



**Discretionary Purchase  
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## **Section 1 - General Information:**

### **1.1 Introduction to DASNY**

The Dormitory Authority of the 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 various public and private not-for-profits entities, and to issue bonds, notes and other obligations for a wide variety of public purposes. Under the Act, DASNY provides a multitude of support services, including the procurement of insurance coverage in various forms in connection with the design, construction, ownership, and financing of capital facilities for the State University of New York dormitory program; the City University of New York Senior and Community Colleges; the New York City Health and Hospitals Corporation; the New York City Office of Court Administration; the New York State Department of Education 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.

DASNY’s business can be divided into two broad categories based on the nature of its clients:

1. Not-for-profit institutions including colleges, hospitals, nursing homes and other miscellaneous charitable type institutions; and
2. Governmental institutions including SUNY, CUNY, Department of Health, Department of Education, Department of Mental Hygiene, Office of Mental Retardation and Developmental Disabilities, municipal hospitals and Office of Court Administration.

For the most part, the relationship between DASNY and its many not-for-profit clients is a lending transaction based upon a loan agreement. The relationship between DASNY and its governmental clients is more complex and involves a combination of statutes and financing agreements. These statutes and financing agreements are part of the method by which New York State finances and constructs facilities for use by these various governmental clients.

DASNY provides more than loans to its governmental clients. DASNY frequently builds facilities for these clients, in addition to financing the cost of construction. From time to time, DASNY may also agree to provide general/excess liability coverage, covering the buildings and/or projects that DASNY has constructed, or is in the process of constructing, on their behalf. For example, DASNY’s program provides liability insurance protection for all academic and support facilities at the City University of New York during the course of construction. Insurance coverage is provided for the State

University of New York dormitory operations both during and after construction into occupancy. A similar arrangement is in place for specific health care facilities operated under the jurisdiction of the NYS Department of Health.

A list of named insureds (identifies the various named insureds protected by the liability insurance program, as well as the type of operations which are contemplated by the coverage), loss runs, permanent property locations and current construction projects are included in this solicitation as attachments.

It is important for respondents to understand that DASNY also administers the claims under these policies on behalf of our clients with the support of a Third Party Administrator.

### **1.2 Purpose**

DASNY seeks proposals from insurance brokers to provide broker/marketing and program support services for DASNY's April 1, 2017 Commercial General and Excess Liability Insurance program. (Note: For the purpose of this solicitation the term "broker" may also be interpreted to include a direct writing insurance carrier.) This solicitation is being made pursuant to §2879 of the Public Authorities Law and DASNY's Procurement Guideline, which authorize DASNY to make discretionary purchases from MWBEs.

### **1.3 Program Structure**

DASNY's current program includes:

- General Liability - \$5,000,000 per occurrence/per location with a deductible of \$75,000 subject to a deductible aggregate of \$2,500,000.
- Umbrella/Excess Liability comprised of three layers of \$25,000,000, \$20,000,000 and \$30,000,000, respectively.
- Exposures include 52,835,917 square feet of permanent property and \$482,674,844 of construction expenses.

### **1.4 Guidelines**

Compensation for brokerage services may be on a fee or commission basis, but in either case the broker will be required to disclose all sources of revenue to be earned by the broker and/or its affiliated organizations in association with the placement of the insurance program and any services to be provided in support of that program. DASNY reserves the right to approve both the form and amount of that compensation.

DASNY reserves the right to inquire as to the respondents' preferred markets at any time during the selection process. However, such inquiries should not be considered authorization to approach those markets nor a promise of assignment on the part of the DASNY.

### **1.5 Key Events and Dates**

Provided below is schedule of milestones for this solicitation. DASNY reserves the right to change any or all these dates as it deems necessary or convenient in its sole discretion.

<u>Event</u>	<u>Date</u>
Issuance of Solicitation	11/10/2016
Deadline for Questions	11/22/2016 (5:00 PM)
Post Responses to Questions	11/29/2016
Proposal Due Date	12/13/2016 (5:00 PM)
Interviews/Presentations (if necessary, not earlier than)	12/19/2016
Notice of Award (not earlier than)	12/30/2016

### **Section 2 - Engagement Requirements:**

#### **2.1 Scope of Services**

The scope of services to be provided for this work is included within Appendix A of the attached Sample Contract.

#### **2.2 Qualifications and Certification Requirements**

1. The proposer must be a NYS certified MWBE licensed insurance broker or a team led by a NYS certified MWBE licensed insurance broker. The lead broker shall clearly demonstrate its capabilities in managing and or providing the requisite services listed below, for brokerage placement and risk management support services.
2. The broker must demonstrate successful brokerage experience for commercial and/or government clients.
3. The broker must demonstrate the ability to access markets of sufficient capacity to meet the minimum program limits of \$80 million with carriers minimally rated "A-" by A.M. Best at the time of submittal.
4. The broker must demonstrate the ability to perform risk identification, coverage, limits, loss and pricing analyses required to effectively service DASNY and its clients.
5. The broker must demonstrate strong claims support services for a large/active client program, including the ability to collaborate with and/or provide administrative services alongside of other independent service providers.
6. The broker must provide evidence of in-force Errors & Omissions coverage with minimum limit of \$10,000,000 or provide proof of insurability with a current quote for limits required to increase existing coverage to \$10 million upon notification of selection and prior to beginning work and/or award of contract.

7. The broker must demonstrate the ability to access expert loss control/engineering support services for a portfolio of higher education institutions, including residential exposures.
8. The broker shall possess a valid and current New York State Property & Casualty Insurance Broker's License.
9. All certified MBE/WBE firms submitting proposals to this solicitation should be registered as such with the New York State Department of Economic Development.
10. 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.
11. If the proposer is a joint venture, provide a copy of the executed joint venture agreement and a W-9 in the name of the joint venture.

### **Section 3 - Content of Technical Proposal:**

#### **3.1 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, fax number and email address of the individual within your firm who will be DASNY's primary contact concerning this solicitation;
- b. The primary contact's name, title, telephone number, fax 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 solicitation;
- d. A statement to the effect that your firm is willing to perform all services identified in Section 2.1 above and will abide by the terms of the solicitation, including all attachments;
- e. A statement that your firm understands selection does not guarantee that any services will be requested from your firm; and
- 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.

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

Tab 3. Provide a description of your firm's recent relevant experience providing services to clients (public and/or private sector) of similar size and/or nature to DASNY's program. Describe how those clients' programs are similar to DASNY's and specifically what services were/are provided. 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, particularly (but not limited to) marketing/placement and claims services.

Tab 5. Provide a copy of a valid New York State Property & Casualty Insurance Broker's License and the letter from NYS Empire State Development certifying your business as Minority or Women Business Enterprise.

Tab 6. Provide a completed Use of Service-Disabled Veteran-Owned Businesses Plan, included in this solicitation as an attachment listing all proposed sub-consultants including OGS Certified Service-Disabled Veteran-Owned Businesses (SDVOB) that are of equal quality to those that may be obtained from non-SDVOBs if selected for this contract. Certified SDVOBs can be identified at [http://ogs.ny.gov/core/docs/CertifiedNYS\\_SDVOB.pdf](http://ogs.ny.gov/core/docs/CertifiedNYS_SDVOB.pdf). **No dollar amounts should be entered at this time.** With each project assignment, a new plan with dollar amounts will be required. The SDVOB goals for this contract are 2%.

Tab 7. 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. Provide a description of how your firm will monitor the allotment and performance of work in order to achieve an efficient administration of the project; and
- d. Disclose any potential conflicts of interest (refer to the "Code of Business Ethics - Certification" attached).

## **Section 4 - Content of Cost 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 cost 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, fax number and email address of the individual within your firm who will be DASNY's primary contact concerning this solicitation;
- b. A statement to the effect that the price quoted is an irrevocable offer good for 120 days; and
- c. 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 cost proposal that contains an unsigned cover letter.

Tab 2. Provide explanation and amount of the proposer's suggested fee or commission, including the basis for calculation.

Tab 3. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.

Tab 4. Provide a completed W-9 form included in this solicitation as an attachment.

**Provide the following forms loosely. Do not include these forms in your technical or cost proposal.**

A NYS Vendor Responsibility Questionnaire included in this solicitation as an attachment. **DASNY recommends that all firms file the required Questionnaire online via the New York State VendRep System and only provide a copy of the certification page to DASNY.** To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at [http://www.osc.state.ny.us/vendrep\\_index.htm](http://www.osc.state.ny.us/vendrep_index.htm) or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.

A completed Procurement Lobbying Law – Certification included in this solicitation as an attachment.

## **Section 5 - 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 to: (1) examine the responses for compliance with this solicitation; and (2) 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.

### **5.1 Preliminary Review**

DASNY reserves the right to reject and return to the proposer all proposals received after the solicitation due date and time. All proposals will be reviewed to determine if they contain all required submittals specified in Sections 3 and 4. Incomplete proposals may be rejected.

### **5.2 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.

### **5.3 Criteria for Selection**

The criteria for selection shall be the qualifications required by Section 2 and Section 3.

### **5.4 Interviews**

DASNY reserves the right to determine whether interviews will be necessary. 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 solicitation and any other information requested by the Committee prior to the interview.

## **Section 6 - Submission of Proposals:**

### **6.1 Submission of Technical and Cost Proposal**

Firms are encouraged to submit environmentally-friendly proposals. The following is a list of suggestions:

- use reusable binders;
- reduce the use of plastic dividers;



- reduce margins in page layouts;
- print in black and white only;
- use recycled paper; and
- use your firms own creative ideas.

Seven (7) double-sided copies of your technical proposal and three (3) double-sided copies of your cost proposal should be submitted on or before 5:00 p.m. on December 13, 2016 to:

Nicole White  
RFP Coordinator  
DASNY  
515 Broadway  
Albany, New York 12207-2964

## **Section 7 - Important Information Affecting Proposers:**

### **7.1 Proposal Requirements**

1. All inquiries regarding this solicitation should be addressed to the following individual:

Nicole White  
Email: [RFPCoordinator@dasny.org](mailto:RFPCoordinator@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 inquiries received with relevant responses will be posted on DASNY's website, [www.dasny.org](http://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 7.1.1 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 solicitation, the proposer should immediately notify the contact person identified in Section 7.1.1 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 solicitation. Such clarifications will be given by written notice to all parties who have received this solicitation.

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 solicitation by submitting a proposal.

### **7.2 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 solicitation or any interview costs.

3. Other than the contact person identified in Section 7.1.1 above, or their designee(s), prospective proposers shall not approach DASNY employees during the period of this solicitation process about any matters related to this solicitation or any proposals submitted pursuant thereto.

### **7.3 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 solicitation;

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 or proposed sub-consultants assigned to provide services on this project and to require their replacement at any time. The proposer shall obtain the written approval of DASNY of changes to the technical proposal after it is submitted, including any changes with respect to sub-consultants. DASNY shall have the right to reject any proposed change to the proposer's technical proposal;

5. To waive or modify any irregularities in proposals received after prior notification to the proposer. This will in no way modify the solicitation 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;
8. To accept a proposal for the engagement containing other than the lowest cost proposal;
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 solicitation should DASNY be unsuccessful in negotiating a contract with the selected proposer within a reasonable time frame; and
12. To contract with more than one firm.

#### **7.4 Contractual Requirements**

1. Contract
  - a. By submitting a proposal, the successful proposer agrees to reference the solicitation as part of the 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 client program requirements consistent with the solicitation.
  - 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 and DASNY will require the mutual written consent of the successful proposer 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.

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 8 - Negotiation**

After completion of the selection process, DASNY will commence finalization of the scope and fee negotiations with the selected firm(s).

**Section 9 - 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.