



**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 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.

1.2 Purpose

DASNY seeks proposals from insurance brokers who will be responsible for marketing, policy/claims administration and related services associated with DASNY’s Directors’ & Officers’/Employment Practices Liability (D&O/EPL) insurance program. The current program will expire on November 1, 2018. DASNY is interested in renewing/replacing that coverage and learning about alternative market approaches that will provide comprehensive and cost-efficient insurance protection for DASNY’s exposures. DASNY is also interested in learning about coverage enhancements available to address current and future risks covered by or impacting on this program.

In accordance with the Public Authorities Law, Section 2879 and the New York State Executive Law, Article 15-A, this opportunity is solely intended for certified MWBEs. DASNY encourages all firms to consider submitting proposals to this Discretionary Purchase that utilize legally documented strategic alliances, partnering, joint ventures and affiliation relationships. In its evaluation of proposals received and selection of a qualified firm, DASNY will consider the extent to which the MWBE firm maintains a leadership role in performing the work that is core to the scope of services required by this Discretionary Purchase.

1.3 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 DASNY. Brokers should not approach markets until instructed to do so by DASNY.

1.4 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	06/11/2018
Deadline for Questions	06/18/2018 (5:00 PM)
Post Responses to Questions	06/22/2018
Proposal Due Date	07/10/2018 (5:00 PM)
Interviews/Presentations (if necessary, not earlier than)	07/17/2018
Notice of Award (not earlier than)	07/23/2018

Section 2 - Engagement Requirements:

2.1 Scope of Services

The scope of services to be provided for this work is included as an attachment to this Discretionary Purchase.

2.2 Qualifications and Certification Requirements

The firm/team must possess the following:

- Valid and current New York State Property & Casualty Insurance Broker's license;
- Minimum of 2 years of brokerage experience marketing, binding, and supporting D&O/EPL insurance programs for clients with 350+ employees in a union environment or operations that do not fit a single-industry description;
- Ability to access insurance markets rated "A-" or better by A.M. Best with capacity sufficient to meet a \$50 Million program limit;
- Experience within the past five years for at least three clients similar to DASNY in size and risk exposure performing risk identification and coverage/limits/loss/pricing analyses for client(s) similar in size and risk exposure to DASNY;
- Employ key staff assigned to this project who possess thorough knowledge of their area(s) of expertise and a minimum of 5 years working experience marketing/negotiating insurance coverage or 7 years claims experience, as applicable to their respective key staff assignments. Experience adjusting/administering D&O claims is preferred; and
- Certified by New York State Department of Economic Development as an MBE/WBE/MWBE.

Section 3 - Content of Technical Proposal:

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. If the proposer is a joint venture, the proposal shall be signed by the joint venture. Anyone signing the proposal as an agent shall file with it, legal evidence of his or her authority to execute such proposal.

- Tab 2. Provide a description of your firm/team's organization. Include the names and resumes of key staff assigned to this project who possess thorough knowledge in the area(s) of marketing/negotiating insurance coverage or claims experience.
- Tab 3. If submitting a joint proposal the teams must (i) clearly define the relationship, including any legal/contractual arrangement, if applicable, between the firms submitting the proposal; and (ii) demonstrate how the firms propose to provide the services required under the Discretionary Purchase including identification of the specific roles and responsibilities expected to be performed by each member of the team.
- Tab 4. Provide a description of your firm/team's brokerage experience marketing, placing, and supporting D&O/EPL insurance programs for operations that do not fit a single-industry description. Describe how those clients' programs are similar to DASNY's in terms of size and risk exposure and specifically what services were/are provided. Include the names, titles and phone numbers of at least three references, excluding DASNY employees, and a summary of the services provided.
- Tab 5. Provide a description of your firm/team's, ability to access insurance markets rated "A-" or better by A.M. Best with capacity sufficient to meet a \$50 Million program limit.
- Tab 6. Provide a sample of a risk identification and coverage/limits/loss/pricing analyses for a client with risks similar to DASNY's D&O/EPL risks and recommend insurance products of appropriate structure and size to cover the associated financial exposure.
- Tab 7. Provide a detailed description of your firm's approach to providing D&O/EPL claims adjusting/administration and support services, or assisting in accessing services, that directly resulted in the acceptance of a previously denied claim, a revised interpretation of policy terms/conditions that resulted in increased/broader coverage for a claim, or an increase in the settled value of a claim by 20% or more.

- Tab 8. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.
- Tab 9. 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 10. Additional Information - The proposer must also provide statements regarding the following:
- a. The proposer must agree to provide DASNY with pre- and post-audit access to documents, personnel and other information necessary to conduct audits on request during the term of the Contract and for six years thereafter;
 - b. The proposal submitted must contain a representation that the proposer is willing and ready to provide any services requested or required in a timely manner;
 - c. 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).
- Tab 11. Provide a completed W-9 Form, included in this Discretionary Purchase as an attachment. If the proposer is a joint venture, provide a W-9 in the name of the joint venture and provide a copy of the executed joint venture agreement.

Section 4 - Content of Cost Proposal:

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 indicating the firm's/team's preference for compensation in the form of insurance carrier paid commission(s) or fee(s) paid by DASNY.
 - c. Explanation and amount of the proposer's suggested fee or commission, including the basis for calculation.
 - d. A statement to the effect that the fee quoted is an irrevocable offer good for 120 days.
 - e. 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.

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 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 – Selection and Evaluation of Proposals:

5.1 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.

5.2 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.

5.3 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.

5.4 Criteria for Selection

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

5.5 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

Proposals must be submitted to:

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

One (1) electronic copy and one (1) hard copy of the technical and cost proposal provided as separate PDF documents (CD, DVD or thumb drive media only) should be submitted on or before 5:00 p.m. on July 10, 2018. **Proposals received after the proposal due date will be rejected and returned.**

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

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.

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 Discretionary Purchase.
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 subconsultants 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 or non-material defects in proposals received after prior notification to the proposer. This will in no way modify the Discretionary Purchase 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 Discretionary Purchase should DASNY be unsuccessful in negotiating a contract with the selected proposer within a reasonable timeframe.
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.