

DORMITORY AUTHORITY OF THE STATE OF NEW YORK
Guidelines Regarding Prequalification of Contractors
Bid by Invitation Construction Procurement Method
Adopted June 27, 2025

Section 1. Introduction and Purpose

Pursuant to Section [14] of part Y of the laws of 2025, constituting the Infrastructure Investment Act (the “**Infrastructure Investment Act**”), DASNY is authorized to establish guidelines governing the qualifications of responsible and responsive contractors seeking to competitively bid, propose or enter into a low bid contract on a project-specific basis. These guidelines set forth DASNY’s operative policy regarding DASNY’s pre-qualification of contractors on a project specific basis through a request for a construction expression of interest, the submission of a statement of qualifications by prospective contractors and the solicitation of bids from shortlisted firms (collectively, “**Bid by Invitation**”) consistent with DASNY’s Procurement Policy and Guidelines, applicable procedures and relevant laws and regulations.

Capitalized terms used herein and not otherwise defined are defined in DASNY’s Procurement Policy and Guidelines.

Section 2. Applicability of Guidelines

These guidelines apply to project specific competitively low bid construction contracts whereby DASNY determines to utilize the use of a Bid by Invitation procurement method to ensure that selected contractors who participate in the bidding process have met the general criteria established by DASNY to perform and meet the obligations of the project. The Bid by Invitation procurement method has been used with a high degree of success in the SUNY Residence Hall Program for many years, and, as authorized by the Infrastructure Investment Act, is available for all DASNY clients.

All Bid by Invitation projects undertaken pursuant to these guidelines and the Infrastructure Act shall be deemed a “public work” to be performed in accordance with the provisions of Article 8 of the Labor Law, as well as subject to Sections 200, 240, 241 and 242 of the Labor Law and enforcement of prevailing wage requirements by the New York state department of labor. Provided further, if otherwise applicable, all Bid by Invitation projects undertaken pursuant to these guidelines and the Infrastructure Act shall be subject to General Municipal law 101, section 135 of the State Finance Law (ie. Wicks Law) and section 222 of the Labor Law.

Section 3. Criteria for Prequalification

When utilizing the Bid by Invitation procurement method to evaluate prospective contractors, DASNY may utilize general criteria, which may include, but shall not be limited to the following:

- Experience, including a general overview and assessment of firm’s qualifications.
- Past performance, including a demonstration of firm’s ability to perform and past performance reference check.
- Firm’s ability to undertake the type and complexity of a project, including a review of similar project experience and technical expertise.
- Financial Capability.
- Responsibility.
- Compliance with Equal Employment Opportunity Requirements and anti-discrimination laws.
- Reliability.
- Demonstration of similar past project cost, schedule and quality control.
- Review of safety performance and safety plan.
- Review of bonding capability.
- Review of firm’s management and proposed project team for key personnel who will be assigned to the project.

When utilizing the Bid by Invitation procurement method, the final criteria that are utilized to evaluate prospective contractors for a particular project shall be memorialized in writing prior to solicitation in an Expression of Interest from prospective contractors. The general criteria utilized for a project specific Bid by Invitation procurement method shall not be knowingly tailored to favor a particular contractor.

Section 4. Advertisement of Expressions of Interest for a Bid by Invitation project

A. Methods of Obtaining Bids and Proposals

The solicitation of Expression of Interests for a Bid by Invitation project shall be made by DASNY in a manner determined by DASNY to be the most cost-effective method of providing reasonable competition, which may include advertisement in appropriate newspapers or trade journals and may also include direct mailings to firms considered qualified and such other outreach mechanisms as are consistent with the policy of these guidelines, DASNY's Procurement Policy and Guidelines and other relevant laws and regulations. The minimum time for prospective contractors to respond to a NYS Contract Reporter solicitation is 15 business days (i.e., Saturdays, Sundays and legal holidays are excluded).

B. NYS Contract Reporter

As required by § 142 of the Economic Development Law, DASNY shall place a notice of all Expression of Interests for a Bid by Invitation project in the NYS Contract Reporter. Advertisements should provide prospective bidders with an overview of the proposed procurement and shall otherwise comply with applicable law.

C. Publication on DASNY's Website

All Competitive Procurement Contracts advertised as required by §142 of the Economic Development Law shall be made available on DASNY's website concurrent with or after publication in the NYS Contract Reporter.

Section 5. Submission of Statement of Qualifications

All prospective bidders shall comply with all requirements set forth in the applicable Expression of Interest. Any Statement of Qualifications submitted by a prospective bidder that does not fully satisfy the requirements contained in the applicable Expression of Interest will not be considered for evaluation. All Statement of Qualifications shall be received by the time and date set forth in the Expression of Interest. Any Statement of Qualifications submitted by a prospective bidder after the time and date set forth in the Expression of Interest will not be considered for evaluation. Prospective contractors will be notified in writing of any statement of qualification that is not being considered for further evaluation, and the reason therefore.

Section 6. Evaluation of Statement of Qualifications for a Bid by Invitation project

All Statements of Qualifications submitted by a prospective contractor shall be reviewed and rated using the pre-established criteria set forth in the Expression of Interest. Statement of Qualifications and contractor interview meetings, if required, shall be applied uniformly and may not be changed once the review process has started. Prospective contractors shall be reviewed based upon both the Statement of Qualifications and interview process (if required). Upon evaluation of all Statement of Qualifications, the selection committee shall develop a shortlist of no less than five (5) prospective bidders. Any prospective contractor not selected may request an explanation indicating why the prospective contractor was excluded.

Section 7. Low Bid Award

Prospective contractors short listed through the Statement of Qualification evaluation process shall be sent an Invitation to Bid notification letter. The Invitation to Bid notification letter shall provide the prospective short-listed contractor with access to all necessary project related documents, establishes a date and time for the mandatory pre-bid meeting and establishes a date and time for final bid submissions.

All short-listed contractor bids shall be publicly opened by DASNY. Any final bid submissions submitted by a prospective short-listed contractor after the time and date set forth in the Expression of Interest will not be considered for evaluation. All Bid by Invitation project contracts shall be awarded to the lowest responsive, responsible short-listed bidder .

The apparent low bidder shall be issued a Pre-Award notification letter that outlines all required pre-award submittals and establishes a mandatory pre-award meeting to be attended by DASNY project management and the apparent low bidder. Project management shall review the bid, and pre-award submittals with the apparent low bidder at the Pre-Award meeting to confirm the apparent low bidder's ability to execute the required scope of service.

Upon satisfactory completion of such review, project management prepares and submits recommendation to award to Procurement for review and approval. Procurement shall issue a Letter of Intent (LOI), final contract, and required bonds to the contractor for signature and return to DASNY following Managing Director's review, approval and execution of LOI. Upon receipt of contract and bonds, DASNY reviews and executes the applicable contract. The low bidder shall be issued a copy of executed contract and a Notice to Proceed (NTP).

Section 8. Procedures and Procurement Record.

A. Procurement Policy and Guidelines Applicability

Notwithstanding anything contained herein to the contrary, all contracts awarded pursuant to these guidelines shall comply with the requirements of DASNY's Procurement Policy and Guidelines. In the event of any conflict between these guidelines and the Procurement Policy and Guidelines, the Procurement Policy and Guidelines shall control.

B. Procedures

All Procurement Contracts shall be awarded in compliance with written procedures adopted by the Procurement Unit within the Division of Construction for the applicable type of Procurement Contract. All such procedures shall be consistent with these guidelines, the Procurement Policy and Guidelines and shall address the solicitation, evaluation and selection and award of Procurement Contracts. These procedures shall provide for, among other things, the promotion of Minority and Women-Owned Business Enterprises, Service-Disabled Veteran-Owned Businesses Enterprises, New York State Business Enterprises, New York State Residents and Small Businesses and an assessment of the Diversity Practices of Procurement Contractors in accordance with the requirements of Article 15-A of the Executive Law and any regulations promulgated thereunder. The Director, Procurement shall establish procedures to affect this policy, and will ensure that transactions are adequately supported, recorded, and carried out in accordance with these guidelines and the Procurement Policy and Guidelines.

C. Procurement Record.

For every procurement, a written and/or electronic record shall be maintained by the Procurement Unit ("**Procurement Record**") documenting the basis for all the decisions made by DASNY during the procurement process. Such record shall contain documentation related to the procurement process, any Competitive solicitation or exemption therefrom, proposals and/or bids received, scoring sheets and/or tabulations, Vendor responsibility documentation and other documents prepared or used by DASNY staff in the Vendor selection process. All Procurement Contracts shall be in writing or securely stored electronically.

Adopted June 27, 2025

Managing Director, Construction

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