

**Dormitory Authority – State Of New
York
Alternative Delivery Empanelment**

**Request For Proposals
RFP #6564**



Dormitory Authority of the State of New York

October 1, 2020

**REQUEST FOR PROPOSAL FOR
ALTERNATIVE DELIVERY EMPANELMENT**

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Section 1 - General RFP Information:

1.1 Introduction to DASNY

The Dormitory Authority State of New York (DASNY) is a public benefit corporation of the State of New York empowered by Titles 4 and 4-B of the Public Authorities Law (the “Act”), to provide design and project management services to, and to issue its bonds, notes and other obligations, for a wide variety of public purposes. Under the Act, DASNY provides a multitude of services in various forms in connection with the design, construction and financing of capital facilities for State University of New York, including dormitories and educational facilities; City University of New York Senior Colleges; Community Colleges; Boards of Cooperative Educational Services; Cities and Counties with respect to Court Facilities and combined occupancy structures, as defined by law; the Department of Education of the State of New York with respect to certain facilities under its jurisdiction; other State and local governmental entities; independent colleges and universities; facilities for the aged; certain not-for-profit hospitals and nursing homes, as well as a wide variety of other not-for-profit organizations specifically described in the Act. All of the entities for which DASNY provides financing, construction or other services are referred to as clients in this RFP.

1.2 Purpose

a. Overview

DASNY seeks to procure certain consultative services for the development and execution of business strategies relating to alternative delivery opportunities including, but not limited to, helping DASNY meet potential finance and construction demands of its clients through organizational structures such as Public Private Partnerships (P3), and assisting DASNY with the design and implementation, on a when needed basis, of internal processes, project evaluations, and protocols to assess and manage the value/risk of each project undertaken using alternative delivery methods. Firms qualified to provide the various services set forth below that are selected by DASNY to serve on its panel of alternative delivery consultants will, when retained, deliver their services in a manner that ~~is~~ is in the best interest of DASNY.

For these purposes, DASNY intends to empanel qualified Consultants to perform the following services:

- Financial/Analytical Consultative Services
- Project Planning/Design and Construction, and Energy Consultative Services
- Legal Consultative Services

Consultants that have relevant experience and expertise providing the above services may seek to qualify for empanelment in each of the respective service categories. The expectation is that the firms selected will act in the capacity of an owner’s representative as further detailed in Section 2.1 below.

b. Empanelment/Prequalification

- Responses submitted in connection with this RFP will enable DASNY to determine in accordance with its Procurement Guidelines, internal evaluation procedures and consideration of the requirements described in Section 2.2 (*Qualifications and Certification Requirements*) and in

Section 4 (*Content and Format of Technical Proposal*) which Consultants are best qualified to assist in the development and transactional needs of alternative delivery project opportunities, and be placed on the Empanelment list. Consultants that have relevant experience and expertise in providing the above services may seek to qualify for empanelment. It is DASNY's intent to empanel multiple Consultants in each of the categories for a period of three (3) years to provide the services listed above. Selection to the Empanelment list does not guarantee work or that future assignments will be awarded. DASNY reserves the right to terminate the Empanelment list early and may place additional Consultants on the list at a later date. Based on a review and analysis of each Consultant's proposal, DASNY may only issue a project specific request for proposal (a "Project Specific RFP"), as described in this Section.

- Project Specific RFP Process
 - A Project Specific RFP will be issued to the most qualified Consultants on the Empanelment list, as determined in DASNY's sole discretion. Said selected Consultants will develop and submit a Project specific proposal, which will be reviewed and evaluated in accordance with DASNY's internal evaluation procedures. Following receipt of the Project specific proposal, DASNY will select a Consultant that is deemed most qualified and will issue a Contract. Specific project or assignment related services will be requested and contracted on an as needed basis and the type and value of each assignment will vary.

1.3 Key Events and Dates

<u>Event</u>	<u>Date</u>
Issuance of RFP	09/30/2020
Deadline for RFP Questions	10/09/2020 (5:00 PM)
Post Responses to RFP Questions	10/16/2020 (5:00 PM)
Proposal Due Date	10/26/2020 (5:00 PM)
Interviews if required (not earlier than)	11/02/2020
Notice of Empanelment (not earlier than)	11/04/2020

Section 2 – Project Information:

2.1 Scope of Services

Following the empanelment process described above, DASNY may select and contract with Consultants from the Empaneled list for particular program or project specific services as they may arise. The scope of these services will generally take the form of an owner's representative and may include, but not be limited to, the following:

- Work closely with DASNY to gain an understanding of DASNY's client needs and program requirements;
- Provide general consultative services related to alternative delivery transactions, including but not limited to:
 - Design-Build;

- Design-Build-Operate-Maintain;
- Design-Build-Finance;
- Design-Build-Finance-Operate/Maintain;
- Full Concession/Development Rights;
- Public-Private Partnerships
- Undertake knowledge transfer to DASNY staff;
- Provide advice for integration of alternative delivery methods with existing DASNY service delivery models;
- Coordinate and cooperate with all consultants contracted by DASNY on matters including, but not limited, to:
 - Development of project concept and objectives;
 - Preparation of financial analyses and recommendations of project delivery alternatives;
 - Recommendation of financial structures(s), considering debt and equity sources from capital markets and public funding vehicles;
 - Assistance in the development of project performance expectations;
 - Assessment of the interest of potential providers of goods and services required in the development of an alternative delivery project;
 - Development and evaluation of Request for Qualification (RFQ) submissions;
 - Calibration of alternative delivery payment mechanisms;
 - Preparation of draft and final versions of Project Agreement;
 - Development and evaluation of Request for Proposal (RFP) bids;
 - Review/editing of technical provisions/attachments to ensure consistency with project agreements;
 - Preparation of written and oral evaluations that include ability of potential delivery entities to perform, including risk analysis and financial analysis;
 - Advise on potential legal issues from perspectives of respondents and their lenders and provide legal opinions as needed;
 - Participation in competitive dialogue meetings with each bidder;
 - Participation in negotiations and achievement of financial/commercial close; and
 - Any other related alternative delivery service not specified above that will assist DASNY's and its clients in the delivery of social infrastructure projects.

2.2 Qualifications and Certification Requirements

- Relevant experience providing similar services to other public organizations with a particular emphasis on social infrastructure development and/or P3 projects.
- Experienced staff with thorough knowledge of their area(s) of expertise;
- Ability to provide license numbers or copies of registration certificates, as appropriate.
- Ability to show evidence that the firm is registered to do business in the State of New York with the New York State Department of State.
- Ability to subcontract services, if required, for any engagement;
- Ability to show evidence of Professional Liability, General Liability, Disability and Workers Compensation Insurances upon issuance of a contract, if selected and required.
- Ability to show commitment to diversity.

2.3 Exclusivity

Inclusion on this empanelment does not prohibit a Consultant from working for potential bidders on projects involving DASNY or its clients; provided, however, that the provision of any such legal services be subject to review by DASNY Counsel's Office in accordance with the New York Rules of Professional Conduct (22 NYCRR Part 1200). However, empaneled Consultants and their affiliates that enter into a contract with DASNY for a particular project will be restricted from working for or with any potential proposer on that project.

Section 3 – Diversity and Inclusion:

3.1 Workforce

DASNY is committed to diversity and equal employment opportunities among its contractors and consultants. This procurement is conducted in accordance with Article 15-A and 17-B of the Executive Laws. It is the policy of DASNY to maximize opportunities for the participation of MWBE/SDVOBs as bidders, subcontractors, subconsultants, and suppliers on projects.

Although no goals for participation in the services by certified MWBE/SDVOBs have been set for this proposal at this time, it is the goal of DASNY to utilize qualified vendors that have a demonstrated history of hiring, training, developing, promoting and retaining minority and women staff.

By responding to this RFP, each firm acknowledges that:

1. The Consultant will submit their equal employment opportunity policy statement to DASNY.
2. The Consultant will not discriminate against any employee or applicant for employment because of race, creed, color, sex, religion, national origin, military status, sexual orientation, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and will make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on contracts with DASNY.
3. The Consultant will state in all solicitations or advertisements for employees that, in the performance of this Contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, sex, religion, national origin, military status, sexual orientation, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status.
4. The Consultant will submit to DASNY, a completed Diversity Questionnaire provided by DASNY, and a staffing plan of the anticipated work force to be utilized on the engagement with DASNY, information on the Consultant's total work force, broken down by specific

ethnic background and gender. The Consultant should also include information on its current programs in diversity/inclusion.

5. By submitting this proposal, the Consultant understands that any individual project that should arise from this empanelment will be subject to specific M/WBE and SDVOB goals that the firm awarded said project will be required to meet. Aspirational goals for each project require 30% participation but will be adjusted on a project by project basis according to market analysis conducted by DASNY's Opportunity Programs Group.

Section 4 - Content and Format of Technical Proposal:

4.1 Information to be Provided by Proposers

The following is a list of required information that must be provided by the proposer. Provide your response in the same order in which it is requested using numbered side tabs that correspond with each of the numbered tabs below. Your technical proposal must contain sufficient information to assure DASNY of its accuracy.

Tab 1. Include a **cover letter** with the following items:

- a. The name, title, telephone number, and email address of the individual within your firm who will be DASNY's primary contact concerning this RFP.
- b. The primary contacts name, title, telephone number, and email address for each sub-consultant who will perform work under this contract.
- c. The identities of the primary staff proposed to provide services relating to this RFP.
- d. **A statement describing which services identified in Section 2.1 above your firm is willing to provide.**
- e. A statement that your firm understands empanelment as a consultant does not guarantee that any services will be requested from your firm.
- f. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a technical proposal that contains an unsigned cover letter. If the proposer is a joint venture, the proposal shall be signed by the joint venture. Anyone signing the proposal as an agent shall file with it, legal evidence of his or her authority to execute such proposal.

Tab 2. Provide a description of your firm's organization, team makeup including sub-consultants and the resumes of partners, principals, associates and other key staff proposed to provide services to DASNY.

Tab 3. Provide a description of your firm's experience providing similar services as outlined in Section 2.1 above including recent relevant project experience to the public and private sector. Provide a list of specific projects and transactions your firm participated in and the project value. Include the names, titles and phone numbers of at least three (3) references excluding DASNY employees and a summary of the services provided.

- Tab 4. Provide a detailed description of your firm’s approach to providing the requested scope of services including the specific role your firm played in the successful delivery of a P3 or other Alternative Delivery project. Indicate any areas in which you believe your firm has special expertise.
- Tab 5. Describe your firm’s approach in assisting project owners derive the maximum value from project opportunities including specific examples of where your firm represented the project owner in negotiations with development teams or delivery consortiums to ensure the owner achieved the maximum achievable savings compared to traditional delivery methods.
- Tab 6. Provide license numbers or copies of registration certificates, as appropriate.
- Tab 7. Provide a completed Diversity Questionnaire, included in this RFP as an attachment, as well as any additional documents you believe necessary to satisfy section 3.1 of this RFP.
- Tab 8. Provide a completed W-9 Form, included in this RFP as an attachment. If the proposer is a joint venture, provide a W-9 in the name of the joint venture and provide a copy of the executed joint venture agreement.
- Tab 9. Provide an insurance certificate detailing evidence of Professional Liability, General Liability, Disability and Workers Compensation Insurance.
- Tab 10. Additional Information – The proposer must also provide statements regarding the following:
- a. The proposer must agree to provide DASNY with pre- and post-audit access to documents, personnel and other information necessary to conduct audits on request during the term of the Contract and for six years thereafter.
 - b. The proposal submitted must contain a representation that the proposer is willing and ready to provide any services requested or required in a timely manner.
 - c. Disclose any potential conflicts of interest (refer to the “Code of Business Ethics - Certification” attached).

Section 5 – Content of Cost Proposal

Cost proposals are not required at this time. Only those Consultants empaneled and selected to receive a Project Specific RFP as described in Section 1.2, above, will be required to submit a cost proposal. If selected, Consultants will be contacted with the cost proposal requirements and will be given fourteen (14) calendar days to submit the requested information. DASNY reserves the right to reject and return all cost proposals received after the fourteen (14) calendar days.

Section 6 – Selection and Evaluation of Proposals:

The selection process will begin with the review and evaluation of each of the written proposals. The purpose of this evaluation process is twofold:

- (1) to examine the responses for compliance with this RFP;

- (2) to identify the complying firms that have the highest probability of satisfactorily performing the scope of services.

The evaluation process will be conducted in a comprehensive and impartial manner. The evaluation will be conducted as set forth herein.

6.1 Preliminary Review

DASNY reserves the right to reject and return to the proposer all proposals received after the RFP due date and time. All proposals will be reviewed to determine if they contain all required submittals specified in Sections 4. Incomplete proposals may be rejected.

6.2 Evaluation

Proposals will undergo an evaluation process conducted by a Committee selected by DASNY. The Committee will evaluate the proposals based upon the criteria for selection set forth below.

6.3 Criteria for Selection

The criteria for selection shall be the qualifications required by Section 2 and Section 4.

6.4 Interviews

DASNY reserves the right to determine whether interviews will be necessary and for which firms. The purpose of the interview is to further document the proposer's ability to provide the required services and to impart to the Committee an understanding of how specific services will be furnished. The proposed lead principal, as well all other key personnel proposed to provide the services must be present and participate in the interview. The interview will be evaluated on the basis of whether it substantiates the characteristics and attributes claimed by the proposer in its written response to this RFP and any other information requested by the Committee prior to the interview.

Section 7 - Submission of Proposals:

7.1 Submission of Technical Proposal

Please submit the technical proposal electronically, following the directions below, on or before 5:00pm on (October 26, 2020). Proposals received after the due date will be rejected and returned.

RFP Coordinator
DASNY
DownstateRFPCoordinator@dasny.org

Submission of Proposal:

Follow the directions below to upload your proposal electronically. Any technical issues or questions should be directed to the Designated Representative for the Project via email prior to the due date of the RFP. It is strongly encouraged to request access to the site before the due date.

1. Email DownstateRFPcoordinator@dasny.org with the subject line: “Alternative Delivery Empanelment-RFP (RFP6564)-Request-Access-Firm Name
2. You will receive an email from the DownstateRFPCoordinator@dasny.org with a link to a Microsoft SharePoint site: “Alternative Delivery Empanelment-RFP”
3. Click on the link. If you have an existing Microsoft account, you will be asked to login and then you will be routed directly to the Alternative Delivery Empanelment-RFP “Documents” page.
 - a. If you do not have a Microsoft account, you will need to register for a Microsoft account before you can access the link.
4. You will be required to upload the Technical Proposal.
 - a. Please save this document in PDF format and labeled as “Alternative Delivery Empanelment-RFP (RFP6564)-Tech-firm name.
 - b. Click “Upload” or drag and drop
5. Once your documents are uploaded, DO NOT OPEN. The document submitted must be your final submission and cannot be modified.
 - a. If you open your documents after they are submitted, the system will show it as “modified”.
6. The Alternative Delivery Empanelment-RFP site will close at 5:01PM on October 26, 2020. Any questions or issues on submitting must be addressed to the Designated Representative for the Project before that time using the email provided in Bullet 1. Please ensure that you give yourself enough time for uploading all files.

Section 8 - Important Information Affecting Proposers:

8.1 Proposal Requirements

1. DASNY's Designated Representative for the Project, including the procurement is:

RFP Coordinator
Attention: DASNY Alternative Delivery Empanelment
Dormitory Authority – State Of New York
515 Broadway, Albany, NY 12207
E-mail: DownstateRFPCoordinator@dasny.org

DASNY's Alternate Designated Representative for the Project, including the procurement is:

David Fenichel
Contract Administrator
Dormitory Authority – State of New York
515 Broadway, Albany, NY 12207
E-mail: dfeniche@dasny.org

All questions must be submitted in writing to the RFP Coordinator by email, citing the particular proposal section and paragraph number. Proposers should note that all clarifications and exceptions, including those related to the terms and conditions of the contract are to be resolved prior to the submission of a proposal. A list of all substantive inquires received with relevant responses will be posted on DASNY's website, www.dasny.org.

2. A proposer may withdraw a proposal anytime prior to the final due date and time by written notification, signed by an authorized agent, to the contact person identified in Section 8.1.1 above. The proposal may thereafter be resubmitted, but not after the final due date and time. Modifications offered in any other manner, oral or written, will not be considered.
3. If a proposer discovers an ambiguity, conflict, discrepancy, omission or other error in this RFP, the proposer should immediately notify the contact person identified in Section 8.1.1 above. Notice of such error or omission should be submitted prior to the final due date and time for submission of proposals. Modifications shall be made by addenda to this RFP. Such clarifications will be given by written notice to all parties who have received this RFP.
4. If a proposer fails, prior to the final due date and time for submission of proposals, to notify DASNY of a known error or an error that reasonably should have been known, the proposer shall assume the risk of proposing. If awarded the contract, the proposer shall not be entitled to additional compensation or time by reason of the error or its late correction.
5. A proposer indicates its acceptance of the provisions and conditions enumerated in this RFP by submitting a proposal.

8.2 DASNY Requirements

1. By submitting a proposal, the proposer covenants that the proposer will not make any claims for or have any right to damages because of any misinterpretation or misunderstanding of the specifications or because of lack of information.
2. DASNY shall not be liable for any cost incurred by the proposer in proposal preparation or in activities related to the review of this RFP or any interview costs.
3. Other than the contact person identified in Section 8.1.1 above, or their designee(s), prospective proposers shall not approach DASNY employees during the period of this RFP process about any matters related to this RFP or any proposals submitted pursuant thereto.

8.3 DASNY Rights and Prerogatives

DASNY reserves the right to exercise the following prerogatives:

1. To accept or reject any or all proposals and amend, modify or withdraw this RFP.
2. To correct any arithmetic errors in the proposals.
3. To change the final due date and time for proposals.
4. To accept or reject any of the firm's employees assigned to provide services on this project and to require their replacement at any time.
5. To waive or modify any irregularities in proposals received after prior notification to the proposer. This will in no way modify the RFP documents or excuse the proposer from full compliance with its requirements.
6. To consider modifications to proposals at any time before the award is made, if such action is in the best interest of DASNY.
7. To request a revised cost proposal from firms selected as finalists, if applicable.
8. To accept a proposal for the engagement containing other than the lowest cost proposal, if applicable.
9. To interview proposers prior to selection.
10. To reject any proposal containing false or misleading statements or that provides references that do not support an attribute or condition claimed by the proposer.
11. To begin negotiations with the next most responsive proposer to this RFP should DASNY be unsuccessful in negotiating a contract with the selected proposer within a reasonable time frame.
12. To empanel and subsequently contract with more than one firm.

8.4 Contractual Requirements

1. Contract
 - a. By submitting a proposal, the successful proposer agrees to reference the RFP as part of any resulting contract.
 - b. DASNY may award a contract for any or all parts of a proposal and may negotiate contract terms and conditions to meet agency program requirements consistent with the RFP.

- c. Award of a contract is subject to contract negotiation and approval of such contract by the appropriate DASNY authorities.

2. Modification of Contract

- a. Any modification to the original contract signed between the successful proposer(s) and DASNY will require the mutual consent of the successful proposer(s) and DASNY.
- b. Any contract or amendments thereto will be considered effective only after approval by the appropriate DASNY authorities.

3. Interpretation

The contract shall be construed and interpreted in accordance with the laws of New York State. New York State shall be the forum for disputes.

4. Public Announcements

Upon selection of the successful proposer and contract execution, public announcements or news releases pertaining to the contract shall not be made without prior written consent of DASNY.

Section 9 – Vendor Integrity

As a public entity, DASNY may only contract with entities that are determined to be responsive and responsible and said entities are required to maintain responsibility throughout the term of the services being provided. Proposers shall submit a Vendor Responsibility Questionnaire (“VRQ”) which is designed to provide information to assess a proposed vendor’s responsibility to conduct business in New York State. All VRQs shall be reviewed in accordance with applicable law, policy, rules, regulations and guidelines, including without limitation Executive Order Nos. 125, 170.1 and 192.

DASNY requires vendors to file the VRQ online via the New York State VendRep System (the “System”). To enroll in and use the System, see the System Instructions at https://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at <https://portal.osc.state.ny.us>. Proposers must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for System assistance, contact the Office of the State Comptroller’s (“OSC”) Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Section 10 – Negotiation:

After completion of the empanelment process and upon selection for a specific project assignment, DASNY will commence finalization of the scope of services required and fee negotiations with the selected firm(s) for such assignment.

Section 11 - Notification

Upon completion of the selection process, DASNY will notify all firms of its decision. Notification will be sent to the primary contact only. Shortly after notification the selected firm(s) will be posted on DASNY's website.