

# DESIGN PROFESSIONAL'S GUIDE



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### ARTICLE 1 -- DASNY

#### SECTION 1.1 - BACKGROUND

The Dormitory Authority of the State of New York (DASNY) is a public benefit corporation; an independent corporate agency with governmental functions delegated to it by the State of New York and is authorized to finance, design, construct or rehabilitate buildings for the use by various public and private not-for-profit entities.

#### SECTION 1.2 - MISSION STATEMENT

“We commit to **deliver exceptional service** and professional expertise on every **financing and construction project** for our **clients and the public**, in a **cost-effective** manner, while **advancing the policy goals** of **New York State**.”

#### SECTION 1.3 - CODE OF BUSINESS ETHICS

The Authority expects the highest degree of ethical business conduct by its employees and the many contractors, consultants and vendors with whom it interacts on behalf of its clients, bondholders and the people of the State of New York. DASNY, by mandate of its Board of Directors, administers a comprehensive corporate integrity program to ensure that, as public officers, DASNY employees at all levels perform their official duties consistent with the requirements of the *New York State Public Officers Law*; other applicable laws, rules, and regulations; and policies of DASNY.

DASNY encourages and supports a fair, open and honest business relationship with its contractors, consultants and vendors based on quality, service and cost. Moreover, DASNY believes that a “level playing field” in the marketplace can only be achieved through adherence to ethical business practices by all participants involved in the process.

#### SECTION 1.4 - OPPORTUNITY PROGRAMS

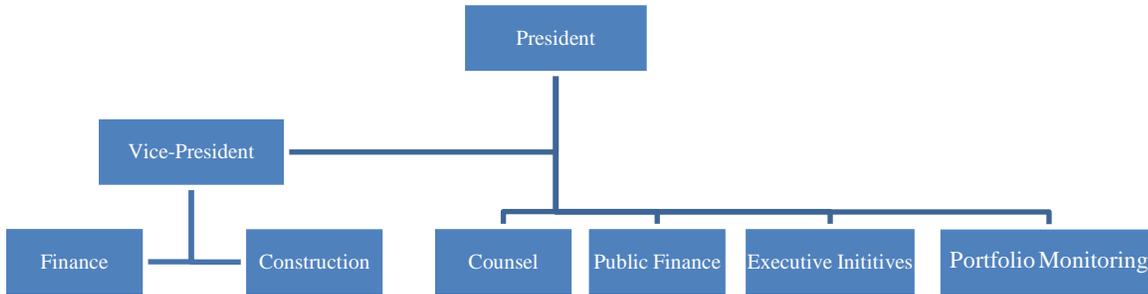
Pursuant to provisions of the Request for Proposal, the Design Professional agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to DASNY, to fully comply and cooperate with DASNY in the implementation of NYS Executive Law ARTICLE 15-A, PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO STATE CONTRACTS. These requirements will include: equal employment opportunities for minority group members and women (EEO), plus opportunities for minority and women-owned business enterprises (M/WBE). The Design Professional's demonstration of good faith efforts shall also be a part of these requirements.

#### SECTION 1.5 - LEADING IN GREEN

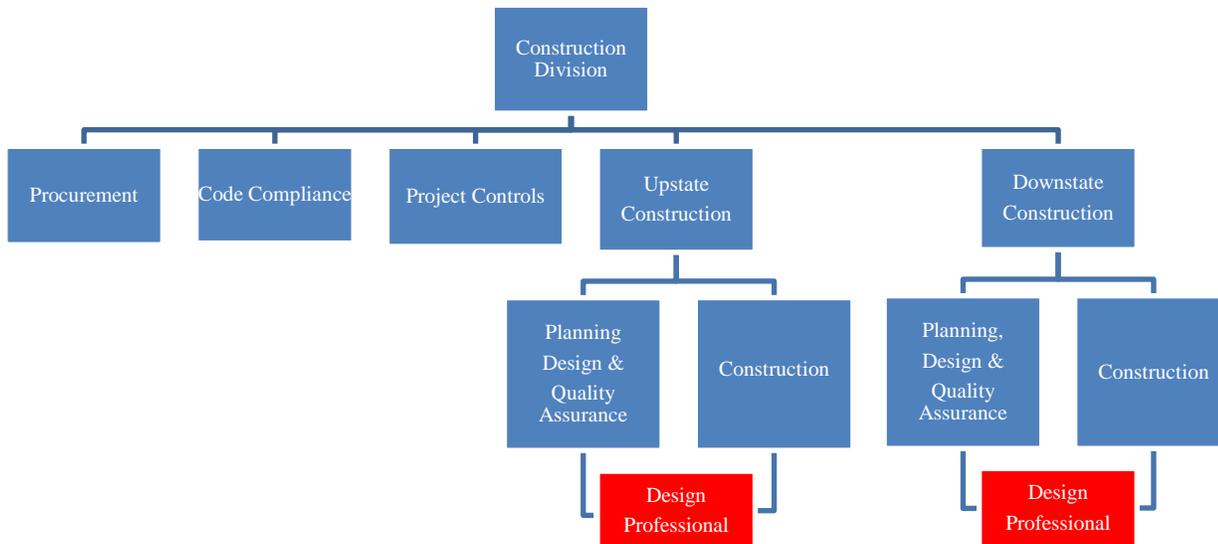
DASNY established itself as a statewide leader in the construction of green public buildings, the sustainable use of resources, and in collaboration with other government agencies in pursuit of energy efficient policies, projects and technology that benefit New York State and New Yorkers. DASNY's commitment to sustainability is clearly reflected in its “All Green-Only Green” construction policy which is designed to produce a new generation of highly energy-efficient and environmentally responsible public-purpose buildings across the State.

### SECTION 1.6 - GOVERNANCE

DASNY is governed by an eleven-member Board composed of the Director of the Budget, the Commissioner of Education of the State, the Commissioner of Health of the State, the State Comptroller or one member appointed by him or her, five members appointed by the Governor, with the advice and consent of the Senate, one member appointed by the Temporary President of the State Senate, and one member appointed by the Speaker of the State Assembly. DASNY's operating activities are managed through the Executive Staff and illustrated as follows:



DASNY's two primary lines of business are debt issuance and construction management, which are supported by DASNY's operating activities. As a part of its operating activities, DASNY devotes significant efforts to the administration of grants authorized by the State and payable to a variety of public and private grantees from proceeds of bonds issued by DASNY. DASNY has a staff located in three main offices (Albany, New York City and Buffalo) and at field sites across the State. DASNY provides services to various clients under three major programs: Higher Education; Health Care and Government; and Non-Profit Agencies. The focus of this guide is DASNY's construction management activities, which are managed through the Construction Division and illustrated as follows:



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## ARTICLE 2 -- CONSTRUCTION DIVISION

### SECTION 2.1 - PROCUREMENT

**Procurement** develops all contracts issued by DASNY. The staff is organized into three groups: (1) **Professional Services Contracts** administers a centralized Request for Proposal process to procure professional services on specific projects and term contracts; (2) **Construction Contracts** manages the bid and construction contract award process, and administers the Job Order Contracting program that issues construction work orders and (3) **Purchasing & Interior Design** administers the procurement of furniture, fixtures and equipment, and coordinates the provision of in-house interior design services on selective projects.

**Types of Contracts:** Two types of professional services contracts are available: (1) Standard **Professional Services Contract** which is executed for a specific project and (2) **Professional Services Term Contract** which is executed for specific regions of the State, has term limits, is applicable to project values under \$10 million, and may also be issued for specific requirements as deemed necessary by DASNY. Each contract is comprised of three chapters, Chapter One–Project Terms and Conditions, Chapter Two–Professional's Required Services and Chapter Three–General Terms and Conditions. Contact DASNY for a sample.

**Potential Contracting Opportunities:** A prospective professional services contract opportunity is advertised in the NYS Contract Reporter and posted on DASNY's web site: [www.dasny.org](http://www.dasny.org). The Design Professional responds in writing, and meeting the specific advertisement requirements may place the Design Professional on the long-list of firms to be considered. A selection committee is then formed that includes project stake-holders, who establish qualification-based criteria sufficient to develop an approved short-list of the most qualified Design Professionals. Each Design Professional on the short-list may receive a Request for Proposal that defines the initial project scope, budget, schedule and proposal requirements, as well as delineates the selection process. Upon final selection of the Design Professional, a fee is negotiated and the standard Design Professional's Contract is executed. Compensation for Term Contracts is based on specific project or service needs and either a not-to-exceed negotiated fee is established or the (Term Contract Consultant Fee Schedule) ([hyperlink to fee schedule](#)) included as part of the contract.

### SECTION 2.2 - PLANNING, DESIGN & QUALITY ASSURANCE (PDQA)

Divided into **Upstate** (north of the Bronx) and **Downstate regions**, **PDQA** manages the Design Professional and contract requirements from project inception through the design phase of the project. PDQA is comprised of licensed architects and engineers, partnered with DASNY's client and design consultants. PDQA staff monitors project scope, budget and schedule, as well as coordinates in-house design review, issues review comments to the Design Professional and assists DASNY construction phase managers during the construction process. Although these functions help to insure the contract documents comply with process, program, codes, rules and regulations, they are not intended to replace the Design Professional's quality functions.

### SECTION 2.3 - CONSTRUCTION

Divided into **Upstate** (north of the Bronx) and **Downstate**, **Construction** manages the Design Professional and contract requirements through the bid, contract award, and construction/close-out phases of the project. In partnership with the Design Professional, the Construction group initiates the bid process, recommends award of contracts and provides construction management services through completion of the project. With the largest number of personnel within DASNY, experienced staff is strategically placed in DASNY's main offices and field office sites throughout the State for the benefit of the project.

**Construction Delivery Methods:** These include the traditional **Design-Bid-Construct** method that may include execution of **Multi Contracts** or a **Single Contract** on the project. Other frequently used methods include **Construction Manager at Risk**, **CM-Build**, **Design-Build** and for projects with values not exceeding \$350,000 downstate or \$250,000 upstate, the **Job Order Contracting Program**. The actual method to be used is based on the particular Client, legislative authority or project needs and as defined in the Request for Proposal and the Design Professionals Agreement – Scope of Services.

**Wicks Law:** As a requirement on most public work projects and State owned facility projects, this law requires that the Design Professional prepare separate contract document packages for three independent contracts for bid: heating, ventilation & air-conditioning trade, plumbing trade and electric trade. In addition, for clarity of work, a construction trade contract is normally separated as well. The Design Professional and DASNY Construction group coordinate construction activity between the separate trade contracts.

**The Job Order Contracting Program:** Administered through **Procurement**; the Authority awards competitively bid contracts for general construction, HVAC, plumbing, electrical, asbestos abatement and other trades work that provide construction services within assigned regions of the State. When appropriate and approved a project work order is issued to the appropriate trade contract for a lump sum amount based on pre-determined unit prices and the contract adjustment factor. The Design Professional prepares the Contract Documents to the degree necessary to meet the project requirements while maintaining DASNY standards. The Design Professional prepares detailed trades estimates and assists with the review and approval of the contractors' cost proposals.

**Project Labor Agreement (PLA):** The PLA is a collective bargaining agreement for particular construction projects or group of construction projects that establishes uniform terms and conditions for labor. On certain projects within the five boroughs of New York City (NYC), DASNY may perform a study in order to substantiate projected cost savings and, if so, initiate a PLA. Projects administered under a PLA exempt it from Wick's Law requirements. Details of the DASNY PLA agreement may be found on DASNY's web site: [www.dasny.org](http://www.dasny.org).)

## SECTION 2.4 - CODE COMPLIANCE

**Code Compliance** enforces the NYS and NYC building codes and oversees the requirements specified in the NYS or NYC Statement of Special Inspections and Tests, which is prepared by the Design Professional and included within the contract documents. Code Compliance issues the Construction Permit and the Code Compliance Certificate on NYS owned projects and has oversight on the process to obtain and maintain the NYC and Municipal Permits. In addition, Code Compliance manages a materials testing program and provides environmental technical support.

**Standard Specification Sections:** Code Compliance maintains several standard technical environmental specification sections that are available to the Design Professional (obtained from the design phase manager) for edit to project specific requirements. These sections include, but are not limited to: Asbestos Master Spec 10-11 (Upstate); Asbestos Master Spec NYC; Asbestos Master Spec CUNY; CMM Asbestos Master Spec; DASNY Mold Remediation Specification; DASNY Standard Lead Abatement Specification; DASNY Standard Specification for Identification and Disposal of Hazardous Waste; DASNY Universal Waste Specification; Minor Asbestos Spec 10-11; PCB Caulk Master Spec; and DASNY Standard Firestopping Specification.

## SECTION 2.5 - PROJECT CONTROLS

**Project Controls** consolidates the division's cost control unit and construction application support. Their services include: monitoring of project performance (as related to budget and schedule); ensuring deliverables are received from DASNY's construction consultant in a timely fashion, implementation and support of construction applications and cost estimating/cost control of projects.

The Authority is utilizing enhanced technology including, Contract Management™, a project management software application, and added an enterprise scheduling system (Primavera P6) to provide accurate schedule reporting across all programs. These construction applications, utilized by DASNY and the Design Professional, provide timely and accurate information so all are kept informed of issues that impact the project. If needed, DASNY can provide to the design professional training in the use of Contract Management™.

Project Controls also provides construction management orientations with the goal of introducing construction consultants to the Authority's process of conducting business and project health assessments for capital projects to ensure that construction consultants are delivering services in accordance with DASNY expectations.

## **ARTICLE 3 – PHASES OF A PROJECT**

### **SECTION 3.1 - PROJECT DELIVERY**

#### **Section 3.1.1 - Multiple Prime Contracts (Wick's Law)**

General Municipal Law and State Finance Law requires DASNY to prepare specifications to permit separate and independent bidding for three subdivisions of work for some of its clients when the entire cost of construction or alteration exceeds fifty thousand dollars. These requirements apply to many DASNY programs, including its public clients and some private clients (Wick's Law). Most private clients and projects performed by DASNY for the State University of New York generally are not bound by the requirements, although locally sponsored community colleges are subject to Wick's Law. The Design Professional shall review the requirements for multiple prime contracts with the design phase manager and the Chief, Construction Contract's Unit.

When a project is subject to the Wick's Law, the Design Professional must prepare separate but coordinated Bid Documents using the General Requirements for Multiple Prime Contracts.

The three required trades are:

- heating, ventilating and air conditioning (HVAC)
- plumbing
- electrical

A construction contract may also be required. On public work projects subject to Wick's Law, the construction contractor cannot be assigned responsibility for coordination of the separate prime contracts. Coordination among the prime contracts is the responsibility of DASNY, who may delegate it to the Design Professional or construction manager.

DASNY may require the Design Professional to prepare Bid Documents for more than four prime contractors, depending on the size, scope and complexity of the project.

#### **Section 3.1.2 - Other Project Delivery Methods**

In addition to a design-bid-build multiple prime Wick's Law project, DASNY may undertake a project using other project delivery methods that may affect the Design Professional's scope of services. Such methods may include: Construction Manager at-Risk, CM-Build, Single Prime Contracting, Design-Build, and Job Order Contracting (JOC).

The actual method used by DASNY is dependent upon the client for whom the work is being performed and the legislative authority governing DASNY's relationship with the client. The Design Professional will be informed of the delivery method being employed either as part of the selection process or as information from the design phase manager, early in the Project's design phase.

#### **Section 3.1.3 - Job Order Contracting (JOC) Program**

Under its Job Order Contracting (JOC) Program, DASNY has awarded competitively bid contracts to general construction, HVAC, plumbing, electrical, and asbestos abatement contractors to provide construction services throughout the state at pre-determined unit prices. When appropriate, JOC work is identified and approved, DASNY then issues a contract ("job order") for a lump sum amount based on pre-determined unit

prices multiplied by quantity and by the JOC contractor's adjustment factor. The Procurement Department administers the JOC Program with the assistance of its consultant.

Except in the case of emergencies, the design for a JOC project must be reviewed and approved by PDQA before DASNY authorizes the contractor to begin work. The number of design submissions will be commensurate with the scope of the project. As little as one submission may be required, or a full set of 30%, 60%, and 100% documents may be required. Contact the design phase manager to determine the appropriate requirements. The documents required for review will differ for each job order, and can range from a single stamped drawing to a complete set of drawings and specifications. The design phase manager will initiate a request for design review services and for coordinating with PDQA to determine the required documents.

## **SECTION 3.2 - CONSULTANT SELECTION PHASE**

### **Section 3.2.1 - Selection of the Design Professional**

A project starts with a request from one of DASNY's clients. The project is assigned to a design phase manager and the consulting opportunity is advertised in the NYS Contract Reporter. Design Professionals responding to the NYS Contract Reporter advertisement constitute a long list of firms to be considered. Based upon criteria in the NYS Contract Reporter notice and established by a selection committee, a short list of Design Professionals is selected and approved to receive the Request for Proposal (RFP). The RFP will define the scope of the project, proposal requirements, and the Design Professional selection process. The selection of Design Professionals is a Qualifications Based Selection (QBS). Following the selection of the Design Professional, a fee is negotiated and a contract is executed.

For projects with a construction value of less than \$10.0 million, DASNY may select a Design Professional from an approved list of term Design Professionals who were awarded contracts via the advertisement/RFP process. The design phase manager follows internal procedures for assigning a specific project to a Term Design Professional. Project fees are determined on either a fee schedule basis ([DASNY Term Contract Consultant Fee Schedule](#)) or on a negotiated basis. Term Design Professionals' contracts, assignments, performance and workload are reviewed periodically and new Term Design Professional solicitations are initiated in the NYS Contract Reporter as appropriate.

DASNY's RFP process requires the Design Professional to submit [Standard Form SF 330](#), in order to demonstrate the firm's professional qualifications. Electronic copies are available at the GSA web site, [www.gsa.gov](http://www.gsa.gov).

The Design Professional must continue to provide DASNY with proof of valid insurance throughout the life of the contract. Failure to do so may be grounds for termination.

## **SECTION 3.3 – PRE-DESIGN PHASE**

### **Section 3.3.1 – Submitting a Proposal for a Work Authorization**

The Design Professional shall submit a proposal where the Design Professional will perform the work for the values outlined in DASNY's Fee Schedule, shall include their Scope of Services, correspondence indicating their acceptance of the Fee Schedule and an executed Scope, Budget and Schedule Confirmation form. Where projects warrant a fee different from DASNY's Fee Schedule, the proposal shall include all of the items outlined above, except the correspondence regarding the Fee Schedule, but include the consultant-specific "Term E-Forms," for each consultant and sub-consultant that will be utilized to complete the scope of services.

### **Section 3.3.2 - Scope, Budget and Schedule Confirmation**

The success of any project is having a complete scope of work and a sufficient budget. The client develops a preliminary project scope and budget, with or without professional assistance. The scope, budget and schedule confirmation process is used to confirm that the requested scope of work is adequate to satisfy the objective of the project, including established sustainability goals, and that the approved funds are sufficient to support this initiative. Confirmation of the scope and budget is also a requirement of many of the Project Management Agreements (PMA) between DASNY and its clients and is a requirement of the contract between DASNY and the Design Professional. The executed [Scope, Budget and Schedule Confirmation Form](#) will also serve to determine the design phase schedule for the project and provide a construction completion date. As a means of further developing the scope, budget and schedule, DASNY may elect to authorize the Design Professional to proceed only through the initial phases of design prior to contracting for the full scope of services. If this approach will be used, the design phase manager will inform the Design Professional of the design phase they shall work through, early in the Project's design phase.

### **Section 3.3.3 - Project Budget**

The Project Budget is established based on the intended project scope and the available funding of the project. Key to the success of a DASNY project is managing the design within the "Approved Construction Budget" as established by the design phase manager. It is the responsibility of the Design Professional to manage the project design within the "Approved Construction Budget" for the Design Professional's scope of services.

The "Approved Construction Budget" as used in the Scope, Budget and Schedule Confirmation form, refers to the amount of the project budget that will be expended in constructing the project and for which the design professional is providing services. The "Approved Construction Budget" does not include design fees, land acquisition, or other project costs for which the Design Professional is not providing services. Furniture, fixture and equipment (FF&E) costs, change order, and contingency costs may be included in the "Approved Construction Budget", as appropriate, as determined by the design phase manager.

## **SECTION 3.4 - DESIGN PHASE**

### **Section 3.4.1 - Design Quality**

The quality of the documents developed by the Design Professional is of paramount importance to DASNY and its clients. The Contract Documents establish the contractual obligations between DASNY and the Contractors. The Contract Documents must have all trade disciplines coordinated, and must be sufficiently detailed to ensure competitive bidding, installation compatibility, and systems operation commensurate with the requirements of the project scope in accordance with the project schedule and within the project budget.

Regardless of any periodic or final review DASNY or its clients may make of the design, the Design Professional must take professional responsibility for the correctness and completeness of the Contract Documents and for conformance with applicable zoning requirements, codes, and laws. This includes coordination between the Design Professional and sub-consultants, which is the contractual responsibility of the Design Professional.

The periodic reviews conducted by the PDQA staff do not take the place of the Design Professional's quality control and quality assurance programs. The Design Professional shall be responsible for a fully coordinated, technically correct, and code compliant set of documents. The Design Professional may be required to have a formal, written quality program. DASNY, at its discretion, may require the Design Professional to provide a copy of this program for DASNY's review.

**Section 3.4.2 - Design Professional Payments**

The Design Professional may submit for payment after contract execution and the provision of acceptable deliverables. Payment requisitions must be made on the Professional Services Contract Payment Requisition form as provided by either the design phase manager or construction phase manager, depending on the phase of the project. Appropriate supporting documentation, such as timecards, receipts for reimbursable items, and M/WBE utilization monthly compliance reports must be attached. Submit two copies with original signatures to the Design or construction phase manager. Payment requisitions should be submitted monthly or as project milestones are completed, but in all cases project billings should be current. For additional information, review the [Professional Services Payment Procedure Outline](#).

Design Professionals are normally paid once per month on one of two payment dates based a pre-established payment cycle. The check dates are normally mid-month and end of month. Checks are typically issued within 30 calendar days of a properly submitted Contract Payment Requisition.

The Design Professional may submit a final application for payment upon completion of all its services. This normally will be at the point that final applications for payment have been submitted by the contractors and no further services are required of the Design Professional (except possibly warranty inspections).

**Section 3.4.4 - Design Kickoff**

The design phase begins with a design kickoff or orientation meeting. This will be scheduled by the design phase manager at or about the time that the contract with the Design Professional is executed and approved, depending upon the project. Attendees at the design kickoff meeting generally include all participants with an interest in the project, including the entire design team, energy modeler, commissioning agent, and cost estimator. The agenda generally includes introduction of personnel involved in the project, discussion of administrative procedures, discussion of project scope, budget and schedule, hazardous materials and a site visit and walk-through. Contact the design phase manager regarding additional agenda items. The Design Professional will be required to record attendance and prepare and distribute an agenda and minutes of the design kickoff meeting. The Design Professional will also be required to prepare a project directory of all participants, including name, title, address, phone, fax, and e-mail address.

**Section 3.4.5 - Code Requirements**

In accordance with Part 1204 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York, the Authority is designated as a Construction Permitting Agency and is responsible for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) with respect to certain construction activities it undertakes. The Code Compliance Department is responsible for administration of the Construction Permitting Program. Projects in the following New York State programs (State operated facilities) are subject to the Construction Permitting Program:

- Department of Health (DOH)
- Office of Alcohol and Substance Abuse Services (OASAS) (state operated facilities only)
- Office of Mental Health (OMH)
- Office of People with Developmental Disabilities (OPW/DD)
- State Education Department (SED)
- State University of New York (SUNY)

There may be extenuating circumstances requiring certain other projects be included in the Construction Permitting Program. In such cases, determination will be coordinated with the Code Compliance Department.

When DASNY is the Code Permitting Agency, the design review process is integrated with the Code Permitting process. All outstanding design review comments must be resolved to the satisfaction of PDQA and Code Compliance prior to issuing a Construction Permit. The Design Professional shall prepare and submit the [DASNY Construction Permit Application](#) provided by the design phase manager.

Where the Authority participates in the construction of a new building or in the conversion, alteration, addition, or repair of an existing building and where upon its completion such building will be in the custody of an entity other than a state agency, administration and enforcement of the Uniform Code or other applicable code will be the responsibility of the code enforcement agency generally performing those functions at the location of the work.

The New York City Department of Buildings (NYC DOB) governs construction and use of buildings within the five boroughs with the exception of State owned and operated facilities. NYC DOB enforces the standards for construction, alteration, repair, demolition, removal and maintenance of buildings. Projects in the following programs are subject to NYC DOB construction permitting and code enforcement:

- City University of New York (CUNY)
- Health and Hospitals Corporation (HHC)
- NYC Office of the Chief Medical Examiner (OCME)
- Office of Alcohol and Substance Abuse Services (OASAS), non-state operated facilities only
- NYC Court Facilities

### Section 3.4.6 - Sustainable Design

DASNY is committed to being a leader in promoting sustainable design in the projects it designs, constructs and manages for its clients and to achieving the goal of LEED™ Silver rating for all of its applicable projects. Many of DASNY's clients are mandated by law or Executive Order to provide elements of sustainable design in their projects. Contrary to popular belief, sustainable design features do not always increase the project first cost and, when they do, provide a payback after construction due to decreased energy consumption or maintenance and operating costs.

There are many ways to integrate sustainable (or green) design features into projects. General strategies include utilizing environmentally responsible site development, minimizing water use, minimizing energy consumption (specifically fossil fuel and electrical power consumption), utilizing recycled, recyclable, local, and environmentally sustainable materials, reusing existing materials and/or buildings, and providing improved air quality and comfort for building occupants.

DASNY encourages its clients and Design Professionals to explore all options to ensure the best outcome for each project and supports innovative design solutions. Specific strategies that have been successfully used on previous construction include:

- Highly energy-efficient heating and cooling systems.
- Building management systems to provide increased controllability of building systems.
- High performance glazing systems that minimize heat gain/loss and result in reductions in the sizing of HVAC systems.
- Day lighting principles to maximize light for occupants while minimizing energy consumption for artificial lighting.
- Energy-efficient fixtures, devices, appliances, and equipment.
- Light-colored roofing systems to minimize heat gain during the cooling season.

- Indigenous vegetation to minimize water use and provide building shading during the cooling season.
- Locally produced materials.
- Recycled materials.
- Locating projects on bus routes to minimize parking and vehicle use by occupants.

As DASNY is requiring that LEED™ be used to guide the project, the LEED™ checklist shall be provided by the Design Professional along with other documentation and information at each design submission as required by the [Design Professional's Submission Requirements](#).

### **Section 3.4.7 - Executive Orders Related to Sustainability and Green Design**

The Design Professional shall follow guidelines for the construction of “Green Buildings,” including guidelines set forth the United States Green Building Council's LEED™ (Leadership in Energy and Environmental Design) rating system, in all projects subject to these requirements.

The Design Professional shall be required to demonstrate compliance that new buildings achieve at least a twenty (20) percent improvement in energy efficiency performance.

The Design Professional shall incorporate energy-efficient criteria consistent with ENERGY STAR® and any other energy efficiency levels as may be designated by the New York State Energy Research and Development Authority (NYSERDA) into all specifications developed for new construction and renovation. The Design Professional shall investigate the use of the services of a Technical Assistance Provider approved by NYSERDA, and discuss with the design phase manager. The Technical Assistance Provider can assist the Design Professional in analyzing the design and providing recommendations to maximize energy efficiency and to promote the eligibility of the capital cost incentives included in NYSERDA's New Construction Program. For further information refer to [NYSERDA's website](#).

The Design Professional shall investigate and ascertain available credits, incentives, and grants available from NYSERDA, DOE, EPA, NYS DEC and other state and federal agencies. These credits, incentives, grants shall be detailed in the schematic report, with the potential dollar value savings associated with each identified, along with capital costs and simple payback associated with each.

Commissioning is typically required on DASNY projects as well as LEED™. The Design Professional shall provide services as specified in the Contract scope of services and shall be in accordance with the Authority's [Building Commissioning Guidelines](#).

### **Section 3.4.8 - Design Submission Requirements**

The minimum requirements for design submissions shall be as described in the [Design Professional's Submission Requirements](#) and the Professional Services Agreement. The Design Professional shall review the Design Professional's Submission Requirements for each project and comply with those requirements as appropriate for the project scope. The Design Professional shall advise the design phase manager of any requirements that they believe are not applicable to a specific project prior to preparation of the initial submission. DASNY shall make the final determination as to how the Design Submittal Requirements are applied to a specific project.

Design submissions include the narrative, drawings, specifications, a Project Manual, and other technical, code, zoning, cost, sustainability, meeting minutes and administrative information. If a design phase schedule with fewer submissions than the standard 30%, 60% and 100% has been agreed to by the design phase manager, each submission must contain all the necessary information for that phase plus all the information

required for the earlier phases that were not included in the schedule, so that the reviewers and others can understand the basis for the decisions. If the required information is not submitted, a resubmission of the phase will be required, causing unnecessary delays.

Large or complex projects and new buildings may include additional phases and/or submissions, and may include a feasibility or investigation report, pre-schematic or programming phase. These will be defined by DASNY on a project-specific basis. The design phase manager may also decide to hold periodic progress meetings and on-board reviews to expedite the process.

If a feasibility or pre-schematic phase was not conducted or if the information is not fully developed, the consultant shall fully investigate the existing conditions, program, regulatory requirements and site constraints at the inception of the 30% or Schematic Design Phase, in consultation with the Client Agency and DASNY.

During the 30% phase, the consultant shall develop a minimum of three independent design schemes, or as many as may be required to fully explore the range of reasonable options. The alternatives should be developed to a similar level and presented in scale and in context, in sufficient detail so that reasonable judgments of the advantages and disadvantages of each approach can be made. Each alternative shall be accompanied by a cost estimate, tabulation of programs spaces and/or other technical data, as applicable. The schemes and data shall be presented in comparison to the program requirements and project goals.

Generally a meeting or series of meetings will be held for the consultant to present the design options to the Client Agency and DASNY. The consultant will lead a discussion among the project team members

Electronic copies of the DASNY logo and standard Project Manual cover sheet, drawing title sheet, and title blocks are available on the DASNY website under [Design Resources](#) or from the design phase manager upon request. The Procurement Department will also provide a sample Project Manual cover sheet when the Design Phase Manager requests boilerplate documents for the project, near the completion of design.

### **Section 3.4.9 - Drawings**

The drawings should generally be "D" size (24" X 36"), and generally no larger than "E" size (36" X 48"). In order to facilitate reproduction, the minimum drawing dimension should not exceed 36 inches. Depending upon the size and scope of the project, drawings may be sketches bound within the Project Manual. Drawing sizes should be reviewed with the design phase manager prior to drawing production.

The Design Professional should provide the design phase manager with a copy of the proposed title block prior to drawing production. The drawing title block must include DASNY's name, address, and logo, Design Professional name and address, client name, project location, project title, project number, sheet name, sheet date, sheet number, drawing scale, graphic scale, revision block, and block for seal and signature.

Drawings are to be prepared in AutoCAD format using layer conventions generally accepted in the industry. Standard industry layer conventions, such as those published by the American Institute of Architects or the National CAD Standard, shall be acceptable.

The 100% submission and the subsequent bid document submission shall be signed and sealed by the design professional.

At the onset of a project, a decision will be made that determines if the project will be designed according to DASNY's [Building Information Modeling \(BIM\) Manual](#).

### Section 3.4.10 - Project Manual

The Project Manual evolves from the design documents submitted at various stages to DASNY for review into the complete collection of documents on which contractors bid and which are subsequently incorporated into the Contract.

Each design submission should include a [Project Manual cover sheet](#).

### Section 3.4.11 - Technical Specifications

The technical specifications shall be included in the Project Manual and should in no case be written only on the drawings unless previous permission is granted by the design phase manager. The specifications must be typewritten and utilize Construction Specifications Institute 3-part Master Format, 2004 Edition.

The DASNY Front-End Documents are attached to the FEDOCS project in Contract Management. To view the attachment, right-click on the FEDOCS project, and then select "Project Settings" from the popup menu. Scroll down to the "Attachments" section of the Project Settings window, and then open it. The Front-End Documents are contained in a WinZip file. Download the file named "CM Front End Documents" and then extract its contents. This creates two folders named Division 0 and Division 1. The folder Division 0 contains the Bidding Requirements, Contract Forms, and the General Conditions as PDF files. The folder Division 1 contains the General Requirements as editable Microsoft Word 2007 documents.

The front end consists of Division 00 (Bidding Requirements, Contract Forms and General Conditions) and Division 01 (General Requirements). Division 00 shall be incorporated without editing. Division 01 is edited by the Design Professional for the specific job requirements after consultation with the construction phase manager. The Design Professional shall create and coordinate the remainder of the technical specifications, beginning with Division 2, with the General Requirements, neither repeating nor conflicting with those documents. The technical specifications must be edited to suit the project. Related sections must be carefully coordinated, and only pertinent sections included; extraneous and inapplicable sections should be deleted.

In preparing technical specifications, the Design Professional shall include a header on every page containing the project name, DASNY project number, and trade or other identifying information. The Design Professional shall date each section to distinguish subsequent revisions, provide the section title, start the numbering of each section with page number one, and mark the end of each section.

The make and model number of the product or system upon which a specification is based should be cited. At least three (3) manufacturers of equivalent products shall also be listed, to facilitate compliance with public bidding laws. The Design Professional must specify the features or attributes of the specified product or system that will be used to evaluate equivalents proposed by a bidder. The specification of proprietary products must be pre-approved by DASNY's President; the Design Professional should contact the design phase manager for instructions.

The Design Professional should consult with the design phase manager if the use of performance-based specifications is being considered.

If the Design Professional is considering design delegation, refer to your Professional Services Agreement and contact your design phase manager to discuss the approach.

If a project involves hazardous material remediation or asbestos abatement, the Design Professional shall use DASNY's standard specifications edited to reflect the project specific conditions and requirements:

- [DASNY Standard Asbestos Removal Specification \(Upstate\)](#)

- [DASNY Standard Asbestos Removal Specification \(CUNY\)](#)
- [DASNY Standard Asbestos Removal Specification \(NYC\)](#)
- [DASNY Standard Mold Remediation Specification](#)
- [DASNY Standard Lead Abatement Specification](#)
- [DASNY Standard Fluorescent Lamp Disposal Specification](#)
- [DASNY Standard Hazardous Waste Disposal Specification](#)

The technical specifications shall also include the [DASNY Standard Roofing Warranty](#) on projects involving roof replacement and installation.

### **Section 3.4.12 - Submission Review Requirements**

In an effort to ensure that DASNY projects are code compliant, are technically sound, and that Contract Documents are clear and understandable, DASNY reviews all design submissions. This process is designed to protect bondholders, minimize errors and omissions, and comply with statutory requirements.

The design phase manager will establish the process for the review of submissions and the timeframe required/allowed.

Design submissions generally consist of Schematic Design (30%), Design Development (60%), and Construction Documents (100%). The number and levels of submissions shall be as defined by the contract between DASNY and the Design Professional. On smaller projects, or projects with a well-defined scope, submissions may be combined. Pre-schematic submissions and additional interim submissions may be required when warranted by the project scope and as directed by the design phase manager. Contact the design phase manager for clarification and to determine the number of copies and distribution required for each submission.

Depending upon the nature and extent of DASNY's comments on the 100% design submission, a 100% design re-submission may be required and an additional full review cycle conducted before the project may proceed to the Bid Documents Phase. Alternatively, if the 100% design submission comments are minimal or minor, the project may proceed to the Bid Documents Phase without a re-submission if approved by the design phase manager.

PDQA and Code Compliance will provide written comments for each design submission. These comments are electronically prepared using [ProjNet DrChecks<sup>SM</sup>](#). The Design Professional is required to prepare responses to the comments provided in DrChecks<sup>SM</sup>. Submissions received without responses to previously provided design review comments will be returned to the Design Professional until responses have been provided.

The Design Professional is encouraged to discuss all questions and comments from design reviews directly with PDQA and Code Compliance staff. Reviewer contact information is included on all design reviews for this purpose. Where discussions lead to potential changes in project scope, the Design Professional shall discuss those changes with the design phase manager before implementing them.

Prior to the bidding phase all comments shall have been answered to the satisfaction of the PDQA and Code Compliance.

### **Section 3.4.13 - Cost Estimates**

Cost estimates are prepared by the Design Professional and provide the basis for decisions regarding the project scope. Accurate cost estimates are paramount to a successful project. The cost estimate shall be

prepared at various stages of design as specified by the Design Professional Contract for Professional Services using the DASNY [Consultant Cost Estimating Workbook](#). The cost estimate format will evolve such that it will be presented in the form of the Contractor's Trade Payment Breakdown, itemized by CSI specification section and summarized by primary and secondary CSI division codes, and coordinated with the construction phase manager.

The cost estimates shall include and identify the appropriate design contingency, bidding contingency, contractor's overhead and profit, special inspection and testing costs, escalation, change order contingency and general conditions specified by the Workbook and appropriate to the scale and type of project. Upon prior written approval of the Authority, the Design Professional may prepare the cost estimate in an alternative format provided the estimate includes at a minimum, all information contained in Consultant Cost Estimating Workbook supplied format.

### **SECTION 3.5 - BID PHASE**

#### **Section 3.5.1 - Project Manual**

The Design Professional assembles the final Project Manual (the bid set) using Front End documents located in Contract Manager, supplemental documents prepared for the project by DASNY, supplemental documents prepared for the project by the Design Professional, the approved design documents including technical specifications and drawings, and wage rates.

Prior to sending it out for duplication, the Design Professional or design phase manager must submit the bid set to the Construction Contracts Unit project Cost Control Analyst for review and approval. The Cost Control Analyst checks that the bid set includes the current version of each DASNY boilerplate document, and if necessary, provides the current version for substitution in the bid set.

At the time of bid, the Project Manual will consist of the following documents in this order:

- Cover sheet
- Table of Contents
- Notice to Bidders
- Information for Bidders
- Form of Bid, including placeholder pages for alternates and allowances
- Required Bid Forms (ie: 2005 Procurement Lobbying Law, Code of Business Ethics, Request for Taxpayers Identification Number, etc.)
- Form of Bid Bond
- Contract Forms- Including a Sample Contract
- Contract
- Labor and Material Payment Bond
- Performance Bond
- General Conditions, including the NYS Uniform Contracting Questionnaire, DASNY affirmative action forms, DASNY's change order form, and sample insurance certificates
- Supplemental General Conditions, if any
- Contractor's payment breakdown
- New York State Prevailing Wage Rates
- General Requirements

- Project Schedule or Milestone Dates
- Contractor's Submittal Schedule
- A List of Required Special Inspections
- List of Technical Specifications and Drawings
- Technical Specifications
- Drawings
- Appendices, if any

DASNY prepares and furnishes the Notice to Bidders to the Design Professional. DASNY also prepares Information for Bidders, addressing project-specific requirements such as subcontractor limits, bid security, affirmative action goals, the date, time and place of the bid opening, the time of completion and liquidated damages, any pre-award requirements, and other information relevant to the bid.

The Design Professional prepares the following:

- Cover sheet
- Table of contents
- Contractor's [Schedule of Values](#): The form must include C.S.I. numbers, work items, and units of measure, in Microsoft Excel, in sufficient detail to compare bids and to evaluate the percentage of work complete when authorizing payments. Include a line item for LEED™ related submittals. The design phase manager can provide a sample [Schedule of Values](#).
- Contractor's Submittal Schedule: The Design Professional specifies the submittal items that are required to be reviewed to confirm that the design intent will be met, and the closeout items (record drawings, special warranties, etc.) required for the project. The Contractor's Submittal Schedule report is printed from DASNY's Project Management System and included in the Contract Documents.
- Modifications to the General Requirements (if any): see below
- Project schedule
- List of technical specifications and drawings: The Design Professional must identify each specification and drawing included in the Contract Documents, updating the list during design development.
- Technical specifications
- Appendices: The Design Professional may include other information for use in bidding or administering the project, such as soil borings, test reports, permits and applications, or other special instructions to contractors. Any appendices must be listed in the table of contents, dated and attributed, and preceded by a title page in the Project Manual.

### **Section 3.5.2 - Modifications to the General Requirements**

The General Requirements address conduct of the construction project, describing work under the contract, alternates and allowances, and many project-specific topics such as access to the site, working hours, security, temporary facilities, heat during construction, storage and protection of material and equipment, project close-out, project record documents, and warranties, guarantees, and bonds. DASNY maintains versions of the General Requirements for single prime contracts and for multiple prime contracts.

The Design Professional is required to modify the General Requirements, and the technical specifications in coordination with DASNY and the Client. The design phase manager can provide a sample document with

formatting. The Design Professional, in turn, provides an electronic version of the final document, in Microsoft Word (showing all Edits), to the design phase manager for review.

### **Section 3.5.3 - Alternates**

Alternates are additional items or project enhancements desired by the client that are not part of the base project program. A list of add alternates, ordered by priority, is developed collectively by the client, the Design Professional and DASNY. In certain circumstances, DASNY may instruct the Design Professional to include a deduct alternate; otherwise, deduct alternates are not permitted. If bids come in under budget, the client may accept alternates that, when added to the base bids, do not exceed the authorized construction budget. To maintain the integrity of the competitive bidding process, alternates accepted by the client must be awarded in the order of priority stated in the Bid Documents.

The Design Professional is required to design a completely functional project without the inclusion of alternates, providing separate estimates for the base project and each alternate. Alternates, if any, should be fully described in the technical specifications, and/or on the drawings, as appropriate, and in the Supplemental General Requirements Section 012300 - Alternates.

DASNY's standard Form of Bid includes a placeholder page and DASNY will provide "Form of Bid Alternate" form as required. The Form of Bid is supplied with other Contract Documents to the Design Professional by the Procurement Department.

### **Section 3.5.4 - Allowances**

Allowances are stipulated amounts that contractors are instructed to include in their base bids for items of required Work that cannot be completely described in the Contract Documents. Allowances provide a means of controlling the cost of such Work; if the entire allowance is not used, DASNY takes a credit for the unused portion.

Occasionally, allowances are used to procure proprietary products or services if pre-approved by DASNY's President. The design phase manager is responsible for securing the required approval to specify proprietary products or services.

Allowances should be fully described in the technical specifications, and/or on the drawings, as appropriate, and in the Supplemental General Requirements Section 012100 - Allowances.

DASNY's standard Form of Bid includes a placeholder page and DASNY will provide Form of Bid Allowance form, if required, on which any allowances are itemized with the amount to be included in the contractor's base bid. The Form of Bid is supplied with other Contract Documents to the Design Professional by the Procurement Department.

### **Section 3.5.5 – Schedule of Allowances**

The use of unit price allowances is generally not acceptable, except on projects where this method of measurement and basis of payment is suitable, such as site work or roadwork. In some situations the establishment of unit prices for additional work at the time of bid may be appropriate. If unit prices are being considered, contact the design phase manager and Chief, Construction Contract's Unit, for instructions.

### **Section 3.5.6 - Bid Documents**

The result of the design phase is the production of the Bid Documents. The Bid Documents establish the contractual obligations between DASNY and the Contractor, and upon execution of a contract between DASNY and the Contractor, become the Contract Documents.

Upon satisfactorily addressing the review comments, the construction phase manager will prepare the DASNY Pre-Bid Summary. At this time, the construction phase manager will also prepare the NYS Contract Reporter Advertisement, and forward it to the Construction Contracts Unit for publication in the NYS Contract Reporter and on the DASNY web site.

The Notice to Bidders, Information for Bidders, and any special bid form requirements are inserted into the Project Manual, the documents are given a final check, and transmitted to DASNY's term printer for printing.

DASNY utilizes Electronic Bid Documents through its term printer and as such, eliminates the need for the Design Professional to distribute bid sets and manager bid set deposits and plan holder reporting. At the time of the design kickoff meeting (or when appropriate), the design phase manager will review with the Design Professional the use of the DASNY term printer and the use of its public planroom, information regarding file naming and format, transmission of final bid documents, "Filezilla Client for FPT", and DASNY's term printer contact information.

The Design Professional must seal and sign the Project Manual cover sheet and all drawings, including title sheets and upload the PDF (Portable Document File) format files to the project's planroom, as instructed by DASNY's term printer. Once all bid document files have been uploaded, the Design Professional notifies the DASNY term printer and copies the design and construction phase manager that this process is complete. The Design Professional should review the project's planroom and determine if all information is included and correct, and notify the construction phase manager of their findings.

At the conclusion of the bid phase, ten (10) sets of documents are typically required to be turned over to each contractor who is awarded a contract.

The plan holders list will be maintained by the DASNY term printer as documents are issued to contractors. The plan deposit is non-refundable, and is determined by the DASNY term printer, at market rates, prior to documents being available for pick-up.

### **Section 3.5.7 - Pre-Bid Meeting**

The Pre-Bid Meeting is scheduled by the construction phase manager prior to the project being advertised for bid, when the Pre-Bid Summary is prepared. The date, time and location must be coordinated with the facility or institution. The timeframe for conducting the Pre-Bid is at least two weeks after the project has been advertised for bidding, and about two weeks prior to the bid date. This will generally allow sufficient timeframes for prospective bidders to obtain Contract Documents prior to the Pre-Bid Meeting, and for the prospective bidders to receive any addenda. If a shorter timeframe is required, this must be reviewed with the DASNY Construction Contracts Administrator. Additionally, the scheduling of the Pre-Bid Meeting should take into consideration and not conflict with holidays or other observances.

The Pre-Bid Meeting is conducted by the construction phase manager or designee. The Design Professional's participation is required. The purpose of the Pre-Bid Meeting is to allow the prospective bidders to visit the project site, ask questions regarding the project, and to allow DASNY and the Design Professional to present and explain any special features regarding the project, project requirements (including LEED® and related reporting and submittal requirements), or the bid process. Attendance at the Pre-Bid Meeting by prospective bidders is highly encouraged, but generally not mandatory.

The Design Professional is to be represented at the Pre-Bid Meeting by the Design Professional's representative, and appropriate designers and sub-consultants, depending upon the project size, scope, and complexity, or as directed by DASNY's construction phase manager. The Design Professional will obtain a sign-in list of Pre-Bid Meeting attendees and provide the list to the construction phase manager. Minutes of

the Pre-Bid Meeting will generally not be required. The Design Professional will issue addenda as required as a result of the Pre-Bid Meeting. Contact the construction phase manager for instructions.

### **Section 3.5.8 - Addenda**

The Design Professional is responsible for preparing and distributing all addenda. Addenda are to be reviewed and approved by the construction phase manager, the PDQA Unit and the Construction Contracts Unit before they can be issued. The construction phase manager can provide a [sample Addenda](#) with the proper language and format. The Design Professional must issue addenda. . Contact the construction phase manager to determine the appropriate distribution method.

### **Section 3.5.9 -Bids**

Bids are due at the time and location specified in the Notice to Bidders. Bids are generally received on Tuesday, Wednesday or Thursday at 2 p.m. at the Authority's Albany office.

DASNY's Procurement Department will receive, open, record and issue the bid tabulation. Bid results are available on the DASNY bid results line, 1-800-662-3676, extension 3330, after 4 p.m. on the date of the bid opening. They will also be available on DASNY's website one day after the bid opening.

### **Section 3.5.10 - Post Bid Requirements**

After receipt of the bids, the Design Professional will be required to perform post bid phase services, including the comparison of its estimate to the bid breakdown of the low bidder and providing a recommendation on award of the contract. The recommendation to award should generally be completed within three weeks of the bid date, in order to insure that the contract is fully executed within the contract award period.

The construction phase manager or its designee, with assistance from the Design Professional, will generally review the capabilities and qualifications of the apparent low bidder. If the Design Professional has any prior experience or knowledge of the low bidder that DASNY should consider in evaluating the low bidder, the Design Professional should advise the construction phase manager. The design phase manager or its designee may conduct a Pre-Award Meeting with the contractor to assess these items. Participation by the Design Professional may be required; contact the construction phase manager.

## **SECTION 3.6 - CONSTRUCTION & CLOSEOUT**

### **Section 3.6.1 - Construction Phase**

The construction phase begins with a construction kickoff meeting. This will be scheduled by the construction phase manager at or about the time the contract with the contractor is executed and approved, depending upon the project. Attendees at the construction kickoff meeting generally include the construction phase manager, DASNY Field Representative, PDQA, Design Professional, Construction Manager (if applicable), Contractor(s), and appropriate facility and client agency personnel. The agenda, provided by the construction phase manager, generally includes introduction of personnel, project overview, facility rules and regulations, security, temporary facilities, DASNY forms, shop drawings and submittals, M/WBE requirements, subcontractors and suppliers, insurance, safety, Contractor's Schedule of Values, Contractor's Labor Rate Breakdowns, Payment Application Process, Change Order Process, project communications, construction schedule, and a site visit and walk-through. Contact the construction phase manager regarding additional agenda items. The Design Professional will be required to prepare and distribute minutes of the construction kickoff meeting.

During construction, the Design Professional will be required to provide construction phase services as required by the Contract. These services generally include

- Review and approval or disapproval of all shop drawings, submittals, and mock-ups
- Review and approval or disapproval of all LEED related submittals and documentation
- Provide interpretations of the Contract Documents
- Review of field orders and change orders
- Attend regular job progress meetings and issue meeting minutes
- Perform periodic inspections of the work in progress
- Prepare and issue punch lists
- Conduct final and warranty inspections to review the project for compliance with the requirements of the Contract Documents

During the course of construction the Design Professional shall verify that the Contractor is maintaining an up-to-date record of construction variances from the Design Professional's drawings issued in the bid set. At the conclusion of construction, the Design Professional shall incorporate all changes to create a set of record drawings representing all construction work performed under this scope of work. Record Drawings shall be submitted to DASNY in AutoCAD. Standard industry layer conventions, such as those published by the AIA or the National CAD Standards shall be acceptable.

### **Section 3.6.2 - Project Close-Out**

At the conclusion of the project, punch lists are prepared by the Design Professional and completed by the Contractors. At the final inspection, a DASNY Notification of Substantial Completion (NOSC) will be executed by the Institution/Facility, Design Professional, and DASNY. Upon completion by the Contractors of the outstanding items noted on the NOSC, the Contractors may submit their final applications for payment.

Concurrently, the Design Professional shall prepare the project closeout documents required by the Contract, generally consisting of the following:

- Reproducible set of record drawings
- Electronic record drawings

The Design Professional shall approve the Operations and Maintenance Manuals (O&M Manuals), as submitted by the Contractors.

The Design Professional may also be required to provide the services necessary to obtain a Certificate of Occupancy or a Code Compliance Certificate (CCC).

After final applications for payment have been submitted by the contractors, the Design Professional has provided all of the services required by its Contract, and no further services are required of the Design Professional, the Design Professional may submit its final application for payment.

The Design Professional shall inspect the Project prior to the end of the one-year guarantee periods and notify the Owner in writing as to their findings.