendor will be responsible for recommending and implementing a web content management solution. Although DANY will be responsible for ultimately selecting the platform, the selected vendor will be responsible for all activities related to its deployment. Specific requirements include the following:

- The selected vendor will be responsible for utilizing one of the following implementation scenarios for the selected WCM system: 1) provide hosting for DANY’s WCM system in a secure, high-availability environment, or 2) utilize a third-party vendor that specializes in providing hosting for the selected WCM system in a secure, high-availability environment.
 - The selected vendor, or third-party vendor, must also provide hosting for DANY’s Secure File Transfer Protocol. Selected vendor may provide this service via a subcontract with a third-party vendor.
- The selected vendor will establish full administrator access for DANY’s team to the WCM system so that they can access and review any stored content created for the Office by the selected vendor during the redesign process (e.g., templates, graphical assets, CSS files).
- The selected vendor will be responsible for taking inventory of the website’s current homepage and subsections content, archiving content as needed and migrating current content into the newly selected WCM system (approximately 1,200 pages).
 - Following DANY’s approval of the website redesign, the selected vendor will be responsible for carrying out the deployment of the WCM system and conducting formal testing. Alternatively, the selected vendor may opt for managing formal testing that will be carried out by a third-party specializing in usability, security and/or load testing. Selected vendor may provide this service via a subcontract with a third-party vendor.
- The selected vendor will be responsible for the development of a training plan. Following DANY’s approval of this training plan, the selected vendor will provide on-site training for how to administer the website on the WCM system to DANY staff members and provide a manual for ongoing support and maintenance.
- Selected vendor will provide telephone customer service, live help, consistent testing and ongoing maintenance throughout the life of the awarded contract.

Third-Party Tools and Services

DANY currently uses several external tools and services to support and optimize different functions of the website related to social media and other media content. The selected vendor will be responsible for recommending which third-party tools and services offer the best fit and functionality for the website based on the website design and end user requirements, and integration of the tools and services that are ultimately selected by the Office. Specific requirements related to third-party tools and services to be integrated into the web design and provided by the vendor are as follows:

- The newly designed website can support LiveStream feeds to display DANY’s press conferences in real time.
- The newly designed website can incorporate updates from a social media account management tool, e.g. Hootsuite, and easily incorporate the use of new and evolving social media platforms.
- The newly designed website will have the ability to leverage a tool to generate shortened, Manhattan DA vanity URLs which can be shared via social media or email, e.g. bit.ly.
- The newly designed website will leverage Google Analytics or other similar website traffic analysis tools.

- The newly designed homepage and subsections will include embedded social media links, including Facebook, Twitter, etc.
- The newly designed website will support the use of ApplicantStack HR software.
- The newly designed website host will be able to support Secure File Transfer Protocol.

D. Project Management and Administration

In order to ensure the website redesign and web content management system implementation achieves the stated project goals and objectives, the selected vendor is expected to oversee and execute on the proposed project plan and meet the requirements as outlined in this scope of services.

Project Planning

The selected vendor is responsible for providing project planning and management services to ensure the successful timely completion of the website redesign and web content management system implementation. Specific requirements include the following:

- The selected vendor will provide a detailed, comprehensive project plan and schedule for the web design and web content management services, with a project timeline and clearly articulated project milestones.
- The selected vendor will provide status reports on a weekly basis, tracking project progress against pre-defined milestones, describing upcoming planned activities, and documenting project risks as they arise.
- The selected vendor will hold project status meetings with DANY staff members on a regular basis.

Ongoing Support and Maintenance

Following the successful completion of the website redesign and web content management system deployment, the selected vendor is responsible for providing support and maintenance on an ongoing basis. Specific requirements include the following:

- The selected vendor will be responsible for providing ongoing support and maintenance for the WCM system for 3 (three) years using a time and materials hourly rate.
- The newly designed DANY web properties, including URL domains .org, .com, .gov and .nyc, will be officially owned and administered by DANY, but the selected vendor will be responsible for hosting the newly designed web properties, including URL domains .org, .com, .gov and .nyc.
- The selected vendor will provide hosting and support for average capacity and for peak site traffic times. See Attachment C for details about average and peak site traffic.
- The selected vendor will be responsible for providing redirect services for DANY's properties, including URL domains .org, .com, .gov and .nyc.
- In the event that the Office's brand or logos change, the selected vendor will be responsible for updating all web properties with newly designed graphical assets.

E. Required Deliverables

Listed below are required deliverables upon the completion of the scope of services provided above:

- HTML templates and any graphical assets created during the redesign, including to be leveraged within hosted applications like ApplicantStack.
- Detailed website build documentation (including specifications of design firm-developed functionality)
- Mock ups of proposed website design
- Wireframes of templates
- Comprehensive site map
- Detailed list of technologies (including libraries) and/or techniques used in the build

- Original high resolution graphic files (PSD) or any design-related files used for the build
- Web-ready graphics for DANY's logo and lead banner
- Builds for review by DANY staff members throughout the development process via a secure vendor-hosted server
- User manual for on-going maintenance of WCM System
- Web application testing output including: usability testing, end to end testing of navigations and links, security scan results, and load testing results
- Print-ready graphics
- Secure FTP functionality, including time-sensitive password protection and email notifications.

F. Compliance with Local Law 34 of 2007

Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City established a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. For the purposes of the database, proposers are required to complete the attached Doing Business Data Form and return it with this proposal, and should do so in a separate envelope. (If the proposer is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form.) If the City determines that a proposer has failed to submit a Data Form or has submitted a Data Form that is not complete, the proposer will be notified by the Agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the Agency. Failure to do so will result in a determination that the proposal is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the proposer has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

G. Whistleblower Protection Expansion Act Rider

Local Law Nos. 30 and 33 of 2012, codified at sections 6-132 and 12-113 of the New York City Administrative Code, the Whistleblower Protection Expansion Act, protect employees of certain City contractors from adverse personnel action based on whistleblower activity relating to a City contract and require contractors to post a notice informing employees of their rights. Please read Attachment G, the Whistleblower Protection Expansion Act Rider, carefully.

H. Compliance with the Iran Divestment Act

Pursuant to State Finance Law Section 165-a and General Municipal Law Section 103-g, the City is prohibited from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Each proposer is required to complete the attached Bidders Certification of Compliance with the Iran Divestment Act, certifying that it is not on a list of entities engaged in investments activities in Iran created by the Commissioner of the NYS Office of General Services. If a proposer appears on that list, the Agency will be able to award a contract to such proposer only in situations where the proposer is taking steps to cease its investments in Iran or where the proposer is a necessary sole source. Please refer to Attachment for information on the Iran Divestment Act required for this solicitation and instructions on how to complete the required form and to <http://www.ogs.ny.gov/About/regs/ida.asp> for additional information concerning the list of entities.

I. Subcontractor Compliance Notice

The selected vendor will be required to utilize the City's web based system to identify all subcontractors in order to obtain subcontractor approval pursuant to PPB Rule section 4-13, and will also be required to enter all subcontractor payment information and other related information in such system during the contract term.

Please read Attachment I, the subcontractor compliance notice as it relates to competitive solicitations. The City's new web based subcontractor reporting system will be located on line at the Payee Information Portal at: <https://a127-pip.nyc.gov/webapp/PRDPCW/SelfService>.

J. Paid Sick Leave Law Contract Rider

The Earned Sick Time Act, also known as the Paid Sick Leave Law ("PSLL"), requires covered employees who annually perform more than 80 hours of work in New York City to be provided with paid sick time. Contractors of the City of New York [or of other governmental entities] may be required to provide sick time pursuant to the PSLL. Attachment H, the Paid Sick Leave Law Rider, will be included in any contract awarded from this RFP and will incorporate the PSLL as a material term of such a contract. Please read Attachment H carefully.

SECTION IV - FORMAT AND CONTENT OF THE PROPOSAL

Instructions: Proposers should provide all information required in the format below. The proposal should be on 8 ½" X 11" paper. The City requests that all proposals be submitted on paper with no less than 30% postconsumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>). Pages should be paginated. The proposal will be evaluated on the basis of its content, not length. In addition, proposers should submit a CD-ROM containing an electronic copy of all hardcopy documents submitted in response to this RFP. Failure to comply with any of these instructions will not make the proposal non-responsive.

A. Proposal Format

1. Proposal Cover Letter – 1 page limit

The Proposal Cover Letter form (Attachment A) transmits the proposer's Proposal Package to the Agency. It should be completed, signed and dated by an authorized representative of the proposer.

2. Technical Proposal – 15 page limit (not including visual attachments/prior work examples and resumes)

The Technical Proposal is a clear, concise narrative which addresses the following:

a. Table of Contents

A table of contents outlining the material contained in the proposal shall be included.

b. Proposed Approach

Describe in detail how the proposer will provide the services described in Section III – Scope of Services of this RFP and demonstrate how that approach will fulfill the goals and objectives of DANY. The proposer should demonstrate how work in the following areas will be undertaken:

- Web design services
- Improved navigation and search
- Development
- Testing
- Implementation and deployment
- Project planning and project management
- Training
- Maintenance and support services

The proposer should clearly define all major milestones and deliverables for the website redesign and web content management implementation.

The Agency's assumptions regarding contractor approach represent what the Agency believes to be most likely to achieve its goals and objectives. However, proposers are encouraged to propose an approach that they believe will most likely achieve the Agency's goals and objectives. Proposers may also propose more than one approach. However, if an alternative approach affects other areas of the proposal such as experience, organizational capability or price, that alternative approach should be submitted as a complete and separate proposal providing all the information specified in Section IV of this RFP.

c. Organizational Capacity

Demonstrate the proposer’s programmatic, technical, managerial, and financial organizational capability to perform the services described in Section III – Scope of Services of this RFP. Describe the management and staffing structure for the project and the proposed key project staff. Include resumes of key staff. Attach an organizational chart showing where, or an explanation of how, the proposed services will fit into the proposer’s organization. Attach a copy of the proposer’s latest audit report or certified financial statement, or a statement as to why no report or statement is available.

d. Organizational Experience

Describe the successful relevant experience of the proposer, and include sample work from at least two prior projects in the past 12 months, preferably for public sector, non-profit, or law enforcement entities. Experience with government entities is encouraged. Attach a listing of at least two relevant references, including the name of the reference entity, a brief statement describing the relationship between the proposer and the reference entity, and the name, title and telephone number of a contact person at the reference entity.

3. Price Proposal

The Price Proposal should contain a line item budget detailing all the costs for associated with both phases of the project including all personnel time, travel, lodging etc. Phase one will be one-time design, implementation, deployment and training costs and should be distinguished from ongoing maintenance costs (phase two).

Proposers are encouraged to propose innovative payment structures. The Agency reserves the right to select any payment structure that is in the City’s best interest; however all proposers must submit a line item budget detailed in Attachment B of this RFP.

4. Acknowledgment of Addenda

The Acknowledgment of Addenda form (Attachment E) serves as the proposer’s acknowledgment of the receipt of addenda to this RFP which may have been issued by the Agency prior to the Proposal Due Date and Time, as set forth in Section I (C), above. The proposer should complete this form as instructed on the form.

B. Proposal Package Contents (“Checklist”)

The Proposal Package should contain the following materials. Proposers should utilize this section as a “checklist” to assure completeness prior to submitting their proposal to the Agency.

1. A sealed inner envelope labeled “Program Proposal,” containing five sets of the documents listed below in the following order:

- Proposal Cover Letter Form (Attachment A)
- Technical Proposal
- At least 2 references for the Proposer
- Resumes and/or Description of Qualifications for Key Staff Positions
- Sample work from at least 2 prior projects within the past twelve months.
- Organizational Chart outlining how the project staff fit into the overall organization structure

- Audit Report or Certified Financial Statement or a statement as to why no report or statement is available
 - Acknowledgment of Addenda Form (Attachment E)
2. A separate sealed inner envelope labeled “Price Proposal” containing five sets of the Price Proposal.
 - Price Proposal
 4. All proposals must contain a third sealed inner envelope labeled “Doing Business Data Form” containing an one original, completed Doing Business Data Form (see Attachment F).
 5. A sealed outer envelope, enclosing the three sealed inner envelopes. The sealed outer envelope should have two labels containing:
 - The proposer’s name and address, the Title and PIN # of this RFP and the name and telephone number of the Proposer’s Contact Person.
 - The name, title and address of the Authorized Agency Contact Person.

SECTION V - PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES

A. Evaluation Procedures

All proposals accepted by DANY will be reviewed to determine whether they are responsive or non-responsive to the requisites of this RFP. Proposals that are determined by the Agency to be non-responsive will be rejected. The Agency's Evaluation Committee will evaluate and rate all remaining proposals based on the Evaluation Criteria prescribed below. The Agency reserves the right to conduct site visits and/or interviews and/or to request that proposers make presentations and/or demonstrations, as the Agency deems applicable and appropriate. Although discussions may be conducted with proposers submitting acceptable proposals, the Agency reserves the right to award contracts on the basis of initial proposals received, without discussions; therefore, the proposer's initial proposal should contain its best technical and price terms.

B. Evaluation Criteria

- Project Plan and Approach (20%)
- Qualifications and relevant experience of proposed project team (20%)
- Quality of web design, validated by work samples (30%)
- Customer references for similar projects (10%)
- Viability and features of proposed content management system (20%)

C. Basis for Contract Award

Awards will be made to the highest technically-rated proposer, consistent with the Agency's needs outlined in this RFP. Additionally, when issuing an award, the Agency will consider proposer's organizational capacity and the proposed price (award is based on a combination of both criteria), and will make a determination that the price is fair and reasonable and commensurate with the proposed level of services and timeline for implementation and launch (no later than 6 months from project start date) of the project. Contract award shall be subject to the timely completion of contract negotiations between DANY and selected proposer as well as a positive responsibility determination.

SECTION VI - GENERAL INFORMATION TO PROPOSERS

A. Complaints. The New York City Comptroller is charged with the audit of contracts in New York City. Any proposer who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 1005, New York, NY 10007; contract@comptroller.nyc.gov, or at (212) 669-2323. In addition, the New York City Department of Investigation should be informed of such complaints at its Investigations Division, 80 Maiden Lane, New York, NY 10038; the telephone number is (212) 825-5959.

B. Applicable Laws. This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable provisions of New York State Law, the New York City Administrative Code, New York City Charter and New York City Procurement Policy Board (PPB) Rules. A copy of the PPB Rules may be obtained by contacting the PPB at (212) 788-0010 or at: <http://www.nyc.gov/html/mocs/ppb/html/home/home.shtml>.

C. General Contract Provisions. Contracts shall be subject to New York City's general contract provisions, in substantially the form that they appear in "Appendix A—General Provisions Governing Contracts for Consultants, Professional and Technical Services" or, if the Agency utilizes other than the formal Appendix A, in substantially the form that they appear in the Agency's general contract provisions. A copy of the applicable document is available through the Authorized Agency Contact Person.

D. Contract Award. Contract award is subject to each of the following applicable conditions and any others that may apply: New York City Fair Share Criteria; New York City MacBride Principles Law; submission by the proposer of the requisite New York City Department of Business Services/Division of Labor Services Employment Report and certification by that office; submission by the proposer of the requisite VENDEX Questionnaires/Affidavits of No Change and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity; and Section 6-108.1 of the New York City Administrative Code relating to the Local Based Enterprises program and its implementation rules.

E. Proposer Appeal Rights. Pursuant to New York City's Procurement Policy Board Rules, proposers have the right to appeal Agency non-responsiveness determinations and Agency non-responsibility determinations and to protest an Agency's determination regarding the solicitation or award of a contract.

F. Multi-Year Contracts. Multi-year contracts are subject to modification or cancellation if adequate funds are not appropriated to the Agency to support continuation of performance in any City fiscal year succeeding the first fiscal year and/or if the contractor's performance is not satisfactory. The Agency will notify the contractor as soon as is practicable that the funds are, or are not, available for the continuation of the multi-year contract for each succeeding City fiscal year. In the event of cancellation, the contractor will be reimbursed for those costs, if any, which are so provided for in the contract.

G. Prompt Payment Policy. Pursuant to the New York City's Procurement Policy Board Rules, it is the policy of the City to process contract payments efficiently and expeditiously.

H. Prices Irrevocable. Prices proposed by the proposer shall be irrevocable until contract award, unless the proposal is withdrawn. Proposals may only be withdrawn by submitting a written request to the Agency prior to contract award but after the expiration of 90 days after the opening of proposals. This shall not limit the discretion of the Agency to request proposers to revise proposed prices through the submission of best and final offers and/or the conduct of negotiations.

I. Confidential, Proprietary Information or Trade Secrets. Proposers should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification of why such materials, upon request, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the proposal. All information not so identified may be disclosed by the City.

J. RFP Postponement/Cancellation. The Agency reserves the right to postpone or cancel this RFP, in whole or in part, and to reject all proposals.

K. Proposer Costs. Proposers will not be reimbursed for any costs incurred to prepare proposals.

L. Vendex Fees. Pursuant to PPB Rule 2-08(f)(2), the contractor will be charged a fee for the administration of the Vendex system, including the Vendor Name Check Process, if a Vendor Name Check review is required to be conducted by the Department of Investigation. The contractor shall also be required to pay the applicable fees for any of its subcontractors for which Vendor Name Check reviews are required. The fee(s) will be deducted from payments made to the contractor under the contract. For contracts with an estimated value of less than or equal to \$1,000,000, the fee will be \$175. For contracts with an estimated value of greater than \$1,000,000, the fee will be \$350. The estimated value for each contract resulting from this RFP is estimated to be (less than or equal to \$1million) (above \$1million).

M. Charter Section 312(a) Certification. [IF APPLICABLE]

_____ The Agency has determined that the contract(s) to be awarded through this Request for Proposals will not result in the displacement of any New York City employee within this Agency. See attached Displacement Determination Form.

_____ The Agency has determined that the contract(s) to be awarded through this Request for Proposals will result in the displacement of New York City employee(s) within this Agency. See attached Displacement Determination Form.

_____ The contract to be awarded through this Request for Proposals is a task order contract that does not simultaneously result in the award of a first task order; a displacement determination will be made in conjunction with the issuance of each task order pursuant to such task order contract. Determinations for any subsequent task orders will be made in conjunction with such subsequent task orders.

(Agency Chief Contracting Officer)

Date

Message from the New York City Vendor Enrollment Center
Get on mailing lists for New York City contract opportunities!
Submit a NYC-FMS Vendor Application - Call 212/857-1680

Message from New York City's Department of Small Business Services

The Department of Small Business Services (SBS) offers One-on-One Technical Assistance to businesses that are interested in bidding on City contracts for the following goods and services: construction, construction related, standardized and architectural and engineering. If you plan on bidding on this or any other City contract, contact SBS to schedule an appointment. The Department of Small Business Services will meet with you to review your particular proposal or submission, and provide feedback and guidance to help you submit the best proposal possible.

To schedule One-on-One Technical Assistance, email techassist@sbs.nyc.gov and an SBS representative will contact you.

Attachment A

PROPOSAL COVER LETTER

RFP TITLE: Web Design, Content Management, and Support

PIN #: _____

Proposer:

Name:

Address:

Tax Identification #: _____

Proposer's Contact Person:

Name:

Title:

Telephone #: _____

Proposer's Authorized Representative:

Name:

Title:

Signature:

Date: _____

Is the response printed on both sides, on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in the instructions to this solicitation?

Yes

No

Attachment B

Line-Item Budget

The Price Proposal includes a presentation of the proposer's total year budget for providing each element of the Scope of Services prescribed in Section III of the RFP.

Provide a line-item budget for the web design and web hosting indicating the expenses associated with each phase. The line-item budget including (at minimum) each of the following for providing the work described in Section III of this RFP:

- a. **Personnel** – list personnel by job title needed to fulfill the Scope of Services to be paid by the proposed contract. For each title provide the number of staff at that title and the salary range. If salaries are supported by multiple funding sources, identify the funding source, and indicate the percentage of the salary funded by source for each title. For managerial/executive salaries in excess of \$100,000, provide the percentage of time allocated to the proposed program in addition to the percentage of the salary funded by source for each title.
- b. **Fringe** – the listing of all the benefits to be paid under the awarded contract as well as the amount and percentage of each listed benefit with the overall amount and percentage.
- c. **Consultants** – each consultant must be listed separately, with rate of pay.
- d. **Equipment** – listing of all equipment needed to be purchased throughout the proposed contracting period to fulfill the Scope of Services. Listing of all rented equipment must also be included in this category.
- e. **Supplies** – list of supplies needed to fulfill the Scope of Services through the proposed contracting period.
- f. **Travel and Subsistence** – list of local travel and out-of-state travel for staff and/or travel for clients, if applicable.
- g. **Rental of Facilities** – if applicable, the monthly rent of any facility rented to fulfill the Scope of Services, including the total square footage and rate, as well as utility costs per month.
- h. **Start-up** - if applicable, provide a detailed start-up budget for the proposed program.

Performance-based Deliverables

In addition to the line item budget, proposers should set aside a portion of the full budget and include that sum to be paid as a performance-based deliverable. Proposer may select up to three deliverables; however, the Agency may ultimately select deliverables that are in its best interest. For example, a deliverable may be to complete and present website design. Total budget may not exceed \$105,000 (see page 3 section D of the RFP/anticipated annual funding).

Attachment C

Site Traffic Statistics

DANY uses Google analytics to monitor site traffic. This statement contains a summary of recent reports.

1. Monthly Site Traffic

The following sample site traffic is for the month of September 2015.

General:

- Page views: 128,256
- Users: 46,885
- Sessions: 59,318

Top Pages:

1. Homepage
2. Job Openings
3. Press Releases (multiple)
4. Case Information
5. Live Stream
6. Contact Us
7. Career Opportunities

Other Pages w/ Notable Traffic

- Support Staff Employment
- Careers/Training Orders of Protection
- Salary & Benefits
- High School Internships
- History of the Office
- Meet Cy Vance
- Criminal Justice System: How it Works

Platforms

- Desktop (63.5%)
- Mobile (40%)
- Tablet (5.5%)

How Viewers Find ManhattanDA.org

- 46%: Organic Search (common terms include Manhattan DA and variants)
- 23%: Referral (common sites include job boards, government sites, and news organizations)
- 17%: Direct
- 13%: Social (Twitter & Facebook most common - note, Referral category likely includes many viewers actually referred via Social)

Performance:

- Page load time average of 4.75 seconds
 - Opera: 2.43 seconds; Safari (in-app): 2.72 seconds; Firefox: 3.11 seconds; Internet Explorer: 3.79 seconds; Safari: 4.14 seconds.
- Mobile and tablet retention
 - The 31% of visitors using a phone or tablet experience showed a greater bounce rate than desktop users (74% vs 55%), and their sessions only last half as long.

2. Annual Site Traffic Summary

The following sample site traffic is for calendar year 2015 (January 1, 2015 – December 31, 2015)

General

- Page views: 1,482,511
- Users: 446,931
- Sessions: 648,409

Top Pages

1. Homepage
2. Job Openings
3. Case Information
4. Contact Us
5. Career Opportunities
6. Support Staff Employment
7. Careers/Training
8. Press Releases

Other Pages w/ Notable Traffic

- Orders of Protection
- High School Internships
- History of the Office
- Meet Cy Vance
- Criminal Justice System: How it Works

Platforms

- Desktop (64.5%)
- Mobile (29.5%)
- Tablet (6%)

How Viewers Find Our Site

- 54.5%: Organic Search
- 25%: Referral
- 17%: Direct

- 3.5%: Social (note, Referral category likely includes many viewers actually referred via Social)

Performance

- Slow page load time – average of 4.57 seconds
 - Edge: 3.13 seconds; Amazon Silk: 3.39 seconds; IE: 3.78 seconds; Firefox: 3.85 seconds; Chrome: 4.45 seconds.
- Mobile & tablet retention
 - The 35% of visitors using a phone or tablet show a ~65% bounce rate (desktop users only show a ~53% bounce rate), and spend 30 seconds to 1 minute less time on our website than desktop users.

Attachment D

IRAN DIVESTMENT ACT COMPLIANCE RIDER FOR NEW YORK CITY CONTRACTORS

The Iran Divestment Act of 2012, effective as of April 12, 2012, is codified at State Finance Law (“SFL”) §165-a and General Municipal Law (“GML”) §103-g. The Iran Divestment Act, with certain exceptions, prohibits municipalities, including the City, from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Pursuant to the terms set forth in SFL §165-a and GML §103-g, a person engages in investment activities in the energy sector of Iran if:

- a. the person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or
- b. The person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created pursuant to paragraph (b) of subdivision three of Section 165-a of the State Finance Law and maintained by the Commissioner of the Office of General Services.

A bid or proposal shall not be considered for award nor shall any award be made where the bidder or proposer fails to submit a signed and verified bidder’s certification.

Each bidder or proposer must certify that it is not on the list of entities engaged in investment activities in Iran created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law. In any case where the bidder or proposer cannot certify that they are not on such list, the bidder or proposer shall so state and shall furnish with the bid or proposal a signed statement which sets forth in detail the reasons why such statement cannot be made. The City of New York may award a bid to a bidder who cannot make the certification on a case by case basis if:

- 1) The investment activities in Iran were made before the effective date of this section (i.e., April 12, 2012), the investment activities in Iran have not been expanded or renewed after the effective date of this section and the person has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran: or
- 2) The City makes a determination that the goods or services are necessary for the City to perform its functions and that, absent such an exemption, the City would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

**BIDDER'S CERTIFICATION OF COMPLIANCE WITH
IRAN DIVESTMENT ACT**

Pursuant to General Municipal Law §103-g, which generally prohibits the City from entering into contracts with persons engaged in investment activities in the energy sector of Iran, the bidder/proposer submits the following certification:

[Please Check One]

BIDDER'S CERTIFICATION

- By submission of this bid or proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer 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 its knowledge and belief, that each bidder/proposer is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law.

- I am unable to certify that my name and the name of the bidder/proposer does not appear on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law. I have attached a signed statement setting forth in detail why I cannot so certify.

Dated: _____, New York
_____, 20__

SIGNATURE

PRINTED NAME

TITLE

Sworn to before me this
____ day of _____, 20__

Notary Public

Dated:

Attachment E

ACKNOWLEDGMENT OF ADDENDA

RFP TITLE: Web Design, Content Management, and Support

PIN: 20160600076

Instructions: The Acknowledgement of Addenda Form (Attachment D) serves as the proposer's acknowledgement of the receipt of any addenda to this RFP that may have been issued by DANY prior to the proposal due date and time. Proposers should fill in the appropriate information below for each addendum received or check the appropriate box to indicate that no addenda were received.

Proposer: _____

Name: _____

Address: _____

Tax Identification #: _____

Addendum Number	Addendum Title	Date Received by Proposer	Number of Pages Received
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

No addenda to this RFP were received _____

Proposer Authorized Signature Date _____

Name of Proposer Authorized Representative _____

Title of Proposer Authorized Representative _____

Attachment F



The City of New York
Mayor's Office of Contract Services
Doing Business Accountability Project

Doing Business Data Form

To be completed by the City Agency prior to distribution	
Agency: <input style="width: 90%;" type="text"/>	Transaction ID: <input style="width: 90%;" type="text"/>
Check One: <input type="checkbox"/> Proposal <input type="checkbox"/> Award	Transaction Type (check one): <input type="checkbox"/> Concession <input type="checkbox"/> Contract <input type="checkbox"/> Economic Development Agreement <input type="checkbox"/> Franchise <input type="checkbox"/> Grant <input type="checkbox"/> Pension Investment Contract

Any entity receiving, applying for or proposing on an award or agreement must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. **Submission of a complete and accurate form is required for a proposal to be considered responsive or for any entity to receive an award or enter into an agreement.**

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York; no other information reported on this form will be disclosed to the public. **This Data Form is not related to the City's VENDEX requirements.**

Please return the completed Data Form to the City Agency that supplied it. Please contact the Doing Business Accountability Project at DoingBusiness@cityhall.nyc.gov or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

Section 1: Entity Information

Entity Name:

Entity EIN/TIN:

Entity Filing Status (select one):

- Entity has never completed a Doing Business Data Form. *Fill out the entire form.*
- Change from previous Data Form dated . *Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.*
- No Change from previous Data Form dated . *Skip to the bottom of the last page.*

Entity is a Non-Profit: Yes No

Entity Type: Corporation (any type) Joint Venture LLC Partnership (any type)
 Sole Proprietor Other (specify):

Address:

City: State: Zip:

Phone : Fax :

E-mail:

Provide your e-mail address and/or fax number in order to receive notices regarding this form by e-mail or fax.

Section 2: Principal Officers

Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the *Doing Business Database*, and indicate the date that the change became effective.

Chief Executive Officer (CEO) or equivalent officer This position does not exist

The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.

First Name: MI: Last: Office Title: Employer (if not employed by entity): Birth Date (mm/dd/yy): Home Phone #: Home Address: This person replaced former CEO: on date: **Chief Financial Officer (CFO) or equivalent officer** This position does not exist

The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.

First Name: MI: Last: Office Title: Employer (if not employed by entity): Birth Date (mm/dd/yy): Home Phone #: Home Address: This person replaced former CFO: on date: **Chief Operating Officer (COO) or equivalent officer** This position does not exist

The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.

First Name: MI: Last: Office Title: Employer (if not employed by entity): Birth Date (mm/dd/yy): Home Phone #: Home Address: This person replaced former COO: on date:

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.

Section 3: Principal Owners

Please fill in the required identification information for all individuals who, through stock shares, partnership agreements or other means, own or control 10% or more of the entity. If no individual owners exist, please check the appropriate box to indicate why and skip to the next page. If the entity is owned by other companies, those companies do not need to be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals who are no longer owners at the bottom of this page. If more space is needed, attach additional pages labeled "Additional Owners."

There are no owners listed because (select one):

- The entity is not-for-profit
- There are no individual owners
- No individual owner holds 10% or more shares in the entity
- Other (explain): _____

Principal Owners (who own or control 10% or more of the entity):

First Name: _____ MI: _____ Last: _____
 Office Title: _____
 Employer (if not employed by entity): _____
 Birth Date (mm/dd/yy): _____ Home Phone #: _____
 Home Address: _____

First Name: _____ MI: _____ Last: _____
 Office Title: _____
 Employer (if not employed by entity): _____
 Birth Date (mm/dd/yy): _____ Home Phone #: _____
 Home Address: _____

First Name: _____ MI: _____ Last: _____
 Office Title: _____
 Employer (if not employed by entity): _____
 Birth Date (mm/dd/yy): _____ Home Phone #: _____
 Home Address: _____

Remove the following previously-reported Principal Owners:

Name: _____	Removal Date: _____
Name: _____	Removal Date: _____
Name: _____	Removal Date: _____

Section 4: Senior Managers

Please fill in the required identification information for all senior managers who oversee any of the entity's relevant transactions with the City (e.g., contract managers if this form is for a contract award/proposal, grant managers if for a grant, etc.). Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any transaction with the City. **At least one senior manager must be listed, or the Data Form will be considered incomplete.** If a senior manager has been identified on a previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Senior Managers."

Senior Managers:

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

Remove the following previously-reported Senior Managers:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Certification

I certify that the information submitted on these four pages and _____ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.

Name: _____

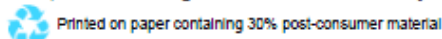
Signature: _____ Date: _____

Entity Name: _____

Title: _____ Work Phone #: _____

Return the completed Data Form to the agency that supplied it.

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.



ATTACHMENT G

WHISTLEBLOWER PROTECTION EXPANSION ACT RIDER

1. In accordance with Local Law Nos. 30-2012 and 33-2012, codified at sections 6-132 and 12-113 of the New York City Administrative Code, respectively,
 - (a) Contractor shall not take an adverse personnel action with respect to an officer or employee in retaliation for such officer or employee making a report of information concerning conduct which such officer or employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by any officer or employee relating to this Contract to (i) the Commissioner of the Department of Investigation, (ii) a member of the New York City Council, the Public Advocate, or the Comptroller, or (iii) the City Chief Procurement Officer, ACCO, Agency head, or Commissioner.
 - (b) If any of Contractor's officers or employees believes that he or she has been the subject of an adverse personnel action in violation of subparagraph (a) of paragraph 1 of this rider, he or she shall be entitled to bring a cause of action against Contractor to recover all relief necessary to make him or her whole. Such relief may include but is not limited to: (i) an injunction to restrain continued retaliation, (ii) reinstatement to the position such employee would have had but for the retaliation or to an equivalent position, (iii) reinstatement of full fringe benefits and seniority rights, (iv) payment of two times back pay, plus interest, and (v) compensation for any special damages sustained as a result of the retaliation, including litigation costs and reasonable attorney's fees.
 - (c) Contractor shall post a notice provided by the City in a prominent and accessible place on any site where work pursuant to the Contract is performed that contains information about:
 - (i) how its employees can report to the New York City Department of Investigation allegations of fraud, false claims, criminality or corruption arising out of or in connection with the Contract; and
 - (ii) the rights and remedies afforded to its employees under New York City Administrative Code sections 7-805 (the New York City False Claims Act) and 12-113 (the Whistleblower Protection Expansion Act) for lawful acts taken in connection with the reporting of allegations of fraud, false claims, criminality or corruption in connection with the Contract.
 - (d) For the purposes of this rider, "adverse personnel action" includes dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space, equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected officer or employee.

(e) This rider is applicable to all of Contractor's subcontractors having subcontracts with a value in excess of \$100,000; accordingly, Contractor shall include this rider in all subcontracts with a value a value in excess of \$100,000.

2. Paragraph 1 is not applicable to this Contract if it is valued at \$100,000 or less. Subparagraphs (a), (b), (d), and (e) of paragraph 1 are not applicable to this Contract if it was solicited pursuant to a finding of an emergency. Subparagraph (c) of paragraph 1 is neither applicable to this Contract if it was solicited prior to October 18, 2012 nor if it is a renewal of a contract executed prior to October 18, 2012.

NOTICE TO BIDDERS, PROPOSERS, CONTRACTORS, AND RENEWAL CONTRACTORS

This contract includes a provision concerning the protection of employees for whistleblowing activity, pursuant to New York City Local Law Nos. 30-2012 and 33-2012, effective October 18, 2012 and September 18, 2012, respectively. The provisions apply to contracts with a value in excess of \$100,000.

Local Law No. 33-2012, the Whistleblower Protection Expansion Act (“WPEA”), prohibits a contractor or its subcontractor from taking an adverse personnel action against an employee or officer for whistleblower activity in connection with a City contract; requires that certain City contracts include a provision to that effect; and provides that a contractor or subcontractor may be subject to penalties and injunctive relief if a court finds that it retaliated in violation of the WPEA. The WPEA is codified at Section 12-113 of the New York City Administrative Code.

Local Law No. 30-2012 requires a contractor to prominently post information explaining how its employees can report allegations of fraud, false claims, criminality, or corruption in connection with a City contract to City officials and the rights and remedies afforded to employees for whistleblowing activity. Local Law No. 30-2012 is codified at Section 6-132 of the New York City Administrative Code.

Attachment H

PAID SICK LEAVE LAW CONTRACT RIDER

Introduction and General Provisions

The Earned Sick Time Act, also known as the Paid Sick Leave Law (“PSLL”), requires covered employees who annually perform more than 80 hours of work in New York City to be provided with paid sick time.¹ Contractors of the City of New York or of other governmental entities may be required to provide sick time pursuant to the PSLL.

The PSLL became effective on April 1, 2014, and is codified at Title 20, Chapter 8, of the New York City Administrative Code. It is administered by the City’s Department of Consumer Affairs (“DCA”); DCA’s rules promulgated under the PSLL are codified at Chapter 7 of Title 6 of the Rules of the City of New York (“Rules”).

Contractor agrees to comply in all respects with the PSLL and the Rules, and as amended, if applicable, in the performance of this agreement. Contractor further acknowledges that such compliance is a material term of this agreement and that failure to comply with the PSLL in performance of this agreement may result in its termination.

Contractor must notify the Agency Chief Contracting Officer of the City agency or other entity with whom it is contracting in writing within ten (10) days of receipt of a complaint (whether oral or written) regarding the PSLL involving the performance of this agreement. Additionally, Contractor must cooperate with DCA’s education efforts and must comply with DCA’s subpoenas and other document demands as set forth in the PSLL and Rules.

The PSLL is summarized below for the convenience of Contractor. Contractor is advised to review the PSLL and Rules in their entirety. On the website www.nyc.gov/PaidSickLeave there are links to the PSLL and the associated Rules as well as additional resources for employers, such as Frequently Asked Questions, timekeeping tools and model forms, and an event calendar of upcoming presentations and webinars at which Contractor can get more information about how to comply with the PSLL. Contractor acknowledges that it is responsible for compliance with the PSLL notwithstanding any inconsistent language contained herein.

Pursuant to the PSLL and the Rules:

Applicability, Accrual, and Use

An employee who works within the City of New York for more than eighty hours in any consecutive 12-month period designated by the employer as its “calendar year” pursuant to the PSLL (“Year”) must be provided sick time. Employers must provide a minimum of one hour of sick time for every 30 hours worked by an employee and compensation for such sick time must

¹ Pursuant to the PSLL, if fewer than five employees work for the same employer, as determined pursuant to New York City Administrative Code §20-912(g), such employer has the option of providing such employees uncompensated sick time.

be provided at the greater of the employee's regular hourly rate or the minimum wage. Employers are not required to provide more than forty hours of sick time to an employee in any Year.

An employee has the right to determine how much sick time he or she will use, provided that employers may set a reasonable minimum increment for the use of sick time not to exceed four hours per day. In addition, an employee may carry over up to forty hours of unused sick time to the following Year, provided that no employer is required to allow the use of more than forty hours of sick time in a Year or carry over unused paid sick time if the employee is paid for such unused sick time and the employer provides the employee with at least the legally required amount of paid sick time for such employee for the immediately subsequent Year on the first day of such Year.

An employee entitled to sick time pursuant to the PSSL may use sick time for any of the following:

- such employee's mental illness, physical illness, injury, or health condition or the care of such illness, injury, or condition or such employee's need for medical diagnosis or preventive medical care;
- such employee's care of a family member (an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of an employee's spouse or domestic partner) who has a mental illness, physical illness, injury or health condition or who has a need for medical diagnosis or preventive medical care;
- closure of such employee's place of business by order of a public official due to a public health emergency; or
- such employee's need to care for a child whose school or childcare provider has been closed due to a public health emergency.

An employer must not require an employee, as a condition of taking sick time, to search for a replacement. However, an employer may require an employee to provide: reasonable notice of the need to use sick time; reasonable documentation that the use of sick time was needed for a reason above if for an absence of more than three consecutive work days; and/or written confirmation that an employee used sick time pursuant to the PSSL. However, an employer may not require documentation specifying the nature of a medical condition or otherwise require disclosure of the details of a medical condition as a condition of providing sick time and health information obtained solely due to an employee's use of sick time pursuant to the PSSL must be treated by the employer as confidential.

If an employer chooses to impose any permissible discretionary requirement as a condition of using sick time, it must provide to all employees a written policy containing those requirements, using a delivery method that reasonably ensures that employees receive the policy. If such employer has not provided its written policy, it may not deny sick time to an employee because of non-compliance with such a policy.

Sick time to which an employee is entitled must be paid no later than the payday for the next regular payroll period beginning after the sick time was used.

Exemptions and Exceptions

Notwithstanding the above, the PSLL does not apply to any of the following:

- an independent contractor who does not meet the definition of employee under section 190(2) of the New York State Labor Law;
- an employee covered by a valid collective bargaining agreement in effect on April 1, 2014 until the termination of such agreement;
- an employee in the construction or grocery industry covered by a valid collective bargaining agreement if the provisions of the PSLL are expressly waived in such collective bargaining agreement;
- an employee covered by another valid collective bargaining agreement if such provisions are expressly waived in such agreement and such agreement provides a benefit comparable to that provided by the PSLL for such employee;
- an audiologist, occupational therapist, physical therapist, or speech language pathologist who is licensed by the New York State Department of Education and who calls in for work assignments at will, determines his or her own schedule, has the ability to reject or accept any assignment referred to him or her, and is paid an average hourly wage that is at least four times the federal minimum wage;
- an employee in a work study program under Section 2753 of Chapter 42 of the United States Code;
- an employee whose work is compensated by a qualified scholarship program as that term is defined in the Internal Revenue Code, Section 117 of Chapter 20 of the United States Code; or
- a participant in a Work Experience Program (WEP) under section 336-c of the New York State Social Services Law.

Retaliation Prohibited

An employer may not threaten or engage in retaliation against an employee for exercising or attempting in good faith to exercise any right provided by the PSLL. In addition, an employer may not interfere with any investigation, proceeding, or hearing pursuant to the PSLL.

Notice of Rights

An employer must provide its employees with written notice of their rights pursuant to the PSLL. Such notice must be in English and the primary language spoken by an employee, provided that DCA has made available a translation into such language. Downloadable notices are available on DCA's website at <http://www.nyc.gov/html/dca/html/law/PaidSickLeave.shtml>.

Any person or entity that willfully violates these notice requirements is subject to a civil penalty in an amount not to exceed fifty dollars for each employee who was not given appropriate notice.

Records

An employer must retain records documenting its compliance with the PSLL for a period of at least three years, and must allow DCA to access such records in furtherance of an investigation related to an alleged violation of the PSLL.

Enforcement and Penalties

Upon receiving a complaint alleging a violation of the PSSL, DCA has the right to investigate such complaint and attempt to resolve it through mediation. Within 30 days of written notification of a complaint by DCA, or sooner in certain circumstances, the employer must provide DCA with a written response and such other information as DCA may request. If DCA believes that a violation of the PSSL has occurred, it has the right to issue a notice of violation to the employer.

DCA has the power to grant an employee or former employee all appropriate relief as set forth in New York City Administrative Code 20-924(d). Such relief may include, among other remedies, treble damages for the wages that should have been paid, damages for unlawful retaliation, and damages and reinstatement for unlawful discharge. In addition, DCA may impose on an employer found to have violated the PSSL civil penalties not to exceed \$500 for a first violation, \$750 for a second violation within two years of the first violation, and \$1,000 for each succeeding violation within two years of the previous violation.

More Generous Policies and Other Legal Requirements

Nothing in the PSSL is intended to discourage, prohibit, diminish, or impair the adoption or retention of a more generous sick time policy, or the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous sick time. The PSSL provides minimum requirements pertaining to sick time and does not preempt, limit or otherwise affect the applicability of any other law, regulation, rule, requirement, policy or standard that provides for greater accrual or use by employees of sick leave or time, whether paid or unpaid, or that extends other protections to employees. The PSSL may not be construed as creating or imposing any requirement in conflict with any federal or state law, rule or regulation.