



**Request for Proposal (RFP)
Table of Contents**

| <u>Section</u> | <u>Attachments</u> |
|---|--------------------|
| RFP Instructions | 1 |
| Code of Business Ethics - Certification | 2 |
| NYS Vendor Responsibility Questionnaire For-Profit Business Entity (Non-Construction) | 3 |
| 2005 Procurement Lobbying Law - Certification | 4 |
| Diversity Questionnaire | 5 |
| W-9 Form | 6 |
| Sample Insurance Certificate | 7 |
| Workers Compensation and Disability Coverage Requirements | 8 |
| Audit Hours Format | 9 |
| Audit Committee Charter | 10 |
| Annual Report 2018 | 11 |
| Basic Financial Statements – March 31, 2019 (Audited Financial Statements) | 12 |
| Supplementary Information – March 31, 2019 | 13 |
| Referral List of New York State MWBE and SDVOB Certified CPA Firms | 14 |

Section 1 - General 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 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.

DASNY’s primary lines of business are debt issuance, bond management and construction management.

DASNY’s basic financial statements are a compilation of approximately two thousand separate self-balancing restricted accounts related to the individual series of outstanding bonds and notes and individual operating accounts. DASNY does not pool or commingle cash and investments. As a public benefit corporation, DASNY is included in the financial statements of the State as a discrete component unit.

DASNY has a four-member Audit Committee with responsibilities as outlined in the Audit Committee Charter, included in this RFP as an attachment.

The Public Authorities Accountability Act requires the preparation of an annual report approved by DASNY’s Board and certified in writing by DASNY’s President and Chief Financial Officer. The report consists of on-line templates in the Public Authorities Reporting Information System as well as links to reports on DASNY’s external website. DASNY is in compliance with all required reporting under the Public Authorities Accountability Act.

1.2 Purpose

DASNY seeks proposals for the services of a Certified Public Accounting (CPA) firm to provide annual audits of DASNY’s financial statements and related accounting services by providing reports including a management letter, if applicable, setting forth comments and recommendations to the Board and Audit Committee related to internal controls and other operational matters for the fiscal years ending March 31, 2020 through 2022.

The firm of KPMG has been DASNY’s auditor, selected under several procurements, since 1997. Their most recent report, dated June 19, 2019, expressed an unmodified opinion on DASNY’s basic financial statements for the fiscal year ended March 31, 2019. **Proposers are NOT permitted to contact the current auditor with respect to any information relevant to this RFP.**

DASNY’s previous years of published financial statements are available at www.dasny.org / About Us / Corporate Information / Annual Reporting / Audited Financial Statements. Hard copies of the published financial statements, as well as other related financial records and documents will be available for inspection at DASNY’s Corporate Headquarters located in Albany, NY. An appointment to inspect these records can be arranged by Stacie Bennett, RFP Coordinator at (518) 257-3309.

DASNY will prepare the basic financial statements in conformity with Generally Accepted Accounting Principles (GAAP). All individual restricted debt issue financial statements will be prepared in a cash basis format. In addition, DASNY staff will prepare various schedules, analyses, trial balances and footnote information. The extent of data prepared by DASNY will be available for review as part of the inspection of records. The selected CPA firm will be responsible for all analyses and schedules beyond those provided in the inspection of records.

It is essential for proposers to establish a clear understanding of the extent of DASNY assistance and the remaining audit workload to be completed by the CPA firm. DASNY is committed to providing assistance to minimize fees, including the use of internal audit staff.

The CPA firm must provide its own data verification and/or extraction software if access is needed to computer data files. The software must not interfere with processing or pose any risk to the integrity of data and program files. DASNY’s primary software are:

- 1) JD Edwards World Vision release A9.3 PTF Level 002 Residing on an iSeries (AS400) System Model Number 41A -- general ledger, job cost, operating budget, purchasing, contracts, accounts receivable and accounts payable;
- 2) SunGard APS2 residing on an IBM S814, AIX 7 (Back End) Web based interface running under IIS - Windows server 2012R2 (Front End) Version 4.0 -- Investments and debt service;
- 3) Ultimate Software version 12.4.1 Ultipro hosted payroll system and;
- 4) DASNY utilizes a hosted Primavera Contract Management version 14.2 to manage construction projects with a custom integration with JD Edwards. Note: DASNY is currently in the process of replacing the Primavera Contract Management System with a new Construction Program Management Software Solution to be determined at a later date.

1.3 Key Events and Dates

| <u>Event</u> | <u>Date</u> |
|--|-------------------|
| Issuance of RFP | 8/05/19 |
| Deadline for RFP Questions | 8/15/19 (5:00 PM) |
| Post Responses to RFP Questions | 8/22/19 |
| Proposal Due Date | 8/29/19 (5:00 PM) |
| Interviews (anticipated, if necessary) | 10/14/19 |
| Board Approval (anticipated) | 11/13/19 |
| Notice of Award (anticipated) | 11/14/19 |

Section 2 - Engagement Requirements:

2.1 Scope of Services

The selected CPA firm will be required to provide the following services:

- Develop a detailed audit plan to accomplish the scope of work described herein including the method of verifying cash, investments, and outstanding debt balances;
- Examine DASNY's basic financial statements;
- Examine the financial statements for each applicable debt resolution issued by DASNY as required by particular debt covenants;
- Perform complete audit examinations with corresponding reports as described below;
- Perform an interim review of investments. In addition, collateral for investment agreements, if any shall be verified at DASNY's fiscal year end and at least once on an unannounced basis during the fiscal year. The collateral for investment agreements is held in book-entry form by a third party custodian. Provide a report of procedures performed, including findings, in connection with the investment review;
- Provide year-round technical assistance to DASNY personnel on various accounting matters, procedures and reporting requirements, including the implementation of applicable accounting pronouncements;
- Provide drafts of all reports, as described below, for review with the Audit Committee, Chief Financial Officer and other DASNY staff as may be appropriate and make necessary clarifications as may be appropriate, all before final publication of same;
- Present drafts of all reports, other than the Individual Restricted Debt Issue Financial Statements, as described below to DASNY's Audit Committee and Board at meetings in late June of each year;
- Provide electronic format of basic financial statements including Management's Discussion and Analysis (MD&A) and footnotes and supplemental schedule of bonds and notes outstanding no later than the day following DASNY's June Board meeting in 2020, 2021, 2022, and if applicable, 2023 and 2024;
- Provide printed copies of DASNY's basic financial statements including opinion, MD&A and footnote disclosures no later than June 30 for the fiscal years ending March 31;
- Provide printed copies of supplementary information and additional reports as described below no later than June 30 for the fiscal years ending March 31;
- Provide a summary of audit procedures performed over investments;
- Provide printed copies of DASNY's individual restricted debt issue financial statements including opinions and footnotes on or about September 30 for the fiscal years ending March 31;
- Provide electronic format of individual restricted debt issue opinions and footnotes on or about October 15;
- Provide a schedule of actual hours worked on DASNY's audit by staff level and audit area at the conclusion of each annual audit;
- Meet with DASNY's Audit Committee, Board or management as deemed necessary; and
- Review drafts of DASNY's Annual Report.

It is expected that the CPA firm will attend a minimum of two meetings with the Audit Committee each year. The firm will present its planned scope and audit plan, including the firm's expectation of assistance from and reliance on DASNY staff at an initial meeting and will present and review all final reports including the management letter, if applicable, at the June meeting.

The CPA firm shall perform a complete audit examination in connection with DASNY's financial statements and operations. The scope of the audit shall be planned as to preclude the necessity for exceptions arising from scope limitations and shall be sufficient to enable the CPA firm to express an opinion on DASNY's basic financial statements as well as the financial statements for each restricted debt issue as applicable. The scope of the audit as detailed in the firm's formal plan will be reviewed by the Audit Committee, Chief Financial Officer and other DASNY staff as may be appropriate. The following paragraphs provide a general description of the scope of the engagement as well as the reports expected at the completion thereof.

It is essential that all final printed basic financial statements, supplementary information and additional reports including the management letter if applicable are received annually by June 30. This deadline excludes the individual restricted debt issue financial statements. **Draft copies of the basic financial statements, supplementary information and additional reports must be received in early June for review by staff and the Audit Committee and mailing to the Board.** These statements must be presented to DASNY's Board for their approval at a meeting to be held in late June in order to meet the June 30 submission deadline for filing a copy of the final certified basic financial statements with the New York State Authority Budget Office and New York State Office of the State Comptroller.

The selected CPA firm will be required to provide the services described below. DASNY may terminate the services upon written notification from the Board giving thirty days' notice of intent to cancel and reason for termination of the engagement. At the end of the thirty-day period, the engagement shall be deemed to have been canceled and DASNY shall have no further liability under the terms and conditions of the engagement.

1. Basic Financial Statements

The basic financial statements are prepared to conform fully to GAAP and must be in full compliance with the pronouncements of the Governmental Accounting Standards Board (GASB) and/or the Financial Accounting Standards Board (FASB), as appropriate. The CPA firm shall provide an independent auditors' report on the examination of the basic financial statements.

The CPA firm shall furnish printed copies of the basic financial statements to DASNY by June 30. All costs of formulation, printing, reproduction, binding and delivery shall be borne by the CPA firm.

The basic financial statements shall include the following:

- a. Management's Discussion and Analysis
- b. Statement of Net Position
- c. Statement of Revenues, Expenses and Changes in Net Position
- d. Statement of Cash Flows
- e. Notes to the Basic Financial Statements

2. Supplementary Information

The CPA firm shall furnish the following supplementary information and related reports by June 30:

- a. Schedule of Assets, Liabilities, and Net Assets by Program
- b. Schedule of Revenues, Expenses and Changes in Net Assets by Program
- c. Schedule of Cash Flows by Program
- d. Schedule of Expenses – Budget and Actual
- e. Schedule of Bonds and Notes Outstanding
- f. Bonds and Notes Outstanding by Institution

3. Additional Reports

The CPA firm shall furnish the following reports by June 30:

- a. Report on Internal Control Over Financial Reporting and Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards
- b. Report on Compliance with the Requirements of Section 201.3 of Title Two of the Official Compilation of Codes, Rules, and Regulations of the State of New York
- c. Required Communications to the Audit Committee
- d. Management Letter, if applicable
- e. Investment Procedures Performed

4. Individual Restricted Debt Issue Financial Statements

The CPA firm shall provide a separate set of cash basis financial statements at the resolution level including an independent auditors' report and footnotes for each debt issue with such requirement (approximately 23 as of March 31, 2020). Each resolution may consist of more than one bond issue. The requirement to obtain an independent auditors' report on the resolution-level financial statements was eliminated from DASNY's bond resolutions during the year 2000. Consequently, the number of sets of resolution-level financial statements requiring an independent auditors' report decreases each year as bonds mature or defease.

The CPA firm shall perform a complete audit examination of each restricted debt issue including, but not limited to, the following:

- Verification of cash, investments and debt outstanding balances as of March 31.
- Verification of the interest on indebtedness and the bond redemptions during the current fiscal year;

The independent auditors' report for each resolution shall include a specialized paragraph which shall provide negative assurance as to compliance with the terms, covenants, or provisions of the respective debt resolutions with specific reference to reserve requirements and insurance requirements. Thus, the CPA firm must gain reasonable familiarity with all of the debt resolutions.

Each individual set of financial statements shall include the following reports:

- a. Statement of Assets and Liabilities
- b. Cash Receipts and Disbursements by Fund
- c. Notes to the Financial Statements

The CPA firm shall furnish to the Authority three (3) copies bound in volumes, three (3) individually bound copies, one (1) loose-leaf copy and an electronic copy on disc of the individual sets of restricted debt issue financial statements on or about September 30. All costs of formulation, printing, reproduction, binding and delivery shall be borne by the CPA firm.

5. Technical Assistance

As part of the overall audit contract and included in the proposed fee for the overall DASNY audit, DASNY expects to receive from the CPA firm a variety of technical assistance throughout the fiscal year. This assistance would involve guidance on the implementation of applicable accounting pronouncements, as well as answers to accounting, reporting, payroll, taxation or internal control questions which could require telephone conversations or meetings with the engagement partner or engagement manager. These

types of assistance shall be rendered within the context of the overall fee for audit and related accounting services unless otherwise agreed upon in advance.

6. Billings

Each invoice for accounting services shall be submitted in accordance with the dates and amounts in the engagement letter and be accompanied by an MWBE Compliance Report.

7. Work Location

Unless otherwise noted, services will be performed at DASNY’s main office located in Albany, NY.

8. Other

The selected firm may provide non-audit services to DASNY during the term of the audit engagement, as specifically approved by the Audit Committee.

2.2 Qualifications

Firms responding to this RFP must meet the following qualifications:

- be a member of the American Institute of Certified Public Accountants;
- employs certified public accountants properly licensed by the University of the State of New York and registered by the State Education Department or other applicable state’s regulatory agency;
- meet all required independence standards, including the GAO Standards for Audit of Governmental Organizations, Programs, Activities and Functions, the American Institute of Certified Public Accountants' Rules on Independence and those of any other applicable regulatory agencies;
- shall not have a record of substandard work;
- must be nationally recognized as required by DASNY bond documents;
- must carry and maintain professional liability, general commercial liability, workers compensation and NYS disability benefits insurance for the entire time work is being performed and at least three years after completion of the work with sufficient limits, as deemed appropriate by DASNY.

Section 3 - Content of 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 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 relating to this RFP.

- 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 RFP, including all attachments.
- e. A statement that the firm meets all of the qualifications as described in Section 2.2 above.
- 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. General Qualifications – Provide descriptive information demonstrating your firm’s qualifications.

- a. Firm and Staff - Provide a brief description of the firm’s qualifications and ability to perform the services described herein. Identify the engagement partner, manager, field supervisors and other staff who will be assigned to the audit, and provide brief resumes describing pertinent experience for all staff to be assigned. **Please identify specific experience of proposed staff as it relates to the detailed list of similar engagements listed in the following item b.** Also identify the office location from which staff will be assigned, and list the number of professional CPA staff in the servicing office. **Please identify those engagements listed in the following item b that were managed by the servicing office.** Describe your firm’s national presence, which should include information such as number and location of firm’s offices, firm’s experience, including client list, firm’s membership in a group practice or affiliation with another firm and firm’s industry reputation.
- b. Similar Experience – Describe recent auditing experience similar to the type of work requested. Include a detailed list of engagements in similar industries (including other public authorities, agencies of the federal, state, and local government, financial institutions, and construction entities).
- c. References – For three of the audits listed, provide the name, title, and telephone number of the client official responsible for the audit.
- d. Audit Plan – Submit a conceptual plan to accomplish the scope of work defined in this RFP, Section 2.1, Scope of Services. The conceptual plan for the audit should completely cover what audit work will be accomplished to allow the CPA firm to issue all required reports and provide all services indicated, including a plan for transition from the current auditors, if applicable.
- e. Audit Hours – Provide a schedule for each of the fiscal years ended March 31 in accordance with the Audit Hours Format included in this RFP as an attachment, which shows estimated total hours by staff level for audit services. The schedule shall include estimated total hours for the audit of DASNY’s basic financial statements, restricted debt issue financial statements, and the preparation of all financial statements, mandated reports and special reports and schedules as described in Section 2.1, Scope of Services. (A supplemental detailed schedule must be submitted for Section 3 of the Audit Hours Format, which lists the total hours by staff level for each task or audit function in the firm’s Audit Plan, as provided in response to Section 3.2.d above).
- f. Internal Audit Assistance – Provide a clear description of your expected reliance on or use of the work of DASNY’s internal audit staff.
- g. Quality Assurance – Provide a copy of the firm’s most recent peer review.
- h. Pronouncement Update – Provide a list and brief description of the potential impact on DASNY of any proposed GASB or other financial pronouncements.
- i. Other matters – Disclose any litigation, administrative proceeding, disciplinary action, violation of or investigation involving the alleged violation of any federal or state regulatory agency rules in which your firm was involved, whether currently ongoing or concluded, in the past five years. Specify the nature of any such matter, corrective measures undertaken and penalties assessed.

Tab 3. Partnering Arrangements – As part of our commitment to achieve participation by certified New York State MWBE and SDVOB Firms, DASNY strongly encourages Minority, Woman-Owned-Business Enterprises (MWBES) and Service-Disabled Veteran-Owned Businesses (SDVOBS) partnering arrangements. Historically, MWBE participation on this procurement has ranged between 25 – 30%. A listing of NYS MWBE and SDVOB Certified CPA firms is included as an attachment to this RFP for your reference and use. Firms submitting proposals based on partnering arrangements must describe the legal relationship between the accounting firms submitting the proposal, demonstrate how the firms propose to provide the services required under the RFP and how the fees will be allocated among the firms. Describe prior experience, if any, in which the firm has worked on engagements utilizing partnering with MWBES & SDVOBS. Responses should include the nature of the engagement, how such arrangement was structured and a description of how the services and fees were allocated. It is the goal of DASNY to encourage participation by qualified and certified Minority, Woman-Owned-Business Enterprises (MWBES) and Service-Disabled Veteran-Owned Businesses (SDVOBS) as part of your team with meaningful roles to the maximum extent practical and consistent with legal requirements.

Tab 4. Provide a complete Diversity Questionnaire, included in this RFP as an attachment. It is DASNY’s goal to utilize qualified firms that have a demonstrated history of hiring, training, developing, promoting and retaining minority and women staff. This questionnaire elicits information about each responding firm in order to verify that its work environment demonstrates a strong commitment to diversity.

Tab 5. 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 seven 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.
- d. Provide a statement to the effect that the proposed fee is an irrevocable offer good for 120 days.
- e. Disclose any potential conflicts of interest (refer to the “Code of Business Ethics - Certification” attached).

Tab 6. Provide a fixed fee proposal for each of the fiscal years ended March 31, 2020 through 2022 for all work described in Section 2.1. If DASNY, at its sole discretion, chooses to extend the contract for up to two additional one-year engagements, the fee for any extensions will be negotiated at that time.

The fixed fee proposal must include two fees, one reflecting the firm’s proposed approach to verification of cash, investments, and outstanding debt, and a second fixed fee reflecting 100% confirmation of cash, investments, and outstanding debt.

If the firm’s approach includes reliance on DASNY’s Internal Audit Department, include any impact on the fee if that assistance was not provided.

Provide the firm’s billing rates as follows:

- The regular corporate billing rates for those partners, managers, field supervisors and other staff proposed to be assigned to the audit.
- The discounted rates (if any) proposed to be charged to DASNY for those partners, managers, field supervisors and other staff proposed to be assigned to the audit.
- Indicate whether the rates proposed above exceed the rates currently being charged by the proposer to other public entities in New York.

Tab 7. Provide a completed W-9 form, included in this RFP as an attachment.

Tab 8. 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. 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>.

Pursuant to Executive Order No. 170.1 – Uniform Guidelines for Responsibility Determinations, Executive Order No. 125 – NYS Vendor Responsibility Questionnaire and Executive Order No. 192 – Continuing Vendor Integrity, DASNY may only award a contract to a responsible proposer. A responsible proposer must have the integrity to justify the award of public dollars and the capacity to perform the requirements of the contract fully. The proposer must file a vendor responsibility questionnaire with DASNY. The questionnaire provides the proposer an opportunity to self-disclose any issues and provide necessary information, which DASNY will use as part of its determination.

- b. A completed Procurement Lobbying Law – Certification included in this RFP as an attachment.

Section 4 - 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 best overall qualifications and 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.

4.1 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 Section 3. Incomplete proposals may be rejected.

4.2 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.

4.3 Criteria for Selection

The criteria for selection shall be the respondent's understood ability to meet DASNY's needs as described in Sections 2 and 3.

4.4 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 5 - Submission of Proposals:

Firms must submit one (1) electronic copy of the technical proposal in PDF format (thumb drive media only) along with one (1) double-sided hard copy of the technical proposal. Proposals must be submitted on or before 5:00 pm on August 29, 2019. Proposals received after the proposal due date will be rejected and returned.

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

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 own creative ideas.

Section 6 - Important Information Affecting Proposers:

6.1 Proposal Requirements

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

Stacie Bennett

RFPadministrator@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. Answers to all questions of a substantive nature will be given to all recipients of this RFP in the form of a formal addendum.

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 6.1.1 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 6.1.1 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.

6.2 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 6.1.1 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.

6.3 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 assigned to provide services on this activity and to require their replacement at any time.

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 accept a proposal for the engagement containing other than the lowest cost proposal.
8. To interview proposers prior to selection.
9. 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.
10. 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.
11. To contract with more than one firm.

6.4 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 its 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 7 – Negotiation:

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

Section 8 – 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.