



**Request for Proposal (RFP)
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Section 1 - General Information

1.1 – Background:

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 a wide variety of public purposes. Under the Act, DASNY provides a multitude of services in various forms 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; Community Colleges; Boards of Cooperative Educational Services; Cities and Counties with respect to Court Facilities and combined occupancy structures, as defined by law; the Department of Education of the State of New York 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.

1.2 - Purpose and Project Overview:

DASNY seeks proposals from Construction Managers to provide, on an at-risk basis, professional construction management services during the design and construction phases in connection with the renovation of Smith and Casey Towers at the State University of New York, Cortland campus. The Construction Manager-at-Risk (hereinafter referred to as the “CMR”) is a construction manager who will contract with DASNY to submit a Guaranteed Maximum Price (GMP) for the construction phase of the project and will assume a risk if the final actual construction cost exceeds the GMP. The estimated construction value of project is \$25 million.

Services will be performed in two phases and executed in three separate contracts. The three contracts are Pre-Construction Phase, Construction Phase, and General Conditions Work Phase. DASNY’s standard General Conditions will apply to the construction phase work.

Pre-Construction phase services will occur during the design of the project. The CMR will be an integral member of the Project Team, consisting of representatives from the Owner, the Design Professional, and other consultants, as required. The Owner will manage the Design Professional. Generally, it will be the responsibility of the CMR to integrate the design and construction phases, utilizing their skills and knowledge of general contracting to develop schedules, prepare detailed project construction estimates, study labor conditions, and in any other way deemed necessary, to contribute to the development of the project during the Pre-Construction Phase. Upon selection of the CMR by the Owner, the Pre-Construction phase contract will authorize the CMR to provide Pre-Construction Phase services only, including without limitation the provision of a GMP for the completion of the Project by the CMR. Provisions may be made for early bid packages to be let out under the Pre-Construction contract should the need arise.

At the end of the Pre-Construction Phase, and in accordance with the terms and conditions of this RFP, the Owner will execute Construction Phase and General Conditions Work Phase contracts. Construction phase services will include the award and management of numerous principal and specialty trade contracts in order to provide the actual construction of the Projects well as the award and management of general conditions work items (i.e. site security, temporary utilities, etc.). It is anticipated that construction will be performed in multiple phases. The distinct project phases will be developed as project design progresses. The construction schedule will be compressed into a period that enable the campus to maintain occupancy in either tower during the academic year. The number of construction contracts may vary, depending on the design development and project phasing. The contract will stipulate the accepted GMP and authorize

the CMR to receive bids and award Trade Contracts to accomplish the construction of the Project. During the construction phase, the CMR will be responsible for affecting the construction of the project within the GMP providing all necessary construction services through Trade Contractors selected as hereinafter provided.

The completion date for this project is June 20, 2022. Liquidated damages will be assessed in the amount of \$20,000 per day for each calendar day that the CMR fails to complete within this timeframe.

1.3 – The Contract:

Attached to this RFP as **Attachments 2 through 5** are the forms of the Contract for Construction Manager at Risk Work DASNY proposes be executed between the selected Proposer and DASNY. It is the expectation that the attached forms of the Contract will be used, however, if the Proposer has any questions, comments, requests, exceptions, or objections (collectively, “objections”) to the Contract, they shall be set forth in writing, in Tab 5 of the Proposal, for DASNY’s review and consideration. Any objections raised by a Proposer must be commercially reasonable. The nature of any such objections will be among the criteria used by DASNY in determining the selected Proposer. If DASNY believes, in its sole and absolute discretion, that any objections raised by a Proposer are commercially unreasonable, DASNY may reject such Proposer’s Proposal. Failure to submit such questions, comments, requests, or exceptions prior to selection of the selected Proposer will constitute a waiver of those issues by the Proposer. All provisions of the Contract that have not been objected to by a Proposer shall be deemed accepted and agreed to by such Proposer. DASNY may, at any time during the Evaluation Period and in its sole and absolute discretion, modify, amend or change the terms and provisions of the Contract.

The selected Proposer must enter into the Contract with DASNY in substantially the same form and substance as **Attachments 2 through 5**, subject to any modifications that DASNY and the selected Proposer shall agree to in accordance with the terms of the Contract, within fourteen (14) days after receiving notice that it has been selected as the successful Proposer. DASNY, in its sole discretion, may extend this period an additional thirty (30) days. DASNY may select a different Proposer if the initially selected Proposer does not sign the Contract with DASNY by the end of the fourteen (14)-day or extended period.

DASNY reserves the right to negotiate terms and conditions at all times prior to execution of the Contract. Nothing limits DASNY’s right, before its selection of the selected Proposer, to engage in discussions or negotiations with any or all Proposers, relating to the proposed terms of the Contract or the substance of any Proposal submitted in response to this RFP.

1.4 - Key Events and Dates:

<u>Event</u>	<u>Date</u>
Issuance of RFP	08/02/2018
Pre-Proposal Meeting/Site Visit	08/10/2018 (10:00 AM)
Deadline for RFP Questions	08/30/2018 (5:00 PM)
Post Responses to RFP Questions	09/07/2018
Proposal Due Date	09/13/2018 (5:00 PM)
Interviews/Presentations (not earlier than)	10/04/2018
Notice of Award (not earlier than)	10/21/2018

A Pre-Proposal Meeting will be held at SUNY Cortland Whitaker Hall on Friday August 10, 2018 at 10:00 AM. A campus map is included as an attachment to this RFP. Vehicles can be parked

in the lot identified as C4, near the tennis courts. The campus contact for this meeting is Martin Edginton, Associate Facilities Program Coordinator, (860) 593-6498.

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

Section 2 - Engagement Requirements

2.1 - Scope of Services:

Refer to Appendix A, "Scope of Services" listed within each of the attached DASNY Contracts (Design Phase Services and/or Construction Phase Services and/or General Conditions Work Phase Services) for the detailed scope.

2.2 – Qualifications and Certification Requirements:

Firms responding to this RFP must meet the following:

- completed projects of similar size, scope and complexity;
- recent experience providing Construction Manager-at-Risk services on projects of similar size, scope and complexity (experience working on a college campus and multi-phase project experience is preferred);
- employing experienced staff with thorough knowledge of their area(s) of expertise;
- experience delivering projects within a tight construction schedule; and
- working knowledge of the United States Green Building Council (USGBC) LEED rating system, specifically, for projects which have received LEED certification.

2.3 – Project Management Software:

Primavera P6™ will be utilized as the scheduling tool and Primavera Contract Management™ 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). Firms responding to this RFP shall engage these systems, hereinafter referred to as "The Project Management System", for all project deliverables.

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 RFP.

- 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 RFP.
- d. A statement to the effect that your firm is willing to perform all services identified in Section 2, Item 2.1 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. General Qualifications: The following is designed to elicit information important to DASNY in determining the selection of a CMR. Provide descriptive information demonstrating your firm's qualifications for completing this project and a statement as to why your firm should be selected. DASNY requests that each proposer provides information regarding the following:

- a. A description of your firm's organization and the resumes of partners, principals, associates and other key staff proposed to provide services to DASNY, with particular emphasis on At-Risk Construction Management experience.
- b. A description of your firm's experience providing similar services including recent relevant project experience, for the public and private sector. The list of projects should have examples of projects that have been completed in phases, and in a compressed construction schedule. Include the names, titles and phone numbers of at least three (3) references, excluding DASNY employees and a summary of the services provided.
- c. A detailed description of your firm's approach to providing the requested scope of services. Include a timeline and schedule for completion of all aspects of the engagement, including a preliminary project schedule.
- d. 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.
- e. Provide a completed Utilization Plan and Scope Verification Form, included in this RFP as attachments, 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 15% MBE & 15% WBE. The goals refer to the percentage of utilization of your M/WBE sub-consultants.
- f. 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 in order to verify that its work environment demonstrates a strong commitment to diversity.
- g. 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 6%.

Tab 3. 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. A description of how your firm will monitor the allotment and performance of work in order to achieve an efficient administration of the project.
- d. Disclose any potential conflicts of interest (refer to the “Code of Business Ethics - Certification” attached).

Tab 4. Project Approach: Provide a descriptive summary, developed in response to the RFP, as to your firm’s approach to the following items including, but not limited to, all information noted below:

- a. Value Analysis: Describe the process by which your firm performs value analysis so as to achieve an appropriate balance between costs, aesthetics, sustainable design and function. Provide a sample value analysis report from one (1) of the projects listed under the Qualifications category (Section 3, Tab 2.b). In addition, provide a summary as to this value analysis effort inclusive of total number of items studied, total dollar value, total number of accepted items and total corresponding value of the accepted items.
- b. Constructability Issues: Identify four (4) constructability issues in regard to projects listed under the Qualifications category (Section 3, Tab 2.b) and provide a brief description of your firm’s approach to reviewing each.
- c. Cost Model/Estimates: Provide the cost model format used on one of the completed projects provided under the Qualifications category (Section 3, Tab 2.b) and describe how this cost model was developed and the timing of its updates during design, and summarize how the final construction cost related to this cost model. Provide the cost model to be used on this project.
- d. Project Tracking/Reporting: Describe your firm’s approach and procedures for project tracking and reporting, including scheduling, accounting, etc. Provide examples of a progress report including schedule tracking, cost control and reporting, and show how the cost model estimates track to the accounting and invoicing.
- e. Quality Assurance/Control Program – Describe how your firm implements quality assurance/control throughout construction. Provide samples/examples of your quality control program inclusive of applicable documentation.
- f. Safety Program – Describe your firm’s safety program as it pertains to your in-house safety resources, monitoring/enforcement to ensure OSHA compliance, violations, emergency response, evacuation plan and reporting. Provide examples from one of the completed projects under the Qualifications category (Section 3, Tab 2.b) of a safety plan that is customized for a specific project and specific activities on that project.
- g. Requests for Information (RFI) and shop drawings: Describe your firm’s approach to handling these documents to ensure accuracy and timeliness. Provide examples of applicable logs on a project noted in the Qualifications category (Section 3, Tab 2.b).
- h. Staffing Plan: Provide a staffing plan illustrating the staff intended for use during the Pre-Construction Phase and another staffing plan illustrating the staffing during the Construction Phase. Include a description of how your firm will assign and maintain core project team members throughout the life of this project.
- i. LEED Projects: Describe your firms working knowledge of USGBC LEED rating system.

Tab 5. Questions, Comments and Objections to the Contract: As set forth in Section 1.3, above, the Proposer shall identify, in writing, all questions, comments, requests, exceptions, or objections if any, that the Proposer may have to this Contract for DASNY's review and consideration.

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 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 the identified Scopes of Service for Pre-Construction Phase and Construction Phase with General Conditions Work Phase as follows:

- a. Pre-Construction Phase: Direct Salary Costs (hours and rates).
- b. Pre-Construction Phase: Fringe Benefits including a detailed breakdown of the components of your fringe benefit rate.
- c. Pre-Construction Phase: Overhead and Profit in accordance with (Section 4, Tab3).
- d. Construction Phase: Field Staff Direct Salary Costs (hours and rates)
- e. Construction Phase: Field Staff Fringe Benefits including breakdown (if different from Section 4, Tab 2.b).
- f. Construction Phase: Fee Percentage in accordance with (Section 4, Tab 5).

Tab 3. Provide documentation indicating your firm's Overhead and Profit Multiplier for the Pre-Construction Phase. The calculation should include all direct labor expenses, indirect and operating expenses and proposed profit.

Tab 4. Complete the attached Classification & Rate Form to support the unloaded salaries and rates of your employees detailed in Section 4, Tab 2.a and 2.d.

Tab 5. Provide a Construction Phase Fee Percentage for the management of the Construction Phase and General Conditions Work Phase. The Fee Percentage shall be applied to the Trade Contract Value, Bonds, Sub-Guard Insurance, and General Conditions Work items. The Fee Percentage shall not be applied to the CMR's Direct Salaries or Fringe Benefits. The Fee Percentage shall be applied to the final GMP as approved by the Owner, to arrive at the CMR's management fee for this project. The Fee Percentage includes all CMR home office costs, including officers as well as home office and local office support staff, together with all CMR overhead costs and profit. This Fee Percentage shall also include all required services of a home office Project Executive, by whatever name called. As stated above, the fee includes the management of the General Conditions Work Phase. No

additional overhead or profit on direct labor for the construction phase will be paid beyond the construction phase fee.

Tab 6. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.

Tab 7. Provide an estimated cost for General Liability Insurance coverage for the project.

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

A NYS Vendor Responsibility Questionnaire For-Profit Construction (CCA-2) 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 DASNY Vendor Questionnaire included in this RFP as an attachment.

A completed Procurement Lobbying Law – Certification included in this RFP 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: (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.

5.1 - 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.

5.2 – 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 and requirements listed in Sections 2 and 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 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

Proposals must be submitted to:

Stacie Bennett
RFP Coordinator
DASNY
515 Broadway
Albany, New York 12207-2964

Firms must submit one (1) electronic copy of the technical proposal in PDF format (thumb drive media only) along with three (3) hard copies of the proposal. Submit three (3) hard copies of the cost proposal. **DO NOT INCLUDE THE COST PROPOSAL IN THE ELECTRONIC COPY.** Proposals must be submitted on or before 5:00 p.m. on September 13, 2018. Proposals received after the proposal due date will be rejected and returned.

*Firms are encouraged to submit environmentally-friendly proposals.

Section 7 - Important Information Affecting Proposers

7.1 - Proposal Requirements:

1. All inquiries regarding this RFP shall be addressed to the following individual:

Stacie Bennett
E-mail: RFPadministrator@dasny.org

All questions shall be submitted in writing or 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 any time prior to the final due date and time by written notification, signed by an authorized agent, to the contact person identified in Section 7, Item 7.1.1. 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, Item 7.1.1. 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.

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, Item 7.1.1, 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 your firm's employees or proposed sub-contractors 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-contractors. 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 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 time frame.
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 and execution 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 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.