



Request for Proposal (RFP)
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RFP Instructions

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Section 1 – General RFP Information:

1.1 Introduction to DASNY

The Dormitory Authority State of New York (DASNY) is a public benefit corporation of the State of New York empowered by Titles 4 and 4-B of the Public Authorities Law (the “Act”), to provide design and project management services to, and to issue its bonds, notes and other obligations, for not-for-profit institutions for public purposes. Under the Act, DASNY provides services in connection with the design, construction and financing of capital facilities for State University of New York, including dormitories and educational facilities; City University of New York Senior Colleges and Community Colleges; Boards of Cooperative Educational Services; Cities and Counties with respect to Court Facilities and combined occupancy structures, as defined by law; the New York State Departments of Health, Education and Mental Hygiene with respect to certain facilities under their 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 other not-for-profit organizations specifically described in the Act.

1.2 DASNY Policy on Sustainability

DASNY promotes and supports sustainable design approaches and construction practices. Our internal processes shall facilitate integrated design and recognition of sustainable opportunities in every project, regardless of size or complexity, using all available tools. Initial programming meetings for every project shall define specific sustainable goals which will be included in all discussions, including those determining budget and scheduling. In addition, as of January 1, 2008, all projects that are new construction, additions, or significant renovations shall include submission to the US Green Building Council (USGBC) for a LEED rating. State University of New York (SUNY) campuses, such as the University at Albany have also adopted high performance building guidelines and zero-waste goals, supported through aggressive construction waste management with respect to demolition work for all construction projects.

Section 2 – Project Information:

2.1 Purpose

DASNY seeks proposals from Design Professionals to provide professional services, including cost estimating, bid, and construction administration services for SUNY University at Albany’s Colonial Quad. Contemplated work is to include the renovation of Livingston Tower and two adjacent residence halls, Paine (building G) and Zenger (building H) on the quad, including an integrated lower level, mezzanine floors, and basement level between these two residence halls and the tower, as well as adjacent site work.

2.2 Project Background

The Colonial Quad at the University at Albany (UAlbany), buildings and spaces were constructed in 1965 and are located at the northwest corner of the uptown campus at 1400 Washington Avenue, Albany, NY. Livingston Tower, located within the Quad, is a twenty-three story residence hall of approximately 100,000 GSF houses about 440 beds in a suite style configuration as well as lounge spaces and building amenities. The structure consists of reinforced cast-in-place concrete columns and two-way floor slabs. The exterior façades are clad with two-story, precast concrete panels with vertical ribs forming the

window openings and horizontal spandrels corresponding to each floor level. Interior partitions are concrete masonry. The building core has three elevators and two exit stairs arranged in a scissor configuration. The heating system is connected to a central campus plant via high-temperature hot water lines. Heat exchangers inside the building transfer heat to an internal building loop that circulates hot water throughout fin-tube radiation at the perimeter. Most spaces are naturally ventilated, though spaces at the lower and upper levels do have mechanical ventilation. There is no ventilation for the building core which includes corridors, suite vestibules and bathrooms. Paine (G) and Zenger (H) Halls are approximately 52,000 GSF (including some basement functions) and 31,000 GSF with a current bed capacity of approximately 101 and 88 beds, respectively. The two dormitory structures are similar in layout and include double and triple bedroom configurations, lounge spaces and other various building amenities, including laundry facilities. The connecting lower level, mezzanine floors and basement level are approximately 30,000 GSF and consist of Colonial Quad's kitchen and dining spaces (since closed), loading dock and mechanical spaces, fitness center and administrative offices. The buildings structure and core systems are similar to those described for Livingston Tower. Most if not all the buildings and systems (interior finishes, mechanical systems, plumbing systems, electrical power, and lighting) are at or near the end of their useful life and need to be replaced in their entirety. Gut renovations are thus envisioned. There are also necessary upgrades for accessibility as well as improvements and upgrades envisioned for student support, academic, recreational, and site amenities.

2.3 Project Scope of Work

The intent of this RFP shall be to develop a comprehensive renovation plan for Livingston Tower, Paine (G), Zenger (H) Halls, and the connecting lower level, mezzanine floors and basement level. Livingston Tower renovation will primarily focus on interior systems and spaces as the windows and concrete façade have been addressed in prior projects.

The renovated residence halls shall maximize the bed count, provide standard University amenities for student housing (i.e., large laundry room, study rooms, Wi-Fi, etc.), maximize natural light, create open public spaces, and provide a desirable housing choice for students, one with a contemporary, energy efficient, comfortable, and safe living environment. The project anticipates minimizing the loss of current bed capacity. Uniformly sized single and double living units off a double-loaded corridor for Paine (G), Zenger (H) Halls is envisioned, most likely in suite style arrangements. Various suite-style living units for Livingston Tower are similarly envisioned. Kitchenettes are not anticipated within standard living units and bed to bath ratio is approximately 4:1. These and other assumptions should be confirmed during programming.

The connecting lower level, mezzanine floors and basement level spaces – and likely the adjacent outdoor and courtyard spaces -- shall be programmed to accommodate future campus needs. The site and space will also require thoughtful consideration of its connectivity to the campus community with handicapped accessibility throughout. Site work will be required to potentially reconfigure and better integrate the loading dock (for semi-truck access), service access, pedestrian circulation, and parking, to and from the proposed site. All design options will require continuous, uninterrupted operation to the loading dock and other residence halls, with consideration of minimizing disruption to the UAlbany students occupying the Quad. Additional site elements are also anticipated to be provided within the work scope area (see Figure 1).

The Project will need to coordinate and conform to other ongoing campus-wide UAlbany improvement projects. Existing functions intended to be replaced, added, or reprogrammed by this project, include but are not limited to, dining, laundry, backup generator for Livingston Tower elevators, site improvements,

building improvements, phasing/swing space, bed count, safety/security, utilities, and parking. Utilities and other work may extend outside the area identified in Figure 1 to complete the intended work.

2.4 Project Milestone Dates and Schedule

The following dates represent anticipated milestone dates. It should be noted that the construction of the Project will be phased based upon scope, budget, schedule, and other factors. This will be determined during the Design Phase of the Project. Construction phasing will be a critical component of the Project and shall consider early bid packages to facilitate an expedited schedule.

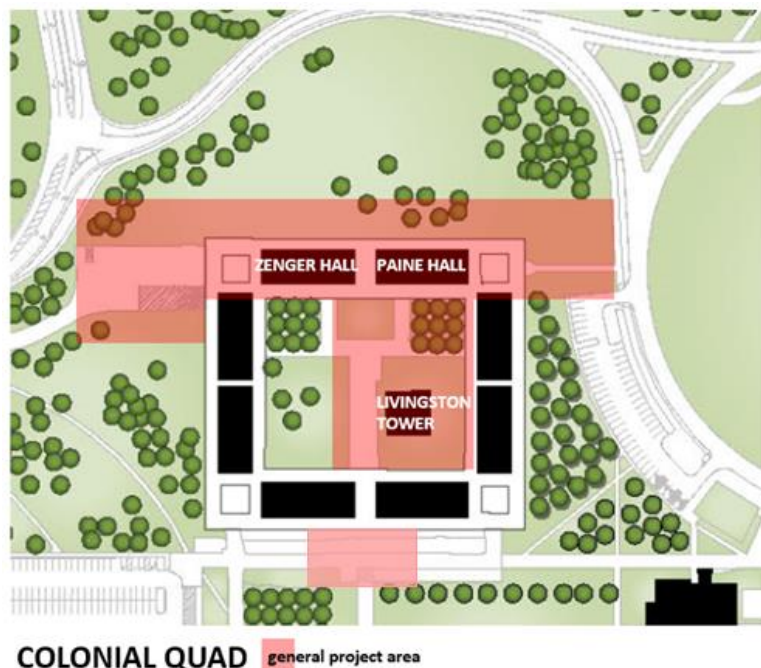
Award of Design Contract (no earlier than)	October 2018
Construction Start (no earlier than)	June 2020
Construction Complete (no later than)	August 2023

2.5 Design Professional Scope of Service

The Scope of Services to be provided for the Project is included within Chapter Two of the attached Sample Contract.

Design shall be completed in two (2) phases. Phase I-Design shall include Pre-Schematic/Concept Design. The intent shall be to develop floor plans and programs and confirm the feasibility of the scopes, budgets, and schedules for a multi-year, multi-phase renovation effort for UAlbany and DASNY review and approve prior to proceeding to the next design phase. Phase II-Design shall include Schematic Design, Design Development, Construction Documentation, Bid Negotiation, Construction Administration, Construction Field Services, and Post-Construction Close-out.

Figure 1 – Work Scope Area



Professional services shall also include; field surveys and documentation of existing conditions, components, and systems (photographs, electronic drawing files, tests, and reports). The disciplines and components anticipated to be evaluated by the Consultant include, but are not limited to, the following: Programming, Historic Preservation, Architectural, Civil, Structural, Mechanical, Electrical, Plumbing, Seismic, Elevator, Fire Protection, Cost Estimating, and Hazardous Materials.

Scope Items:

1. Field verify and document existing building structure, systems, and site components impacted by scope of renovation. Provide selective destructive testing as necessary.
2. Test and document hazardous materials.
3. Evaluate constructability options understanding the surrounding below grade quadrangle structures, close-proximity of residents, and restricted physical access to the tower.
4. Provide multiple Pre-Schematic Concept options with associated budgets and schedules for review and presentation. Refine options and verify the feasibility of the selected concept per UAlbany and DASNY review, approval, and final presentation.
5. Provide a concept plan for the installation of an emergency generator for the tower, including proposed utility plans.
6. Include UAlbany Facilities Management requirements (OPR) for all required building systems and monitoring.
7. Code review including BCNYS, State Mandates, and LEED Gold standards.
8. Provide Construction Cost Estimate of options and recommendations for work to be performed.
9. Provide Construction Schedule for options and recommended work to be performed and coordinated with other campus projects and class schedules.

2.6 Project Construction Budget

The anticipated budget for the Project shall not exceed \$69 million dollars which includes approximately \$38.5 million for Livingston Tower and \$30.5 million for Paine (G), Zenger (H) Halls, and the connecting lower level, mezzanine floors, basement level, and site work. The budget shall be inclusive of design contingency, bid contingency and escalation to midpoint of construction.

2.7 SEQRA

DASNY's Office of Environmental Affairs will conduct a SEQRA review of this project utilizing a term Environmental Consultant to complete DASNY's Environmental Assessment Form – Part I and any required technical information (e.g. traffic study), as determined by OEA. The Design Professional is anticipated to participate in the following SEQRA activities:

1. Preparation of a detailed written narrative describing the architectural elements of the Project.
2. Development of drawings, schematics and plans in a format and size suitable for use by DASNY's Environmental Consultants.

3. Coordination and interface by the Design Professional with DASNY's OEA Environmental Consultants, Construction Manager, if applicable, and/or Engineer may also be required at the direction of the Environmental Manager and Project Manager.

2.8 Project Schedule/Key Events and Dates

<u>Event</u>	<u>Date</u>
Issuance of RFP	07/18/2018
Pre-Proposal Meeting/Site Visit	07/26/2018 (10:00 AM)
Deadline for RFP Questions	08/02/2018 (5:00 PM)
Post Responses to RFP Questions	08/10/2018
Proposal Due Date	08/31/2018 (5:00 PM)
Interviews/Presentations (no earlier than)	09/21/2018
Notice of Award (no earlier than)	09/28/2018

A Pre-Proposal Meeting will be held at UAlbany's Colonial Quad, Dining Room **on July 26, 2018 at 10:00 AM**. Due to space limitations, firms are requested to limit the number of attendees. A campus map is included as an attachment to this RFP. Please refer to https://www.albany.edu/pmts/rules_and_regulations.php for parking instructions.

The purpose of this meeting is to describe the Project, goals and to answer any questions presented by the proposers. Representatives of DASNY and UAlbany will be available to answer questions regarding this RFP. Immediately following the Pre-Proposal Meeting a tour of the site will be conducted.

The First draft report of phasing, costing, and feasibility is anticipated to be due on February 15, 2019 for UAlbany and DASNY review and approval prior to proceeding to the next design phase.

2.9 Project Delivery Method

The project delivery method is to be determined. It is anticipated to be Design-Bid-Build or Construction Manager-at-Risk.

2.10 Project Permitting

The construction permitting agency for this project shall be DASNY.

2.11 Applicable Codes, Rules & Regulations

The Project shall comply with all applicable codes, rules, and regulations. It is the Design Professional's responsibility to ensure compliance. In addition to those codes, rules and regulations determined to be applicable the Design Professional shall comply with the following: the latest NYS Building Code, the latest Energy Code, all applicable NYS Executive Orders, USGBC LEED Rating System, NYSHPO, all applicable NYS DEC regulations, NYSERDA requirements, NYS Green Building Construction, UAlbany building and design standards, and other applicable rules, regulations, and ordinances.

2.12 Project Management Software

Primavera P6™ (current version) will be utilized as the scheduling tool and Primavera Contract Management™ (current version) will be utilized as the management tool to plan, track and record all project-related schedules, correspondence, submittals, transmittals, meeting minutes, requests for information, daily logs, project costs, change management and reporting. In addition, DASNY, at their option, will deploy these systems from available web-based and/or Application Service Provider (ASP) system(s), i.e. Submittal Exchange, Plan Grid, etc. Firms responding to this RFP shall engage these systems, hereinafter referred to as “The Project Management System”, for all project deliverables.

2.13 Qualifications and Certification Requirements

- Extensive relevant experience with projects of similar size, scope, and budget;
- Employ experienced staff with thorough knowledge of their area(s) of expertise.
- Experience with projects utilizing USGBC LEED BD&C Certification;
- Experience with projects utilizing Building Information Modeling Software;
- NYS licensed architect/engineer; and
- Project estimating capabilities.

2.14 Other Technical Requirements

1. The renovated Residence Halls and the connecting lower level, mezzanine floors and basement level, as well as any site upgrades, shall be designed, documented, and submitted to the USGBC to achieve a current version LEED Gold certification. This project will therefore, at a minimum, include these requirements:
 - a. Register for LEED at start of project (by DASNY).
 - b. Use of early-concept performance modeling (such as daylighting studies, wind direction assessments) to inform design for sustainability including improved relation to site specific climate and attributes (by Design Professional).
 - c. Require Energy Modeling to inform system and envelope design choices (by Design Professional).
 - d. Conduct at least two half-day integrated design charrette workshops (by Design Professional).
 - e. Inclusion of a Commissioning Authority beginning at the Schematic Design Phase (by DASNY).
 - f. Track, measurement, and preparation of all LEED documentation in the design and construction process (by Design Professional).
2. The documents shall be required to use Building Information Modeling Software (BIM), LOD 300 as a tool for project delivery from design through construction.
3. The project will need to address UAlbany goals, standards, and initiatives.

4. Detailed scheduling will be required to illustrate coordination with an occupied quad and other ongoing projects.

Section 3 - Content and Format of the Technical 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 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 RFP.
- b. The primary contacts 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 to this RFP.
- d. A statement to the effect that your firm is willing to perform all services identified in Section 2.3 above and will abide by the terms of the RFP, including all attachments.
- 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 technical proposal that contains an unsigned cover letter. If the proposer is a joint venture, the proposal shall be signed by the joint venture. Anyone signing the proposal as an agent shall file with it, legal evidence of his or her authority to execute such proposal.

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

Tab 3. Provide five (5) project examples of your firm's experience providing similar services with emphasis on residence halls and campus commons buildings and spaces that provide recreation, student support, and educational functions. Please indicate if the project was phased. Project examples must include the following information:

- a. Official project name and location;
- b. Building area (square feet) and Number of beds, if applicable;
- c. The design consultant of record, if other than the submitting firm and name of architect/project manager;
- d. Overall project value;
- e. The value of the work designed by your firm;
- f. The timeframe in which the work was performed;
- g. A summary of the services provided; and
- h. A reference excluding DASNY employees with the name, title, and phone number.

For one or more of the projects identified above provide examples utilizing Building Information Modeling (BIM). With each sample project, provide a brief statement as to the

extent that BIM was utilized and the benefits realized by the project(s) including the Level of Design (LOD) utilized for the sample project(s).

For two or more of the projects identified above show how the USGBC LEED rating system was utilized. Include client name, location, and level of LEED rating.

- Tab 4.** Provide a concept of your firm’s recommended programming approach for the connecting lower level, mezzanine floors and basement level spaces and adjacent outdoor courtyard space below Paine (G), Zenger (H) Halls including site work. Assume that commercial dining and kitchen functions at this location are no longer required allowing this space to be programmed as needed. Some potential programming functions being considered may include, but not limited to; Campus Recreation/Activity Center (gaming tables, multi-media centers, movie screen, or other related elements), Nutrition with cooking training (residential), Student Success, Fitness center, Vending lounge, Offices, Advertisement, Residence hall rooms, Study and meeting rooms.
- Provide a narrative describing your firm’s design concept (one page, double sided).
 - Provide conceptual concepts, drawings, or renderings (drawings must be 11” x 17” folded, color or black & white).
- Tab 5.** Provide a timeline and a preliminary project schedule for the completion of all aspects of this project. The schedule shall coordinate projected milestone dates identified in Section 2.4. The schedule shall indicate specific tasks with dates for each step of the process including:
- Design period with all associated tasks and milestone dates (i.e. preliminary meetings, reviews, etc.).
 - Construction period with all associated tasks and milestone dates (i.e. mobilization, demolition, phasing, etc.).
- Tab 6.** Provide a description of how your firm will monitor the allotment and performance of work to achieve an efficient administration of the project.
- Tab 7.** Provide a completed Utilization Plan, included in this RFP as an attachment, listing all proposed sub-consultants including ESD Certified M/WBE firms you “may” use if selected for this contract. **No dollar amounts should be entered at this time.** Upon selection, a new plan with dollar amounts will be required. The goals for this contract are 18% MBE & 12% WBE. The goals refer to the percentage of utilization of your M/WBE sub-consultants.
- Tab 8.** Provide a complete Diversity Questionnaire, included in this RFP as an attachment. It is the goal of DASNY to utilize qualified firms that have a demonstrated history of hiring, training, developing, promoting, and retaining minority and women staff and to encourage participation by certified MWBE firms. This questionnaire elicits information about each responding firm to verify that its work environment demonstrates a strong commitment to diversity.
- Tab 9.** Provide a completed Use of Service-Disabled Veteran-Owned Businesses Plan, included in this RFP 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. **No dollar amounts should be entered at this time.** Upon selection, a new plan with dollar amounts will be required. The SDVOB goals for this contract are 3%.

- Tab 10.** Provide license numbers or copies of registration certificates, as appropriate. Business entities proposing to provide Professional Engineering Services must possess a Certificate of Authorization to provide Engineering Services in New York State from the State Education Department. Include a copy of this certificate in your response if proposing engineering services. Provide proof the firm is registered to do business in the State of New York with the New York State Department of State.
- Tab 11.** Provide a completed W-9 Form, included in this RFP as an attachment. If the proposer is a joint venture, provide a W-9 in the name of the joint venture and provide a copy of the executed joint venture agreement.
- Tab 12.** Additional Information – The proposer must also provide statements regarding the following:
- a. 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.
 - b. The proposer must disclose any potential conflicts of interest. Provide a completed Code of Business Ethics - Certification, included in this RFP as an attachment.
 - c. 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.

Section 4 – Content and Format of the 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 RFP.
 - b. A statement to the effect that the price quoted is an irrevocable offer good for 120 days.
 - 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 estimated manpower requirements and costs associated with performing Phase I- Design of the identified Scope of Services, as per the Base & Total Cost Form, included as an attachment to this RFP. A final total, including sub-consultants, should be included. Phase II-Design shall be negotiated at the completion of Phase I, and an amendment to the contract will be issued. Only “Phase 1 – Pre-schematic Services” on the Base & Total Cost Form will be required (filled out) at this time.

- Tab 3:** Provide documentation indicating your firm's Overhead and Profit Multiplier and that of your subconsultants (if any) by using **one** of the following methods:
- Submit an approved Base & Total Cost Form or a previously approved multiplier from another State Agency.
 - Submit a request for a multiplier 2.5 or less on your firm's letterhead.
 - Submit the attached DASNY Multiplier Form with a current financial statement for a multiplier greater than 2.5.
 - Submit an approved FARs audited financial statement from your firm's most recent year-end.
- Tab 4:** Complete the attached Classification & Rate Form to support the unloaded salaries and rates of your employees under this contract. If submitting an approved Standard Cost Proposal Form a Classification & Rate Form is not required.
- Tab 5:** Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.

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

A NYS Vendor Responsibility Questionnaire included in this RFP 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 RFP 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: (1) to examine the responses for compliance with this RFP; (2) to identify the complying firms that have the highest probability of satisfactorily performing the scope of services. The evaluation process will be conducted in a comprehensive and impartial manner. The evaluation will be conducted as set forth herein.

5.2 Preliminary Review

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

Following the receipt of proposals, DASNY may request some or all of the firms submitting proposals to provide a presentation of their proposal in order to complete the evaluation and selection of firms. 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 RFP 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.

Eight (8) hard copies of your firm's technical proposal and three (3) hard copies of your firm's Cost Proposal. Please include one electronic copy of your firm's Technical Proposal stored on a thumb-drive/flash drive. The Respondent's full submission shall be submitted on or before **5:00 p.m.** on **August 31, 2018** 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 RFP 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 RFP, 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 RFP. Such clarifications will be given by written notice to all parties who have received this RFP.
4. If a proposer fails, prior to the final due date and time for submission of proposals, to notify DASNY of a known error or an error that reasonably should have been known, the proposer shall assume the risk of proposing. If awarded the contract, the proposer shall not be entitled to additional compensation or time by reason of the error or its late correction.
5. A proposer indicates its acceptance of the provisions and conditions enumerated in this RFP by submitting a proposal. All proposals shall become the property of DASNY and will not be returned.

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 RFP 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 RFP process about any matters related to this RFP 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 RFP.
2. To correct any arithmetic errors in the proposals.
3. To change the final due date and time for proposals.
4. To accept or reject any of the firm's employees 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 RFP documents or excuse the proposer from full compliance with its requirements.
6. To consider modifications to proposals at any time before the award is made, if such action is in the best interest of DASNY.
7. To request a revised cost proposal from firms selected as finalists.
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 RFP 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 RFP 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 RFP.
 - c. Award of a contract is subject to contract negotiation and approval of such contract by the appropriate DASNY authorities.

2. Modification of Contract

- a. Any modification to the original contract signed between the successful proposer and DASNY will require the mutual 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. New York State shall be the forum for disputes.

4. Public Announcements

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

Section 8 – Negotiation:

After completion of the selection process, DASNY will commence finalization of the project 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.