NEW YORK STATE THRUWAY AUTHORITY
DEPARTMENT OF ENGINEERING

ALBANY, NY
SEPTEMBER 21, 2026

AMENDMENT NO. 1
TO

CONTRACT TAA 26-13BR
D215081
REHABILITATION OF VARIOUS BRIDGES ON
I-87 AND I-90 AT MILEPOSTS 95.27, B12.89 AND B19.04
IN THE ALBANY DIVISION
OF THE NEW YORK STATE THRUWAY
IN COLUMBIA AND ULSTER COUNTIES

IN THE LETTING OF
SEPTEMBER 30, 2026

NOTE: This amendment shall be attached to and become a part of the Proposal for Contract **TAA 26-13BR.**

NOTICE

For Electronic Bidders, the estimate in BidX will automatically account for any necessary item changes (deletions, changes in quantities, or additions) that this Amendment may describe as being required regarding the project's estimated cost. Instructions to make physical changes to the Project Proposal's bid sheets are intended for "paper" Bidders who choose to submit bids via paper.

Questions and Answers for this project are available from the Authority's website, specifically at: http://www.thruway.ny.gov/netdata/contractors/documents/d215081a_taa26-13br_questions-and-answers-09-15-2026.pdf. This document may be updated periodically without formal issuance of an Amendment. Prospective bidders are advised to revisit this link weekly and before proposals are due, for any possible additional questions and answers information.

ELECTRONIC BID FILE IN BIDX

1. The electronic bid file was *not* initialized correctly at this project's inception in BidX. To address the issue of providing prospective bidders with the ability to acknowledge certifications and attach required bid forms in BidX, as was previously allowed, an amendment is now required to upload a revised electronic bid file. Doing so will restore those previous features.

PROPOSAL

2. **DELETE** the following pages from the Contract Proposal beginning with the Compliance Requirements and Procedures page (not numbered) along with pages 76 through 98 and **SUBSTITUTE** with the attached pages 76-A1 through 82-A1. The Compliance Requirements and Procedures section has been updated.

The Bidder **MUST** complete Page **178** of the Proposal acknowledging receipt of this amendment. If the Bidder fails to complete the "Amendment Acknowledgement" sheet, his bid could be declared informal thereby delaying award of the contract.

PLEASE BE GOVERNED ACCORDINGLY WHEN SUBMITTING BIDS.

Brent E. Howard, P.E.
Chief Engineer

COMPLIANCE REQUIRMENTS AND PROCEDURES

PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules, and Regulations, NYSTA is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of NYSTA contracts.

Business Participation Opportunities for MWBEs
For purposes of this solicitation, NYSTA hereby establishes an overall goal of **10** percent for MWBE participation, **5** percent for New York State-certified Minority-owned Business Enterprise ("MBE") participation and **5** percent for New York State-certified Women-owned Business Enterprise ("WBE") participation (based on the current availability of MBEs and WBEs). A contractor ("Contractor") on any contract resulting from this procurement ("Contract") must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this procurement, the respondent agrees that NYSTA may withhold payment pursuant to any Contract awarded as a result of this procurement pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: https://ny.newnycontracts.com. For guidance on how NYSTA will evaluate a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this procurement, such finding constitutes a breach of contract and NYSTA may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at https://ny.newnycontracts.com,

provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Office of Compliance at compliance@thruway.ny.gov.

Additionally, a respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

A. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to NYSTA for review and approval.

   NYSTA will review the submitted MWBE Utilization Plan and advise the respondent of NYSTA acceptance or issue a notice of deficiency within 30 days of receipt.

B. If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Office of Compliance at compliance@thruway.ny.gov, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by NYSTA to be inadequate, NYSTA shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

NYSTA may disqualify a respondent as being non-responsive under the following circumstances:

a) If a respondent fails to submit an MWBE Utilization Plan;
b) If a respondent fails to submit a written remedy to a notice of deficiency;
c) If a respondent fails to submit a request for waiver; or
d) If NYSTA determines that the respondent has failed to document good faith efforts.

The successful respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to NYSTA, but must be made no later than prior to the submission of a request for final payment on the Contract. The successful respondent will be required to submit a monthly MWBE Contractor Payment Report to NYSTA, by the 10th day of each month over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements
By submission of a bid or proposal in response to this solicitation, the respondent agrees to comply with all Authority Compliance Requirements and Procedures, in accordance with the terms and conditions of Appendix A – Standard Clauses for New York State Thruway Authority Contracts including Clause 4 – Non-Discrimination Requirements and Clause 11 - Equal Employment Opportunities for Minorities and Women.

The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property

and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in 14 the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, Form EEO-1, to NYSTA with its bid or proposal.

If awarded a Contract, respondent shall submit a Workforce Utilization Report, TA-W1017 and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by NYSTA on a MONTHLY basis during the term of the Contract.

Pursuant to Executive Order #162, contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the Workforce Utilization Report, TA-W1017 on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

The required forms can be found at the following web addresses:

Form EEO-1 - EEO Policy Statement: https://www.thruway.ny.gov/sites/default/files/2026-04/EEO-1-EEO-Policy-Statement.pdf?v=1785246977

Form EEO-2 - EEO Staffing Plan: https://www.thruway.ny.gov/sites/default/files/2026-04/EEO-2-EEO-Staffing-Plan.pdf?v=1785246977

TA-W1017 - EO 162 Workforce Utilization Report: https://www.thruway.ny.gov/sites/default/files/2025-07/ta-w1017.xlsx?v=1785246977

TA-W1022 - Contractor Utilization Plan: https://www.thruway.ny.gov/sites/default/files/2025-07/ta-w1022.pdf?v=1785246977

TA-W1023 - Contractor Payments: https://www.thruway.ny.gov/sites/default/files/2025-07/ta-w1023.pdf?v=1785246977

TA-W1077 - Contractor/Consultant Waiver Request: https://www.thruway.ny.gov/sites/default/files/2025-07/ta-w1077.pdf?v=1785246977

TA-W1037 - Contractor AAPHC-89 - DBE/MWBE Utilization Worksheet/Approval to Subcontract: https://www.thruway.ny.gov/sites/default/files/2025-07/ta-w1037.xls?v=1785246977

TA-W1074 - Contractor Amended AAPHC-89 - DBE/MWBE Utilization Worksheet/Approval to Subcontract: https://www.thruway.ny.gov/sites/default/files/2025-07/ta-w1074.xls?v=1785246977

If the above links are unavailable or inactive, the forms may also be requested from the Office of Compliance at compliance@thruway.ny.gov.

PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN OWNED BUSINESSES

Article 3 of the New York State Veterans' Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOB"), thereby further integrating such businesses into New York State's economy. NYSTA recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of NYSTA contracts. In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

Contract Goals

A. NYSTA hereby establishes an overall goal of **3%** for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Bidder/Contractor should reference the directory of New York State Certified SDVOBs found at: https://sdves.ogs.ny.gov/business-search. Questions regarding compliance with SDVOB participation goals should be directed to the Designated Contacts. Additionally, following Contract execution, Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veterans' Business Development at 518 474-2015 or veteransdevelopment@ogs.ny.gov.. to discuss additional methods of maximizing participation by SDVOBs on the Contract.

B. Contractor must document "good faith efforts" to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract.

SDVOB Utilization Plan

A. In accordance with 9 NYCRR § 252.2(i), Bidders are required to submit a completed SDVOB Utilization Plan on Form TA-W1022.

B. The Utilization Plan shall list the SDVOBs that the Bidder intends to use to perform the Contract, a description of the work that the Bidder intends the SDVOB to perform to meet the goals on the Contract, the estimated dollar amounts to be paid to an SDVOB, or, if not known, an estimate of the percentage of Contract work the SDVOB will perform. By signing the Utilization Plan, the Bidder acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOBs after the Contract award and during the term of the Contract must be reported on a revised SDVOB Utilization Plan and submitted to NYSTA.

C. NYSTA will review the submitted SDVOB Utilization Plan and advise the Bidder/Contractor of NYSTA acceptance or issue a notice of deficiency within 20 days of receipt.

D. If a notice of deficiency is issued, Bidder/Contractor agrees that it shall respond to the notice of deficiency, within seven (7) business days of receipt, by submitting to NYSTA a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by NYSTA to be inadequate, NYSTA shall notify the Bidder/Contractor and direct the Bidder/Contractor to submit, within five business days of notification by NYSTA, a request for a partial or total waiver of SDVOB participation goals on TA-W1077. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

E. NYSTA may disqualify a Bidder's bid or proposal as being non-responsive under the following circumstances:

(a) If a Bidder fails to submit an SDVOB Utilization Plan;
(b) If a Bidder fails to submit a written remedy to a notice of deficiency;
(c) If a Bidder fails to submit a request for waiver; or
(d) If NYSTA determines that the Bidder has failed to document good faith efforts.

F. If awarded a Contract, Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Contract pursuant to the prescribed SDVOB contract goals set forth above.

G. Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, NYSTA shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

Request for Waiver

A. Prior to submission of a request for a partial or total waiver, Bidder/Contractor shall speak to the Designated Contacts at NYSTA for guidance.

B. In accordance with 9 NYCRR § 252.2(m), a Bidder/Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in clause IV below, may submit a

request for a partial or total waiver on Form TA-W1077, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by NYSTA at that time, the provisions of clauses II (C), (D) & (E) will apply. If the documentation included with the Bidder's/Contractor's waiver request is complete, NYSTA shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.

C. Contractor shall attempt to utilize, in good faith, the SDVOBs identified within its SDVOB Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract award may be made at any time during the term of the Contract to NYSTA, but must be made no later than prior to the submission of a request for final payment on the Contract.

D. If NYSTA, upon review of the SDVOB Utilization Plan and Monthly SDVOB Compliance Report (TA-W1023) determines that Contractor is failing or refusing to comply with the contract goals and no waiver has been issued in regards to such non-compliance, NYSTA may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals.

Waiver requests should be sent to the Office of Compliance at compliance@thruway.ny.gov.

Required Good Faith Efforts
In accordance with 9 NYCRR § 252.2(n), Contractors must document their good faith efforts toward utilizing SDVOBs on the Contract. Evidence of required good faith efforts shall include, but not be limited to, the following:

(1) Copies of solicitations to SDVOBs and any responses thereto.
(2) Explanation of the specific reasons each SDVOB that responded to Bidders/Contractors' solicitation was not selected.
(3) Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by NYSTA with certified SDVOBs whom NYSTA determined were capable of fulfilling the SDVOB goals set in the Contract.
(4) Information describing the specific steps undertaken to reasonably structure the Contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs.
(5) Other information deemed relevant to the waiver request.

Monthly SDVOB Contractor Payment Report
In accordance with 9 NYCRR § 252.2(q), Contractor is required to report Monthly SDVOB Contractor Payments to NYSTA during the term of the Contract for the preceding month's activity, documenting progress made towards achieving the Contract SDVOB goals. This information must be submitted using form TA-W1023 available on NYSTA's website and should be completed by the Contractor and submitted to NYSTA, by the 10th day of each month during the term of the Contract, for the preceding month's activity to: compliance@thruway.ny.gov.