



ATTACHMENT 10

MANDATORY REQUIREMENT CERTIFICATION

CERTIFICATIONS:

- _____1. The proposed property is located within the Capital District.

- _____2. The Proposal is a fee simple purchase of a property.

- _____3. Bidder affirms that NYSIF will have full ownership of the proposed property, including the land, once the deed & title for the property are transferred to NYSIF.

- _____4. The Bidder confirms they have full ownership of the proposed Property **OR** if a portion of the Property is owned by another party the Bidder has included within their Bid the written agreement that gives the Bidder the right to sell the property.

- _____5. Bidder and/or the Successful Bidder understands and acknowledges that it may be disqualified if NYSIF determines the Bidder and/or Successful Bidder lacks sufficient technical, operational or financial stability to provide the goods/services required under this Solicitation. This includes but is not limited to timelines for construction and necessary governmental approvals that are the responsibility of the Bidder and/or the Successful Bidder.

- _____6. Category A Requirements:
 - _____a. The facility on the property has approximately 135,000 – 150,000 SF of space measured in accordance with BOMA 2017 for Office Buildings: Standard Methods of Measurement (ANSI/BOMA Z65.1-2017) ("BOMA").
OR
The Bidder has proposed a property that has less than or more square footage than outlined above; however, the Bidder affirms the property minimally meets the requirements established within the Space Program (Attachment 5). Bidder has represented within their Bid how their property meets the requirements of the Space Program. Bidder acknowledges that it expressly understands that NYSIF has the reserved right to disqualify a Property if the Property fails to meet the Space Program requirements.

 - _____b. The property has parking to accommodate at least 600 vehicles, ***plus*** accessible parking spaces as required by Section 1106 of the Uniform Building Code and Section 502 of ICC A117.1-09.
OR

A Bidder has proposed a property that has an existing parking lot with fewer than the required parking spaces outlined above; however, the Bidder has presented within their Bid a feasible path to raise the parking to the required levels.

- _____ c. Bidder affirms and agrees that at the time of closing, the property must have clean title and have an existing certificate of occupancy from the Authority having jurisdiction (AHJ) or a temporary certificate of occupancy approved by NYSIF.
- _____ d. Bidder acknowledges that NYSIF must have the ability to occupy the necessary square footage within a proposed Facility. In the event the proposed facility is partially/fully leased, the Bidder has provided an option for NYSIF to occupy the required square footage, while meeting all other Mandatory Requirements outlined herein. Bidder acknowledges that it expressly understands that NYSIF has the reserved right to disqualify a Property if a reasonable path for NYSIF occupancy is not presented by the Bidder within the Bid.

_____ 7. Category B – Property Requirements:

- _____ a. Bidder has provided sufficient proof of their ability to produce the equity and/or debt required to deliver the completed project. Bidder has provided their proposed form of proof within their Bid.
- _____ b. Bidder affirms and agrees that all governmental approvals are the responsibility of the Bidder, the Successful Bidder and/or the Contractor. Bidder has all necessary Municipal approvals, or a path established to receive the required Municipal approvals to proceed with construction and/or redevelopment to create a Turnkey Facility.

- _____ c. Bidder has proposed a Turnkey Facility with the following:
 - i. Approximately 135,000 – 150,000 SF of finished space measured in accordance with BOMA 2017 for Office Buildings: Standard Methods of Measurement (ANSI/BOMA Z65.1-2017) ("BOMA").

OR

An option that meets the requirements of the Space Program (Attachment 5). If the Bidder is proposing a facility above or below 135,000 – 150,000 SF, the Bidder has represented within their Bid how they are meeting the Space Program requirements. Bidder acknowledges that it expressly understands that NYSIF has the reserved right to disqualify a Property if the Property fails to meet the Space Program requirements.

- ii. Has parking lot which accommodates at least 600 vehicles, ***plus*** accessible parking spaces as required by Section 1106 of the Uniform Building Code and Section 502 of ICC A117.1-09. The parking lot has sufficient exterior lighting, and drainage. Additionally, 10 of the parking spaces has Level 2 car charging stations with infrastructure available add another 10 car charging stations in the future. Bidder

affirms that the Level 2 charging stations have a common plug that is compatible with all electric cars.

- iii. Bidder affirms that the Turnkey Facility meets or exceeds the requirements of the following:
 - Attachment 4: Base Building Definition
 - Attachment 5: Space Program & Room Data Sheets
 - Attachment 6: Material Specifications for the Facility
 - Attachment 7: Furniture Specifications
 - Executive Order 22 Sustainability and Decarbonization requirements outlined in Solicitation Section 2.3.2.

_____ 8. Bidder affirms and agrees to enter into a non-disclosure agreement (hereinafter "NDA") with NYSIF. NDA is attached as Attachment 3. The NDA will be required after a Bid Award to the Successful Bidder.

_____ 9. Bidder affirms and agrees that the Contract resulting from this Solicitation will be governed by standard terms, as further outlined in Exhibit B, Clause 4, *Conflict of Terms*, and the terms outlined herein. Bidder acknowledges that the submittal of the draft Contract by the Successful Bidder does not constitute NYSIF's acceptance of those terms. NYSIF reserves the right to negotiate the final terms and conditions of any Contract prior to the execution of a mutually agreed upon Contract. Bidder acknowledges that it expressly understands that a Bid Award does not mean it will be awarded and/or enter into a Contract, and nothing herein shall require NYSIF to enter into a Contract.

_____ 10. Bidder affirms and agrees to the following: New York State Labor Law and Prevailing Wage: Services provided under the Contract that are covered under Article 8 and/or Article 9 of the New York State Labor Law must be paid in accordance with NYS Prevailing Wage. It is the responsibility of the Prime Contractor to ensure that all personnel are paid in accordance with the appropriate prevailing wage and supplement schedules, where applicable. The Bidder must maintain, and if required produce Certified Payroll Records throughout the duration of the work provided under the Contract.

Signature

Date

Typed/Printed Name

Company Name

Title