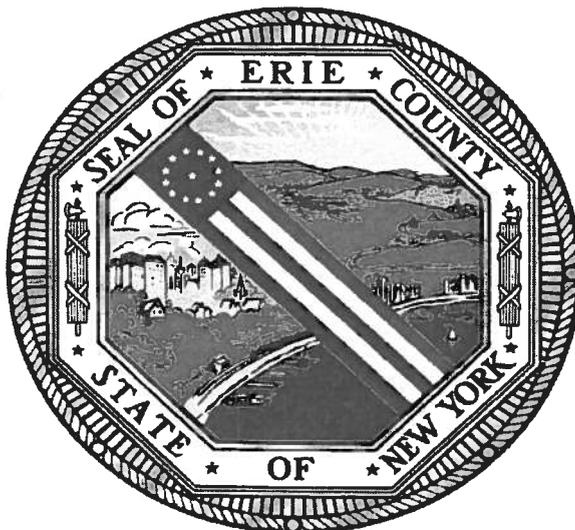


REQUEST FOR PROPOSALS

Banking Services

RFP # 1332VF



STEFAN I. MYCHAJLIW
ERIE COUNTY COMPTROLLER

Issue Date: October 4, 2013

COUNTY OF ERIE
BUFFALO, NEW YORK

ERIE COUNTY, NEW YORK

REQUEST FOR PROPOSALS

**FOR GENERAL BANKING, PAYROLL PROCESSING, MERCHANT
CARD PROCESSING, LOCKBOX AND SECURITY SAFEKEEPING AND
CUSTODY SERVICES**

RFP # 1332VF

I. INTRODUCTION

Erie County, New York (the "County") is currently seeking proposals from qualified banks (banks, trust companies or national banking associations located and authorized to do business in the State of New York) to provide general banking, payroll processing and employee banking, merchant card processing, lockbox and security safekeeping and custody services.

Erie County is committed to a policy of equal opportunity and does not discriminate against vendors on the basis of age, sex, sexual orientation, race, color, creed, religion, ethnicity, national origin, disability, marital status, familial status, veteran status or any other basis protected under federal, state, and local laws, regulations, and ordinances.

The County makes extensive use of banking services to concentrate, manage and disburse funds. The County intends to select one or more financial institutions to provide these banking services. Firms may propose to provide one or more of the service groups below. A description of the required services is included in Section III.

- 1: General Banking Services
- 2: Payroll Processing
- 3: Merchant Card Processing
- 4: Lockbox
- 5: Security Safekeeping and Custody

Each proposing firm should clearly state in a cover letter to the proposal the service group(s) it is proposing to provide.

Banks must be designated by the County Executive to receive County funds as required by Section 302g of the Erie County Charter. Banks that are not already designated depositories should send a written request to County Deputy Comptroller, Gregory G. Gach with a statement of qualifications to serve in this capacity to the address listed below.

II. PROPOSAL PROCEDURES

A. ANTICIPATED SCHEDULE OF PROPOSAL

Issue RFP	October 4, 2013
Pre-Proposal Conference	October 28, 2013
Proposals Due	December 20 2013
Oral Presentation, if necessary	Between January 6 and January 8, 2014
Selection Made	By January 27, 2014
Contract Signed	TBD
Conversion Date	TBD

B. GENERAL REQUIREMENTS

1. Each proposal shall be prepared simply and economically avoiding the use of elaborate promotional materials beyond what is sufficient to provide a complete, accurate and reliable presentation
2. One (1) original and three (3) copies shall be submitted. Proposals MUST be signed. Unsigned proposals will be rejected.
3. Submission of the proposals shall be directed to:

Mr. Gregory G. Gach
Deputy Comptroller
Erie County Office of the Comptroller
95 Franklin Street
Buffalo, New York 14202
Phone:(716) 858-8968
Fax: (716) 858-6195
Email: gachg@erie.gov

All proposals must be delivered to the above office on or before December 20, 2013 at 4:00 p.m. Proposals received after the above date and time will not be considered. The County is under no obligation to return proposals.

4. Requests for clarification of this RFP must be written and submitted to Gregory G. Gach at the above address no later than 4:00PM on October 18, 2013. Formal written responses will be distributed by the County on or before October 25, 2013. **NO COMMUNICATIONS OF ANY KIND WILL BE BINDING AGAINST THE COUNTY, EXCEPT FOR THE FORMAL WRITTEN RESPONSES TO ANY REQUEST FOR CLARIFICATION.**
5. Proposers may be required to give an oral presentation to the County to clarify or elaborate on the written proposal. Those proposers will be notified to arrange specific times.
6. No proposal will be accepted from nor any agreement awarded to any proposer that is in arrears upon any debt or in default of any obligation owed to the County. Additionally, no agreement will be awarded to any proposer that has failed to satisfactorily perform pursuant to any prior agreement with the County.
7. Certified Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) proposers should include the Erie County certification letter with the proposal.
8. If proposer is a Veteran Owned Business, proposer should include letter indicating company is 51% or more Veteran-owned.
9. Proposers are encouraged to attend the optional pre-proposal conference which will be held at 11:00AM on October 28, 2013 at the above address.

III. SCOPE OF SERVICES

Service Group 1: General Banking Services – The County currently maintains over twenty-eight (28) demand deposit accounts. Approximately 17,800 checks are drawn on these accounts each month. Further, the accounts receive regular deposits of cash and checks from various County Departments. Banks proposing to provide General Banking Services must have a branch located within 2 miles of 95 Franklin Street, Buffalo, NY 14202 and branch locations within close proximity to other collection sites shown in Attachment III to this RFP.

The following services will be required:

- Establish demand deposit accounts as may be necessary to meet the banking requirements of the County. Maintain accurate records of activity in those accounts.
- Process approximately 17,800 disbursement checks per month.
- Provide stop payment services.
- Provide controlled disbursement services on selected accounts.
- Provide positive pay services on selected accounts.
- Provide automated or on-line balance reporting services including serial number sorting and subtotalling on disbursement checks.
- Provide CD-ROM imaging (front and back) of disbursement checks.
- Disburse funds via wire transfer upon request of an authorized person or provide a secure electronic method for wiring funds.
- Provide a secure electronic method for initiating intra-bank transfers between County accounts.
- Accept and send ACH transactions, as well as view all information related to transaction.
- Cashing of Surety/Bail checks at the branches.
- Have a branch located within 2 miles of 95 Franklin Street, Buffalo, NY 14202 and within close proximity of all other County collection sites. A map of County collection sites is included as Attachment III to this RFP. (Alternatively, the proposer may provide daily courier service from County collection sites to the bank, provided that the courier service is scheduled to depart the County facility no earlier than 2:00 p.m. and arrive at the bank before the cut-off time for same-day deposits.)
- Process the deposit of cash and checks at branch locations and credit funds to specified accounts.
- Furnish coin and currency from branch locations.
- Provide account reconciliation services (full, partial or positive pay, depending on account).
- Collateralize all collected balances, in excess of balances insured by the FDIC, as per the collateral requirements shown in Attachment I to this RFP.
- Provide an overnight investment service (sweep) for excess cash balances in the demand deposit accounts. A list of securities permitted for overnight investment is provided in Attachment II to this RFP.

- Provide monthly activity statements and reports for all accounts by the 10th day of the following month.
RDC capabilities.
- Provide a monthly analysis statement showing charges for all account services.
- The delivery of daily Bank Statement Files in industry standard format (e.g. BAI2)
- The acceptance of Electronic Payment Files in industry standard format (e.g. CCD, CCD+, CTX, PPD, 820, MT101, MT103)
- The delivery of Acknowledgement files in industry standard format associated with the payment above (e.g. 997, 824, 827)

Service Group 2: Payroll Processing and Employee Banking – The County has approximately 11,400 paychecks or direct deposits each month. Employees are paid bi-weekly on different schedules for various departments and bargaining units. Approximately 85% of employees currently receive direct deposit of payroll.

The following services will be required:

- Establish one or more demand deposit accounts for County payroll. Maintain accurate records of activity in those accounts.
- Process approximately 1,700 payroll checks per month.
- Process direct deposit of payroll (approximately 9,700 per month; at least 85% of payroll).
- Provide stop payment services.
- Provide automated or on-line balance reporting services.
- Provide CD-ROM check imaging (front and back) of disbursement checks.
- Disburse funds via wire transfer upon request of an authorized person or provide a secure electronic method for wiring funds.
- Provide a secure electronic method for initiating intra-bank transfers between County accounts.
- Accept and send ACH transactions.
- Cash employee payroll checks.
- Provide positive pay services.

- Collateralize all collected balances in excess of balances insured by the FDIC, as per the collateral requirements shown in Attachment I to this RFP.
- Provide an overnight investment service (sweep) for excess cash balances in the demand deposit accounts. A list of securities permitted for overnight investment is provided in Attachment II to this RFP.
- Provide a package of employee banking services to those County employees who use direct deposit for their payroll.
- Provide monthly activity statements and reports for all accounts by the 10th day of the following month.
- Provide a monthly analysis statement showing charges for all account services.

Service Group 3: Merchant Card Processing –The County accepts credit cards at collection sites such as the Parks Department and the Real Property Tax Services Department as well as other departments. The County also collects payments via the internet by credit cards and ACH for delinquent taxes. The County would like to accept more payments via the Internet and by telephone.

The following services will be required:

- Process electronic credit card payments (MasterCard, American Express, Visa, and Discover).
- Transfer funds to designated County accounts.
- Provide automated or on-line reporting services including information on chargebacks.
- Provide a monthly analysis statement showing charges for all account services.

Service Group 4: Lockbox – The County uses lockboxes to process the receipt of payments for property taxes. Approximately 15,900 payments are received each year.

The following services will be required:

- Operate retail lockboxes as many as necessary.
- Capture images of checks and other remittance documents.
- Capture and transmit remittance detail electronically..
- Deposit funds to designated County accounts.
- Disburse funds via wire transfer upon request of an authorized person or provide a secure electronic method for wiring funds.

- Provide automated or on-line balance reporting services.
- Collateralize all collected balances, in excess of balances insured by the FDIC, as per the collateral requirements shown in Attachment I to this RFP.
- Provide an overnight investment service (sweep) for excess cash balances in the demand deposit accounts. A list of securities permitted for overnight investment is provided in Attachment II to this RFP.
- Provide monthly activity statements and reports for all accounts by the 10th day of the following month.
- Provide a monthly analysis statement showing charges for all account services.

Service Group 5: Security Safekeeping and Custody – The County currently maintains on average a fixed-income portfolio with assets of \$230 million, and three (3) third-party collateral accounts. The custodian bank must be able to enter into tri-party custodial agreements in connection with the provision of services. The custodian bank will have no responsibility for investing or reinvesting these monies except for providing an overnight investment vehicle.

The following services will be required:

- Maintain one or more accounts within the bank's trust department for the cash and securities owned by the County.
- Maintain separate custody accounts for securities pledged as collateral on County deposits by other financial institutions.
- All securities and cash held by the custodian shall be segregated from the assets of others and shall be and remain the sole property of the County. The custodian shall have only the bare custody thereof. The securities held by the custodian shall, unless payable to the bearer, be registered in the name of the County, or in the bank's nominee name. Securities delivered to the custodian, except for bearer securities, shall be in due form for transfer or already registered as provided above.
- Process security trades per instructions received by authorized persons.
- Collect all coupons and other periodic income on securities held and process per instructions received by authorized persons.
- Create, maintain and retain all records relating to securities held in custody in County accounts to meet the requirements and obligations under generally accepted accounting principles.
- Provide monthly activity statements and reports including the market value of all portfolio holdings.
- Provide a monthly statement showing charges for all account services.

IV. INFORMATION REQUESTED

A. QUALIFICATIONS AND EXPERIENCE - All proposers must provide this information.

1. Provide a general overview and brief history of your organization, including parent and/or subsidiary companies and the number of employees.
2. If proposing to provide any service where it will have County funds on deposit, confirm that the bank has been designated by the County governing body as a depository eligible to receive County funds. Banks that are not already designated depositories should send a written request to County Deputy Comptroller Gregory G. Gach with a statement of qualifications to serve in this capacity.
3. Provide the address of the office location that will service the account.
4. Describe the experience of the financial institution in providing similar banking, merchant card processing and/or investment custody services for public agencies.
5. Provide ratings for the bank and/or bank holding company from two of the following agencies: Standard & Poor's, Moody's, or Fitch. If the proposer is not rated by two of these rating organizations, provide other evidence of the institution's credit quality.
6. Include copies of the two (2) most recent audited annual financial statements and all quarterly reports issued to date for 2013 with the proposal.
7. Provide a map showing the location of the bank's branches and ATMs located within Erie County.
8. Provide a list of the firm's holidays.

B. PERSONNEL - All proposers must provide this information.

1. Provide the name, title, address, phone number, fax number and email address of the primary contact person assigned to this account.
2. Provide biographical information on senior staff that will be directly involved in the management of the County's account, and what, if any, experience these employees have in working with public agencies. Describe the proposed role of each with regard to the County's account.
3. For each key person, show the number of years of experience in this field and the number of years with your firm.

C. SERVICE GROUP SPECIFIC QUESTIONS – Proposers should provide the requested information only for the service categories for which they are proposing.

Service Group 1 - General Banking Services

1. Describe the financial institution's ability to provide the general banking services listed above in Section III (1.), Scope of Services.
2. Deposit Processing:
 - a. What is the financial institution's cut-off time for deposits?
 - b. Are night drop, vault, remote and branch service options available? Is pricing different for utilizing these different deposit options?
 - c. Do you accept loose and/or rolled coin for deposit at vault, branch and night drop locations? Is there a fee for depositing loose or rolled coin?
 - d. Can return items be automatically re-deposited?
3. How do you determine and calculate availability of deposited items?
 - a. Do you give immediate availability for non-US items?
 - b. Do you calculate availability by item or formula?
 - c. Provide a copy of the availability schedule you propose to use for the County. Is this your best schedule? If not, quantify the difference and explain how we can obtain your best availability schedule. Describe the extra charge, if any, for obtaining your best availability schedule.
4. Describe the bank's ability to provide positive pay services.
 - a. What types of medium (i.e. data transmission over the internet) can the bank accept?
 - b. What is the deadline for the transmission of check issuance files to the bank?
 - c. How much time will the County have to review discrepancies and notify the bank to reject?
 - d. Are controlled disbursement customers required to purchase positive pay?
5. Describe the bank's ability to provide controlled disbursement services.
 - a. How long has your bank offered this service?
 - b. Specify the number of corporate/business customers using this service.
 - c. What are the average daily total dollars and total items presented to the bank's controlled disbursement site?
 - d. Where will the point or points for the County's proposed disbursement account be located?

What is the relationship to your organization main office, branch, affiliate, correspondent service bureau, other? How are the points classified – city, regional check processing center (RCPC) or County?

- e. At what time will the County be notified of presentment items? Specify 1st and 2nd presentment times.
6. How soon after the cut-off date will bank statements, CD/ROM of cancelled checks, and reconciliation information be sent?
7. Is interest assessed on overdrafts and if so, how is that rate calculated?
 - a. Is there a fee per check or per occurrence when there is an overdraft?
 - b. Is there a daily cap on fees?
8. Can stop payments be placed on-line? What is the deadline for same day action? How long will the stops remain in effect?
9. What short-term investment vehicle do you propose to use for the overnight sweep?
 - a. What time of day is the cash sweep deadline? Is it end-of-day or next-day sweep?
 - b. Provide return history for the twelve-month period from October 2012 through September 2013.
10. Balance Reporting:
 - a. Will the detailed account reporting system provide beginning and ending ledger (book) balances, collected balances, available balances, and float assignment?
 - b. What current day reporting is available through the reporting system?
 - c. What time is data available each day?
 - d. How many business days is data stored on the reporting system and available for customer access?
 - e. Is specific software required to communicate with the bank's system? Is there an extra charge for this software?
11. Confirm that your bank has a branch located within 2 miles of 95 Franklin Street, Buffalo, New York and within close proximity of other County collection sites shown on Attachment III to this RFP.

Service Group 2 - Payroll Processing and Employee Banking

1. Describe the financial institution's ability to provide the banking services listed above in Section III (2.), Scope of Services.
2. By what methods can the County be notified of the number of checks to be charged to its accounts? Does the method selected affect the notification time?
3. Is interest assessed on overdrafts and if so, how is that rate calculated

- a. Is there a fee per check or per occurrence when there is an overdraft?
 - b. Is there a daily cap on fees?
4. Describe in detail the bank's ability to offer positive pay Services.
 - a. What types of medium (i.e. data transmission over the internet) can the bank accept?
 - b. What is the deadline for the transmission of check issuance files to the bank?
5. How soon after the cut-off date will bank statements, CD/ROM of cancelled checks, and reconciliation information be sent?
6. What short-term investment vehicle do you propose to use for the overnight sweep?
 - a. What time of day is the cash sweep deadline? Is it end-of-day or next-day sweep?
 - b. Provide return history for the twelve-month period from October 2012 through September 2013.
7. Describe in detail the package of employee banking services that you propose to provide to County employees who use direct deposit for their payroll.

Service Group 3: Merchant Card Processing

1. Describe the financial institution's ability to provide the merchant card processing services listed above in Section III (3.), Scope of Services.
2. Provide information on the daily volume processed by the financial institution for all clients.
3. What differentiates your service from that of other providers?
4. Can your system accommodate internet and telephone transactions? If so, describe your capabilities and outline the security measures in place for the protection of sensitive information.
 - a. Is there a different fee schedule associated with these transactions?
 - b. Can fees be passed on to the customer? Are there any limitations or requirements related to the payment of fees by the customer?
5. Describe the authorization method you recommend for the County. List and describe alternatives.
6. What are the procedures to reverse an incorrect authorization?
7. Provide a funds availability schedule by card type. Is it negotiable?
8. Is settlement made by ACH or Fedwire?

9. Are settlement amounts listed separately on the bank statement or will they appear as one lump sum?
10. Will you provide a designated contact person or a department to help the County manage chargebacks?
11. Do you have the capability to store and retrieve transaction information, including signatures for bankcard transactions and non-bank card transactions? If so, do you have a system that would enable the County to retrieve and receive this information on-line?
12. Describe your debit card processing capabilities.
13. Provide your average response times for dial and lease-line authorization methods for both peak and normal periods.

Service Group 4: Lockbox

1. Describe the financial institution's ability to provide the retail lockbox services listed above in Section III (4.), Scope of Services.
3. How long has your organization offered retail lockbox service?
3. What were the average monthly volumes for your retail locations during the last twelve months (items, dollars, number of lockboxes and number of customers)?
4. What is the cut-off time for retail lockbox deposits for the bank of first deposit? Include weekends and holidays. What is the latest mail pickup to be included in the last deposit? Will you process and deposit all of the County's payments on the same ledger day as received? If not, when are these items deposited?
5. Describe the lockbox department's processing workflow. Highlight your quality control checkpoints and the components that are directly controlled by the lockbox manager. Include a schematic or flow chart of the processing procedures.
6. List your procedures for the control and processing of cash received in remittance envelopes. Is there dual control? Do you have security equipment within the lockbox area?
7. Provide a copy of the availability schedule you propose to use for the County.
8. Describe your procedures for the capture and transmission of remittance detail such as account or invoice number. In what standard formats does the bank transmit? Will you customize?
9. Can you provide daily images of all checks and remittance advices? If so, in what formats (e.g., on-line, PC bank software, CD-ROM).
10. For a given day's lockbox activity, at what time of day can you report the total amount that will be credited to the County's account?
11. What short-term investment vehicle do you propose to use for the overnight sweep?
 - a. What time of day is the cash sweep deadline? Is it end-of-day or next-day sweep?

b. Provide return history for the twelve-month period from October 2012 through September 2013.

12. May the County select which bank receives its deposits? Is there an additional fee if the County chooses to have funds deposited to its concentration bank?

Service Group 5: Security Safekeeping and Custody

1. Describe the financial institution's ability to provide the security safekeeping and custody services listed above in Section III (5.), Scope of Services.
2. List the total number and market value of custodial accounts as of December 31 for the following years: 2010, 2011 and 2012. Also include the average length of service.
3. Describe your organization's commitment to providing custody services.
4. Briefly describe how your bank handles securities processing on behalf of its clients for each of the items listed below. Where automated processing is available, indicate the nature of the automation and level of availability.
 - a. Receipt of trade instructions including same-day (cash trades)
 - b. Affirmation processing (DTC)
 - c. Notification of settled trades, failed trades, available balances, etc.
 - d. Securities position reporting and reconciliation
 - e. Reporting of income on securities held
 - f. Trade discrepancies (e.g. bad money, DKs)
5. What short-term investment vehicle do you propose to use for overnight fund balances?
 - a. What time of day is the cash sweep deadline? Is it end-of-day or next-day sweep? What process do you use to ensure cash balances are invested?
 - b. Provide return history for the twelve-month period from October 2012 through September 2013.
6. Are security transactions settled on an actual or contractual basis? How will you compensate the County for fail float?
7. When do you credit interest and dividends?
8. Provide a listing of cut-off times for notification of securities transactions. Please specify if the cut-off times vary for different types of securities.
9. Describe any sub-custodial arrangements that would be used for securities belonging to the County. Include a description of the arrangements used for the delivery of physical securities.
10. Do you provide custodial information to clients through an on-line inquiry/reporting service?
11. What source do you use for market valuation of securities?

D. CONTROL - All proposers must provide this information.

1. Describe the electronic and/or manual system used to provide the proposed services along with backup and recovery capabilities.
2. Describe the types of insurance and bonding carried.
3. Include a copy of your most recent report issued in accordance with the Source Organization Control 1 Report (SOC-1).

E. CONVERSION - All proposers must provide this information.

1. Describe a conversion plan to transition the County's use of this service to your financial institution.
2. What lead-time do you expect will be necessary before the conversion begins?
3. Indicate your plans for educating and training County employees in the use of your systems.

F. REPORTING - All proposers must provide this information.

1. Describe the frequency and format of reports that you would provide to the County.
2. Include sample reports and records.
3. Is your firm willing/able to develop customized reports? If so, please provide specific pricing information.
4. Can you provide automated reporting services? How would the County access the reporting service (i.e. dial-up, direct line, internet)?

G. PRICING AND ACCOUNT ANALYSIS - All proposers must provide this information.

1. Provide a complete fee schedule for all of the services described in your proposal using TMA Service Codes. Include any one-time or set-up charges, research fees, minimum fees and all other fees that will be charged. Include any incentives or price breaks offered based on volume, timeliness of payment, rebates or other measures. Fees for each Service Group must be presented separately. Banks proposing for Service Groups 1 and 2 should also list fees for providing preprinted check stock to the County.
2. Will the bank cash the County's payroll checks without charge, regardless of the bank on which the check is drawn? If not, what is the charge? Is a check cashing agreement required? If yes, include a copy.
3. Does the County have the option of compensating your bank on either a fee or balance basis? Is the price the same for either option? If not, what is the difference? If on a fee basis, can excess balances be used to partially offset activity charges or carried forward?

4. Will you accept non-interest bearing certificates of deposit for compensation? If so, will the County receive full benefit of the reserve requirement reduction? Specify the differential in reserves.
5. Please provide a sample analysis statement for the County account. How soon after month-end is the analysis statement mailed?
6. How is your earnings credit determined, adjusted, and applied? Please include in your explanation the impact of your reserve requirement, your formula for converting service charges to balance requirements and a listing of your earnings credits and reserve requirements for the twelve-month period from October 2012 through September 2013.
7. What time frame does your bank use when reviewing balances for deficiency or excess (e.g. rolling twelve-month average, calendar quarter, calendar year, etc.)?
8. Describe the bank's policies concerning daylight and end-of-day balance overdrafts. Indicate whether this is applied to each individual account or across all accounts of a client relationship.
9. Is the bank willing to guarantee the proposed fees for the entire term of the contract (up to five years)? If not, for how long are the fees guaranteed?

H. REFERENCES - All proposers must provide this information.

1. Provide names, addresses and phone numbers of five references (local government or public agency references, if possible), which are currently using the services for which you are proposing. Select a mix of long-standing and recent customers.
2. Provide a list of institutional clients who have terminated these services in the last three years.

V. STATEMENT OF RIGHTS

UNDERSTANDINGS

Please take notice, by submission of a proposal in response to this request for proposals, the proposer agrees to and understands:

- that any proposal, attachments, additional information, etc. submitted pursuant to this Request for Proposals constitute merely a suggestion to negotiate with the County of Erie and is not a bid under Section 103 of the New York State General Municipal Law;
- submission of a proposal, attachments, and additional information shall not entitle the proposer to enter into an agreement with the County of Erie for the required services;

- by submitting a proposal, the proposer agrees and understands that the County of Erie is not obligated to respond to the proposal, nor is it legally bound in any manner whatsoever by submission of same;
- that any and all counter-proposals, negotiations or any communications received by a proposing entity, its officers, employees or agents from the County, its elected officials, officers, employees or agents, shall not be binding against the County of Erie, its elected officials, officers, employees or agents unless and until a formal written agreement for the services sought by this RFP is duly executed by both parties.
- In addition to the foregoing, by submitting a proposal, the proposer also understands and agrees that the County of Erie reserves the right, and may at its sole discretion exercise, the following rights and options with respect to this Request for Proposals:
 - To reject any or all proposals;
 - To issue amendments to this RFP;
 - To issue additional solicitations for proposals
 - To waive any irregularities in proposals received after notification to proposers affected;
 - To select any proposal as the basis for negotiations of a contract, and to negotiate with one or more of the proposers for amendments or other modifications to their proposals;
 - To conduct investigations with respect to the qualifications of each proposer;
 - To exercise its discretion and apply its judgment with respect to any aspect of this RFP, the evaluation of proposals, and the negotiations and award of any contract;
 - To enter into an agreement for only portions (or not to enter into an agreement for any) of the services contemplated by the proposals with one or more of the proposers;
 - To select the proposal that best satisfies the interests of the County and not necessarily on the basis of price or any other single factor;
 - To interview the proposer(s);
 - To request or obtain additional information the County deems necessary to determine the ability of the proposer;
 - To modify dates;
 - All proposals prepared in response to this RFP are at the sole expense of the proposer, and with the express understanding that there will be no claim, whatsoever, for reimbursement from the County for the expenses of preparation. The County assumes no responsibility or liability of any kind for costs incurred in the preparation or submission of any proposal;
 - While this is a RFP and not a bid, the County reserves the right to apply the case law under General Municipal Law § 103 regarding bidder responsibility in determining whether a proposer is a responsible vendor for the purpose of this RFP process;
 - The County is not responsible for any internal or external delivery delays which may cause any proposal to arrive beyond the stated deadline. To be considered, proposals MUST arrive at the place specified herein and be time stamped prior to the deadline

EVALUATION

The following criteria, not necessarily listed in order of importance, will be used to review the proposals. The County reserves the right to weigh its evaluation criteria in any manner it deems appropriate:

- Proposer's demonstrated capability to provide the services.
- Evaluation of the professional qualifications, personal background and resume(s) of individuals involved in providing services.
- Proposer's experience to perform the proposed services.
- Proposer's financial ability to provide the services.
- Evaluation of the proposer's fee submission. It should be noted that while price is not the only consideration, it is an important one.
- A determination that the proposer has submitted a complete and responsive proposal as required by this RFP.
- An evaluation of the proposer's projected approach and plans to meet the requirements of this RFP.
- The proposer's presentation at and the overall results of any interview conducted with the proposer.
- Proposers **MUST** sign the Proposal Certification attached hereto as Schedule "A". Unsigned proposals will be rejected.
- Proposers may be required to give an oral presentation to the County to clarify or elaborate on the written proposal.
- Proposers commitment to the community.

- No proposal will be accepted from nor any agreement awarded to any proposer that is in arrears upon any debt or in default of any obligation owed to the County. Additionally, no agreement will be awarded to any proposer that has failed to satisfactorily perform pursuant to any prior agreement with the County.

CONTRACT

After selection of the successful proposer, a formal written contract will be prepared by the proposer, subject to approval by the County Attorney, and will not be binding until signed by both parties. The term of the contract shall be for a [three (3) year] period commencing TBD, 2014 and terminating TBD, The County, in its sole discretion may extend the agreement beyond its initial term for up to two (2) additional year periods at the same price and conditions.

INDEMNIFICATION AND INSURANCE

The proposer accepts and agrees that language in substantially the following form will be included in the contract between the proposer and the County:

“In addition to, and not in limitation of the insurance requirements contained herein the Consultant agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Consultant shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the Consultant or third parties under the direction or control of the Consultant; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

Upon execution of any contract between the proposer and the County, the proposer will be required to provide proof of the insurance coverage described in Schedule “B”.

Insurance coverage in amount and form shall not be deemed acceptable until approved by the County Attorney.

INTELLECTUAL PROPERTY RIGHTS

The proposer accepts and agrees that language in substantially the following form will be included in the contract between the proposer and the County:

All records compiled by the Consultant in completing the work described in this Agreement, including but not limited to written reports, source codes, studies, drawings, blueprints, negatives of photographs, computer printouts, graphs, charts, plans, specifications and all other similar recorded data, shall become and remain the property of the County. The Consultant may retain copies of such records for its own use.]

NON-COLLUSION

The proposer, by signing the proposal, does hereby warrant and represent that any ensuing agreement has not been solicited, secured or prepared directly or indirectly, in a manner contrary to the laws of the State of New York and the County of Erie, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the agreement by any conduct, including the paying or the giving of any fee, commission, compensation, gift, gratuity or consideration of any kind, directly or indirectly, to any County employee, officer or official.

CONFLICT OF INTEREST

All proposers must disclose with their proposals the name of any officer, director or agent who is also an employee of the County of Erie. Further, all proposers must disclose the name of any County employee who owns, directly or indirectly, an interest of ten percent or more in the firm or any of its subsidiaries or affiliates.

There shall be no conflicts in existence during the term of any contract with the County. The existence of a conflict shall be grounds for termination of a contract.

COMPLIANCE WITH LAWS

By submitting a proposal, the proposer represents and warrants that it is familiar with all federal, state and local laws and regulations and will conform to said laws and regulations. The preparation of proposals, selection of proposers and the award of contracts are subject to provisions of all Federal, State and County laws, rules and regulations.

CONTENTS OF PROPOSAL

The New York State Freedom of Information Law as set forth in Public Officers Law, Article 6, Sections 84 et seq., mandates public access to government records. However, proposals submitted in response to this RFP may contain technical, financial background or other data, public disclosure of which could cause substantial injury to the proposer's competitive position or constitute a trade secret. Proposers who have a good faith belief that information submitted in their proposals is protected from disclosure under the New York Freedom of Information Law shall:

a) insert the following notice in the front of its proposal:

"NOTICE

The data on pages ___ of this proposal identified by an asterisk (*) contains technical or financial information constituting trade secrets or information the disclosure of which would result in substantial injury to the proposer's competitive position.

The proposer requests that such information be used only for the evaluation of the proposal, but understands that any disclosure will be limited to the extent that the County considers proper under the law. If the County enters into an agreement with this proposer, the County shall have the right to use or disclose such information as provided in the agreement, unless otherwise obligated by law."

and

b) clearly identify the pages of the proposals containing such information by typing in bold face on the top of each page " *** THE PROPOSER BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE STATE FREEDOM OF INFORMATION LAW.**"

The County assumes no liability for disclosure of information so identified, provided that the County has made a good faith legal determination that the information is not protected

from disclosure under applicable law or where disclosure is required to comply with an order or judgment of a court of competent jurisdiction.

The contents of the proposal which is accepted by the County, except portions "Protected from Disclosure", may become part of any agreement resulting from this RFP.

EFFECTIVE PERIOD OF PROPOSALS

All proposals must state the period for which the proposal shall remain in effect (i.e. how much time does the County have to accept or reject the proposal under the terms proposed). Such period shall not be less than 180 days from the proposal date.

Attachment I: Collateral Requirements

Monies of the County shall only be deposited in a bank with which the County has entered into a written security agreement. Such security agreement shall require the bank to secure all County deposits, in excess of the amount insured by the Federal Deposit Insurance Corporation, in the manner required by New York State General Municipal Law (GML) Section 10, and the County's Investment Policy. Currently eligible securities are listed below along with the collateral margin required for each security type:

1. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation. (105%)
2. Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank. (105%)
3. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligations that represents the amount of the insurance or guaranty. (105%)
4. Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of the State of New York or obligations of any public benefit corporation which under a specific New York State statute may be accepted as security for deposit of public moneys. These obligations must have a minimum rating of Baa (Moody's) or BBB (S&P and Fitch). (120%)

Further, banks are not permitted to act as custodian of any securities pledged by such bank to secure County deposits.

Attachment II: Permitted Overnight Investments

Accounts are subject to the investment requirements and restrictions set forth in New York State statutes and the County's investment policy. The following securities are permitted for overnight investment:

1. Special time deposits or certificates of deposit in a bank, trust company or national banking association located and authorized to do business in the State of New York.
2. Obligations of the United States of America.
3. Obligations guaranteed by agencies of the United States of America where the payment of principal and interest is guaranteed by the United States of America.
4. Obligations of the State of New York.
5. Repurchase Agreements secured by obligations of the United States of America and/or obligations guaranteed by agencies of the United States of America where the payment of principal and interest is guaranteed by the United States of America. Obligations purchased pursuant to a repurchase agreement must be held by a custodian, other than the trading partner, pursuant to a written custodial agreement.

Attachment III: County Collection Sites

ERIE COUNTY DEPARTMENT OF SENIOR SERVICES - CONGREGATE DINING SITES

Site	Address
ABLEY Senior Center	24 Ludington Street. Buffalo 14206
Akron-Newstead Senior Citizen	5691 Cummings Rd., Akron 14001
Alden Community Center	13116 Main St., Alden 14004
Amherst Senior Center	370 John James Audubon Pkwy., Amherst 14228
Autumnwood Senior Center	1800 Clinton St., Buffalo 14206
Baptist Manor	276 Linwood Ave., Buffalo 14209
Belle Center (The)	104 Maryland Ave., Buffalo 14201
Bell Tower (Senior Apartments)	42 Haley Lane, Cheektowaga 14227
Blasdell (Lilly Housing Dev.)	36 Arthur Ave., Blasdell 14219
Boston Senior Citizen Center	8500 Boston State Rd., Boston 14025
Buffalo Urban League	86 Pine Street St., Buffalo 14204
Cayuga Village Apartments	100 Hutchens Dr., Cheektowaga 14227
Cheektowaga	3349 Broadway, Cheektowaga 14227
Clarence Senior Citizen Center	4600 Thompson Rd., Clarence 14031
Concord Nutrition Site	405 West Main St., Springville 14141
Edward Saunders Community Center	2777 Bailey Ave., Buffalo 14215
Friends to the Elderly	118 E. Utica St., Buffalo, 14209
Gloria Parks Community Center	3242 Main St., Buffalo 14214
Creekbend Heights Apartments	25 Buffalo St., Hamburg 14075
Hispanic United of Buffalo	254 Virginia St., Buffalo 14201
Infant of Prague	921 Cleveland Dr., Cheektowaga 14225
Kenmore Senior Nutrition Program	135 Wilber Ave., Kenmore 14217
Lackawanna Senior Center	230 Martin Rd., Lackawanna 14218
Lancaster Senior Center	100 Oxford Pl., Lancaster 14086
Maryvale East Senior Complex (Moorman)	100 Moorman Dr., Cheektowaga 14225
Moot Senior Center	292 High St., Buffalo 14204
North Buffalo Community Center	203 Sanders Rd., Buffalo 14216
Northwest Buffalo Community Center	155 Lawn Ave., Buffalo 14207
Orchard Park Senior Center	70 Linwood Ave., Orchard Park 14127
Richmond-Summer Center	337 Summer St., Buffalo 14222
Salvation Army Headquarters	960 Main St., Buffalo 14202
Salvation Army-Tonawanda Branch	46 Broad St., Tonawanda 14150
Schiller Park Senior Center	2057 Genesee St., Buffalo 14211
Seneca-Babcock Community	1168 Seneca St., Buffalo 14210
Sloan Senior Center	140 Halstead St., Sloan 14212
Southwind Landing	5074 Transit Rd., Depew 14043
Tosh Collins Center	35 Cazenovia Ave., Buffalo 14220
Town of Aurora Senior Center	101 King St., Suite A, East Aurora 14052
Town of Evans Senior Center	999 Sturgeon Rd., Derby 14047
Town of Hamburg Senior Center	4150 Sowles Rd., Hamburg 14075
Town of Tonawanda Senior Center	291 Ensminger Rd., Tonawanda 14150
United Church Manor	50 North Ave., West Seneca 14224
Walden Park Senior Complex	101 Bakos Dr., Buffalo 14211
West Seneca Senior Center	4620 Seneca St., West Seneca 14224
William-Emslie Senior Center	585 William St., Buffalo 14206

BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Site	Address
Crane Branch	633 Elmwood Avenue, Buffalo, NY 14222
Dudley Branch	2010 South Park Avenue , Buffalo, NY 14220
East Clinton Branch	1929 Clinton Street, Buffalo , NY 14206
East Delavan Branch	1187 East Delavan Avenue, Buffalo, NY 14215
Frank E. Merriweather, Jr Branch	1324 Jefferson Avenue, Buffalo, NY 14208
Niagara Branch	280 Porter Avenue, Buffalo, NY 14201
North Park Branch	975 Hertel Avenue, Buffalo, NY 14216
Riverside Branch	820 Tonawanda Street, Buffalo, NY 14207
Crane Branch	633 Elmwood Avenue, Buffalo, NY 14222
Dudley Branch	2010 South Park Avenue , Buffalo, NY 14220
East Clinton Branch	1929 Clinton Street, Buffalo , NY 14206

ERIE COUNTY PARKS & RECREATION – GOLF COURSES

Site	Address
Elma Meadows Golf Course & Park	1711 Girdle Road, Elma, NY 14059
Grover Cleveland Golf Course & Park	3781 Main St., Amherst, NY 14226

SCHEDULE "A"

PROPOSER CERTIFICATION

The undersigned agrees and understands that this proposal and all attachments, additional information, etc. submitted herewith constitute merely an offer to negotiate with the County of Erie and is NOT A BID. Submission of this proposal, attachments, and additional information shall not obligate or entitle the proposing entity to enter into a service agreement with the County of Erie for the required services. The undersigned agrees and understands that the County of Erie is not obligated to respond to this proposal nor is it legally bound in any manner whatsoever by the submission of same. Further, the undersigned agrees and understands that any and all proposals and negotiations shall not be binding or valid against the County of Erie, its directors, officers, employees or agents unless an agreement is signed by a duly authorized officer of the County of Erie and, if necessary, approved by the Erie County Legislature and Erie County Fiscal Stability Authority and the Office of the County Attorney.

It is understood and agreed that the County of Erie reserves the right to reject consideration of any and all proposals including, but not limited to, proposals which are conditional or incomplete. It is further understood and agreed that the County of Erie reserves all rights specified in the Request for Proposals.

It is represented and warranted by those submitting this proposal that except as disclosed in the proposal, no officer or employee of the County of Erie is directly or indirectly a party to or in any other manner interested in this proposal or any subsequent service agreement that may be entered into.

Proposer Name

By: _____

Name and Title

SCHEDULE "B"

STANDARD INSURANCE PROVISIONS

County of Erie Standard Insurance Certificate



LAW-1 INS (Rev. 3/06)

This certificate does not amend, extend or alter the coverage afforded by the standard form policies listed below.

I Insured Name _____ Address _____ Zip _____ Phone No. _____	III Companies Affording Coverages A _____ B _____
	II Issuing Agency Name _____ Address _____ Zip _____ Phone No. _____

IV This is to certify that the policies listed below have been issued to the insured named above and are in force at this time.

Company Letter - from III above	Indicate Type of Insurance By Checking the Box	Policy Number	Effective Date & Expiration	Limits of Liability in Thousands		
				Check the Box	Occurrence	Aggregate
	1 General Liability <input type="checkbox"/> Comprehensive Form <input type="checkbox"/> Premises and Operations <input type="checkbox"/> Products/Completed Operations <input type="checkbox"/> Independent Contractors <input type="checkbox"/> Contractual <input type="checkbox"/> Personal Injury <input type="checkbox"/> Broad Form Property Damage <input type="checkbox"/> Explosion, Collapse <input type="checkbox"/> Underground Hazard			<input type="checkbox"/> Bodily Injury <input type="checkbox"/> Property Damage <p align="center">OR</p> <input type="checkbox"/> Combined Single Limit		
	2 Automobile Liability <input type="checkbox"/> Comprehensive Form <p align="center">OR</p> <input type="checkbox"/> Schedule Form <input type="checkbox"/> owned <input type="checkbox"/> hired <input type="checkbox"/> non-owned			<input type="checkbox"/> Bodily Injury <input type="checkbox"/> Property Damage <p align="center">OR</p> <input type="checkbox"/> Combined Single Limit		
	3 Excess Liability <input type="checkbox"/> Umbrella Form <p align="center">OR</p> <input type="checkbox"/> other than umbrella <input type="checkbox"/> auto <input type="checkbox"/> general <input type="checkbox"/> both			Bodily Injury & Property Damage Combined \$ _____ Self Insured Retention \$ _____		
	4 Worker's Compensation & Employer's Liability Disability Benefits			Statutory Statutory		
	5 Other <input type="checkbox"/>					

V County of Erie is included as an additional insured under the following Policy numbers:

VI Description of Operations: It is understood that this coverage on behalf of the insured is for all locations in the County of Erie, NY.

VII Cancellation/Non-Renewal: Should any of the policies noted above be cancelled before expiration thereof or not renewed by the insured, the issuing company will endeavor to mail _____ days advance written notice to the Certificate Holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

VIII. Name and Address of Certificate Holder & Recipient of Notice: County of Erie c/o Department of Law 89 Delaware Avenue Suite # 300 Buffalo, NY 14202 713-858-2200	Date Issued _____
	Auth. Representative _____
	Firm name & address _____

FOR COUNTY USE ONLY:

Name of County Dept. Requesting Certificate	_____
Purchase Order or Contract Number	_____
Vendor Insurance Classification	_____

INSTRUCTIONS FOR COUNTY OF ERIE STANDARD INSURANCE CERTIFICATE

- I. Insurance shall be procured and certificates delivered before commencement of work or delivery of merchandise or equipment.
- II. CERTIFICATES OF INSURANCE
 - A. Shall be made to the "County of Erie, Dept. of Law, 95 Franklin St., Room 1634, Buffalo, N.Y. 14202."
 - B. Coverage must comply with all specifications of the contract.
 - C. Executed by an insurance company, agency or broker, which is licensed by the Insurance Department of the State of New York. If executed by a broker, notarized copy of authorization to bind or certify coverage must be attached.
- III. Forward the completed certificate to: County of Erie (Department or Division) responsible for entering into the agreement for construction, purchase, lease or service.
- IV. Minimum coverage with limits are as follows:

Vendor Classification	A Construction and Maintenance	B Purchase or Lease of Merchandise or Equipment	C Professional Services	D Property Leased To Others or Use of Facilities Or Grounds	E Concession- Aires Services	F Livery Services	G All Purposes Public Entity Contracts
Comp. Gen. Liab.	\$1,000,000	\$500,000 CSL	\$500,000 CSL	\$1,000,000	\$500,000 CSL	\$1,000,000	\$500,000 CSL
-Bren. & OPS	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
-Prdts. & Comml. OPS	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
-Indevnt. Contract	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
-Contractual	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
-Broad Form P.D.	INCLUDE	Note: Comprehensive Form Not Required					See note below
-X.C.II							
-Personal Injury			INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
-Liquor Law				INCLUDE	See note below		
-Host Unhar							INCLUDE
Auto Liab.	\$1,000,000CSL		\$1,000,000CS	\$1,000,000CSL	\$1,000,000CS	\$1,000,000CS	\$1,000,000CSL
-Owned	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
-Hired	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
-Non-Owned	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
Excess Umbrella Liab.	\$1,000,000 <small>See note below</small>	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000 <small>See note below</small>
Workers	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	
A Employer's Liability							
Disability Benefits	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	
Professional Liab.			\$1,000,000				
Erie County To Be Named Add'l Insd. On	Gen.Liab., Auto Liab., & Excess	Broad Form Vendors May Be Required	Gen.Liab., Auto Liab., & Excess	Gen.Liab., Auto Liab., & Excess	Gen.Liab., Auto Liab., & Excess	Gen.Liab., Auto Liab., & Excess	Gen.Liab., Auto Liab., & Excess

* Construction contracts require excess Umbrella Liability limits of \$3,000,000.
 ** Snow removal contracts require evidence of broad form property damage.
 *** In the event the concessionaire is required to have a N.Y.S. license to dispense alcoholic beverages an endorsement for liquor liability is required.
 **** Transportation of people in buses, vans or station wagons requires \$3,000,000 excess liability.
 NOTE: Workers' Compensation & Employer's Liability plus NYS Disability Benefits does not apply to self-employed individuals.
 V. In some circumstances it will be necessary to require alternate coverage and limits which will be defined in the bid specifications, contract, lease or agreement. The alternative specifications should be evidenced on the certificate in lieu of the standards printed above.
 VI. The "ACORD" form certificate may be used in place of the County of Erie Standard Insurance Certificate, provided that all of the above referenced requirements are incorporated into the "ACORD" form certificate.