

Request for Proposals for Banking and Custodial Services

November 22, 2019

# TABLE OF CONTENTS

[Section 1 - General Information 4](#_TOC_250040)

1. [DASNY Description 4](#_TOC_250039)
2. [Purpose 5](#_TOC_250038)
3. [Key Events/Dates 5](#_TOC_250037)

[Section 2 - Engagement Requirements 6](#_TOC_250036)

1. [Scope of Services 6](#_TOC_250035)
2. [Minimum Qualifications 6](#_TOC_250034)

[Section 3 – Diversity and Inclusion 7](#_TOC_250032)

1. [Community Reinvestment Act (CRA) 7](#_TOC_250031)
2. [Workforce 7](#_TOC_250031)

[Section 4 – Inquiries/Questions & Answers 8](#_TOC_250029)

1. [Inquiries 8](#_TOC_250028)
2. [Questions & Answers 8](#_TOC_250027)

[Section 5 - Evaluation of Proposals 9](#_TOC_250026)

1. [Selection Process 9](#_TOC_250025)
2. [Preliminary Review 9](#_TOC_250024)

1. [Evaluation 9](#_TOC_250023)
2. [Criteria for Selection 9](#_TOC_250023)

1. [Interview- Phase I 10](#_TOC_250023)
2. Site Visit- [Phase II 10](#_TOC_250023)

[Section 6 - Submission of Proposals 10](#_TOC_250021)

[A. Response Submission 10](#_TOC_250020)

[Section 7 - Important Information Affecting Proposers 11](#_TOC_250019)

1. [Proposal Requirements 11](#_TOC_250018)
2. [DASNY’s Requirements 11](#_TOC_250017)
3. [DASNY’s Rights and Prerogatives 11](#_TOC_250016)
4. Contractual Requirements [12](#_TOC_250016)
5. Negotiation [[13](#_TOC_250016)](#_TOC_250016)
6. [Notification 13](#_TOC_250016)

Section 8 – Vendor Integrity ……………………………………………………………………….13

[Section 9 - Term of Engagement 1](#_TOC_250015)4

[Section 10 – Items to be Completed and Returned 1](#_TOC_250014)5

1. [Application Coversheet 1](#_TOC_250013)6
2. Mandatory [Qualifications 1](#_TOC_250012)7
3. Bank Experience  [1](#_TOC_250011)9
4. Banking Services20
5. Technology Enhancements  [2](#_TOC_250007)6
6. Cyber Security  [2](#_TOC_250006)8
7. Business Resiliency/ Business Continuity30
8. Fee Schedule - Banking Services [3](#_TOC_250009)1
9. Fee schedule - Ancillary Services [3](#_TOC_250008)2
10. [Certification Concerning Independent Proposal 3](#_TOC_250004)3
11. [Certification Regarding Audit 3](#_TOC_250003)4
12. [Procurement Lobbying Law 3](#_TOC_250007)5
13. [NYS Vendor Responsibility Questionnaire 3](#_TOC_250006)7
14. [Code of Business Ethics – Certification 38](#_TOC_250005)
15. [Certification Regarding Joint Commission on Public Ethics](#_TOC_250004) 42
16. [Diversity Questionnaire 43](#_TOC_250002)
17. [References 45](#_TOC_250001)

##### Section 1. General Information

##### DASNY Description

The Dormitory Authority of the State of New York (“DASNY”) is a public benefit corporation of the State of New York empowered by Titles 4 and 4-B of the Public Authorities Law (the “Act”), to provide design and project management services and issue bonds, notes and other obligations for a wide variety of public purposes. DASNY is governed by a Board consisting of the Commissioner of the Department of Health, the Commissioner of the State Education Department, the Director of the Division of Budget, the State Comptroller or a representative appointed by the State Comptroller, a representative appointed by the Assembly Speaker, a representative appointed by the Temporary President of the Senate, and five members appointed by the Governor with the consent of the Senate.

DASNY is one of the largest issuers of tax-exempt debt in the nation and currently has several hundred series of tax-exempt and taxable bonds outstanding with a total par value of approximately $54.9 billion as of March 31, 2019. During fiscal year 2018-19, DASNY sold 12 bond issues totaling $8.7 billion.

DASNY is also one of the largest public construction agencies in the United States, with construction disbursements on projects managed by DASNY ranging between $700-$900 million annually in 2018 and 2019.

DASNY and its subsidiaries, NGHP Holding Corporation and Atlantic Avenue Healthcare Property Holding Corporation, utilize 6 separate checking accounts as follows:

Operating Payments for general operating related expenses (for FYE 3/31/19 approximately 2,311 checks issued totaling $91.5M).

Payroll Payroll checks (for FYE 3/31/19 approximately 615 checks issued totaling approximately $1.1M) and Direct Deposits (approximately 500 direct deposits per payroll, total of 13,000 direct deposits annually).

Construction Payments to contractors, vendors and institutions for construction related costs (for FYE 3/31/19 approximately 6,522 checks issued totaling approximately $798.8M).

Comprehensive

Payments to suppliers and vendors via virtual card or ACH.

NGHP Payments made on behalf of DASNY’s subsidiary, NGHP Holding Corp. (less than 5 checks per year).

AAHHC Payments made on behalf of DASNY’s subsidiary, Atlantic Avenue Healthcare Holding Corporation (less than 5 checks per year).

Payments are issued from all six accounts and are funded from various custody and/or trustee accounts held at various institutions on the date that the payments are issued.

In addition, DASNY has approximately 8 demand deposit accounts (DDA’s) (totaling $23M as of 3/31/19) that it uses to collect fees and/or hold funds for grant programs and various rehabilitation related projects. Four of the DDA’s are set up using a Master and subaccount structure, with all activities flowing through the Master and allocated to the Subaccounts by the Bank upon direction of DASNY personnel. DASNY receives approximately 700 checks on an annual basis.

##### Purpose

This Request for Proposal (RFP) solicits proposals from commercial banks (Banks) operating in New York State to provide the depositing, disbursing (via check and electronic funds transfer), monitoring, reporting, electronic cash management system and custodial services which are detailed herein for DASNY’s General Operating, Construction, Comprehensive Payables and Payroll accounts and various unrestricted custodial accounts. DASNY’s objectives are:

1. To make all disbursements with maximum efficiency and timeliness;

2. To ensure timely credit for deposits to maximize cash flow;

3. To ensure timely investment of funds with a reasonable rate of return;

4. To ensure timely reconciliation of the accounts;

5. To minimize any risk of fraudulent activity; and

6. To have a central contact, with adequate backup, to ensure that critical banking needs are carried out in a timely fashion.

##### Key Events/Dates

Provided below is the schedule for milestones in this RFP process, listed in order of occurrence. DASNY reserves the right to change any or all of these dates as it deems necessary or convenient in its discretion. **Proposing firms are responsible for periodically checking DASNY’s website for updates, clarifications and other important information concerning this RFP.**

Issuance of RFP 11/22/19

Registration Deadline for Informational Session 12/9/2019

\*Informational Session (optional) 12/19/2019 (2:00pm – 4:00pm)

Deadline for RFP Questions 12/23/2019 (5:00pm)

Post Responses to RFP Questions 1/10/2020

Proposal Due By 1/31/2020 (5:00pm)

Interviews Week of 3/9/2020

Onsite visit (if necessary) Week of 3/23/2020

Board Approval (if necessary, not earlier than) 5/6/2020

Notice of Award (not earlier than) 5/8/2020

\* An Informational Session will be held at DASNY’s main office in Albany, NY. Each proposer will have the option to attend, either in person or participate via webcast. This Session will include a review of DASNY’s current payment processing methods. Each proposer will have the opportunity to observe and discuss with DASNY personnel how files are processed and the ultimate printing and funding of disbursements, including movement of monies at the Bank. **Those wishing to attend the Informational Session should submit their registration by email to:** [**RFPCoordinator@dasny.org**](mailto:RFPCoordinator@dasny.org)**.** **For participation in the WebEx session please click the following link:** [**Click Here**](https://dasny.webex.com/webappng/sites/dasny/meeting/info/bd5b108b315b431c980475b30288a79a?siteurl=dasny&MTID=m60d0f56a7251021977e9d33ef6554d53)

##### Section 2. Engagement Requirements

##### A. Scope of Services

The Proposer shall provide custodial and general account services for all accounts, including establishing and administering all accounts and maintaining accurate records of activity in each account. Each account may receive regular deposits of ACH, wire, cash or checks from various sources. The DDA accounts may be a mix of interest bearing and/or compensating balance accounts dependent upon the proposed fee schedule selected. DASNY requires on-line access to process voids, cancels and deletes; issue stop payment and replacement check services; initiate ACH transactions, internal transfers between DASNY accounts, wire transfers and perform inquiries. The account services are more fully described in Section 10D.

##### B. Minimum Qualifications

Proposals will be considered only from banking institutions that meet the qualifications listed in Section 10B, are capable of performing the required services identified in Section 10D and are able to show evidence of the following insurance requirements:

1. **Workers’ Compensation Law Requirements**

a. The CONSULTANT shall purchase at its own expense and maintain until final acceptance of the Project by the OWNER, from a company or companies licensed or authorized to do business in New York State, or otherwise acceptable to the OWNER, insurance policies containing the following types of coverages and minimum limits of liability protecting from claims which may arise out of or result from the performance or non-performance of services under this Contract for consultant services by the CONSULTANT or by anyone directly or indirectly employed by it, or by anyone for whose acts it may be liable. The CONSULTANT shall not commence work under the Contract until the CONSULTANT has obtained all the insurance required under this Article:

1. C-105.2 (September 2015, or most current version) - Certificate of Workers Compensation Insurance. The insurance carrier will provide a completed form as evidence of in-force coverage.
2. U-26.3-Certificate of Workers Compensation Insurance from the State Insurance Fund. The State Insurance Fund will provide a completed form as evidence of in-force coverage.
3. GSI-105.2(2/02 or most current version) - Certificate of Participation in Workers’ Compensation Group Board-approved self-insurance. The NYS Workers’ Compensation Board’s Self Insurance Office or the Contractor’s Group Self Insurance Administrator shall provide a completed form.
4. SI-12 (5/09 or most current version) Affidavit Certifying That Compensation Has Been Secured. The NYS Workers’ Compensation Board’s Self Insurance Office or the Contractor’s Self Insurance Administrator shall provide a completed form.

**b. Disability Benefits**

1. DB-120.1 (September 2015, or most current version) – Certificate of Insurance Coverage under the NYS Disability Benefits Law. The insurance carrier will provide a completed form as evidence of in-force coverage.
2. DB-155 (September 2016, or most current version) Certificate of Disability Self Insurance. The NYS Workers’ Compensation Board’s Self Insurance Office will provide a completed form.
3. CE-200-Certificate of Attestation of Exemption. (Note: This form will only be accepted as evidence of an exemption from providing Disability Benefits insurance as required by law. DASNY will *not* accept this as an exemption from providing Workers’ Compensation Insurance.) The Certificate may be obtained from the NYS Workers Compensation Board’s website at www.wcb.state.ny.us/content/main/forms.htm. The CE-200 cannot be used for multiple projects. Therefore, a new form will have to be completed prior to award of any subsequent contracts. All forms are valid for one year from the date the form is signed/stamped, or until policy expiration, whichever is earlier.

**2. Commercial General Liability** which includes the entities listed in Appendix “D”, entitled **ADDITIONAL INSUREDS**,per the attached sample contract**,** with per-occurrence and aggregate limits of not less than Two Million Dollars ($2,000,000). The limits may be provided through a combination of primary and umbrella/excess liability policies. The Proposer shall list any deductible or SIR (Self-Insured Retention) and provide a copy of the endorsement.

Coverage shall include, but not be limited to, Blanket contractual liability and Completed Operations coverage for a term of no less than three (3) years.  
  
 **3. Commercial Comprehensive Automobile Liability and Property Damage** covering all owned, leased, hired and non-owned vehicles used in connection with the Work with combined single limits of not less than One Million Dollars ($1,000,000.00) each person/each accident for bodily injury and property damage.  
  
 **4. Umbrella and/or Excess Liability policies** used to comply with CGL, Automobile Liability and Employers Liability limits shown above may be warranted to be in excess of limits provided by primary CGL, Automobile Liability and Employer’s Liability.

**5. Technical Errors and Omissions/Professional Liability Insurance and Cyber Risk Insurance** with a limit of not less than One Million Dollars ($1,000,000) and subject to a deductible, or self-insured retention, of not more than One Hundred Thousand Dollars ($100,000.00) per claim. Such policy(ies) shall include the Dormitory Authority – State of New York as Additional Insured with respect to claims brought by third parties in connection with work performed by the Proposer. Such policy(ies) shall also remove any exclusion that restricts or eliminates coverage for claims brought by DASNY against the Proposer that would otherwise be covered by the policy. The cyber risk policy shall provide coverage for any incremental costs incurred by DASNY to investigate and remediate any data breach that may have exposed DASNY’s data.  The policy should provide third party coverage for both DASNY and our clients.

A Certificate of Insurance, indicating the Program, must be submitted and approved by DASNY prior to the commencement of work. Certificate shall provide 30 days’ written notice prior to the cancellation, non-renewal, or material modification of any policy. Upon request, the Proposer shall furnish DASNY with certified copies of each policy.

##### Section 3. Diversity and Inclusion

##### Community Reinvestment Act (CRA)

##### Describe the Proposer’s involvement in CRA and most current CRA rating if it is applicable.

##### Workforce

DASNY is committed to diversity and equal employment opportunities among its contractors and consultants inclusive of banking firms. This procurement is conducted in accordance with Article 15-A and 17-B of the Executive Laws. It is the policy of DASNY to maximize opportunities for the participation of MWBE/SDVOBs as bidders, subcontractors, subconsultants, and suppliers on projects.

Although no goals for participation in the services by certified MWBE/SDVOBs have been set for this proposal, it is the goal of DASNY to utilize qualified banking firms that have a demonstrated history of hiring, training, developing, promoting and retaining minority and women staff.

By responding to this RFP, each firm acknowledges that:

* 1. The Proposer will submit their equal employment opportunity policy statement to DASNY.
  2. The Proposer will not discriminate against any employee or applicant for employment because of race, creed, color, sex, religion, national origin, military status, sexual orientation, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and will make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on contracts with DASNY.
  3. The Proposer will state in all solicitations or advertisements for employees that, in the performance of this Contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, sex, religion, national origin, military status, sexual orientation, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status.
  4. The Proposer will submit to DASNY, a completed Diversity Questionnaire provided by DASNY, and a staffing plan of the anticipated work force to be utilized on the engagement with DASNY, information on the Proposer’s total work force, broken down by specified ethnic background and gender. The Proposer should also include information on its current programs in diversity/inclusion.

##### 

##### Section 4. Inquiries/Questions & Answers

##### Inquiries

All inquiries concerning this RFP or any other aspects of this procurement must be emailed to:

**Nicole White, RFP Coordinator**

**E-mail:** [**RFPCoordinator@dasny.org**](mailto:RFPCoordinator@dasny.org)

##### Questions & Answers

In order to provide DASNY with sufficient time to reply, questions must be received no later than **5:00pm on 12/23/2019**. A list of all substantive questions received with relevant responses will be posted to DASNY’s website, [www.dasny.org](http://www.dasny.org/).

##### No firm which is considering submitting a proposal or which has submitted a proposal shall contact any DASNY employee other than the contact person listed above during the period of the RFP process about any matters related to the RFP or any proposals submitted in response to this RFP. Such contact may result in the rejection of the proposal.

##### Section 5. Evaluation of Proposals

##### Selection Process

The selection process will begin with the review and evaluation of each of the written proposals. The purpose of the evaluation is two-fold: (1) to examine the responses for compliance with this RFP, and (2) to identify the complying firms that have the highest probability of satisfactorily performing the scope of services. The evaluation will be conducted in a comprehensive and impartial manner as set forth herein.

##### 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 this RFP. Incomplete proposals will be disqualified automatically from this RFP process. Proposals that pass the preliminary review will then be subjected to an evaluation.

##### Evaluation

##### Proposals will undergo an evaluation process conducted by DASNY employees (“Evaluation Committee”). The Evaluation Committee will evaluate the proposals based on the criteria for selection set forth below. Proposers may be requested by DASNY to clarify the contents of their proposals. Other than to provide such information as may be requested by DASNY, no Proposer will be allowed to alter its proposal or add information after the Deadline for Submission of Information. DASNY, at its sole discretion, but in accordance with the provisions of this RFP, will determine which proposals best satisfy its requirements

##### Criteria for Selection

Proposals will be evaluated on the following criteria and points:

* 1. The general qualifications, credit worthiness, financial condition, experience, reputation, client base and operational approach of the Proposer < 10 points >.
  2. The general qualifications, experience, reputation, and client base of the staff proposed to be assigned to the DASNY engagement < 10 points >.
  3. The responses to issues and questions posed in this RFP meet the following two-part requirements (a) The Proposer demonstrates taking the time and effort to respond to our requirements (b) The Proposer’s responses offer viable solutions to meet DASNY’s needs < 20 points >.
  4. The Proposer’s technology addresses the following requirements (a) IT systems provide the functionality to provide DASNY with the capability to support business requirements, (b) IT systems provide additional capability that DASNY will be able to leverage to optimize business processes, and (c) Cyber security protecting the IT systems and DASNY data are aligned with industry best practices < 25 points >.
  5. Fee Schedules < 25 points >.
  6. The Proposer’s record of diversity and equal employment including (i) recognition of the Proposer’s equal employment opportunity and diversity policies, programs, and initiatives; (ii) the diversity of the staff that will be substantially involved in work performed for DASNY < 10 points >.

##### Interview- Phase I

DASNY reserves the right to determine whether interviews with one or more of the proposing firms will be necessary. The purpose of the interview is to assist DASNY in better understanding the Proposer’s ability to provide the services and how specific services will be furnished. Key personnel who would be responsible for providing services should be present and participate in the interview. The interview will be evaluated based on whether it substantiates the characteristics and attributes identified by the Proposer in its written response to this RFP and any other information requested by the Evaluation Committee prior to the interview.

The selected proposers shall participate in a 2 - 3 hour interview to be held at DASNY’s Albany office in March 2020. DASNY will notify the selected proposer(s) of their assigned date and time, along with specific questions to be addressed during the interview under separate correspondence. The selected proposers will need to provide a brief software demonstration of the systems that would be used by DASNY if selected, highlighting some of the key features, including application functionality, feasibility and performance, product roadmap and customer support, etc. In addition, the Proposer may be asked to address items specific to their submitted proposal.

Please allocate time when demonstrating the Proposer’s applications to indicate what data can be uploaded or downloaded and how DASNY teams would leverage that capability.

**F. Site Visit- Phase II**

DASNY reserves the right to shortlist proposers after the interview and conduct an onsite visit at the shortlisted proposer(s)’ technology innovation center or digital center. The shortlisted proposer(s) will be required to;

1. Demonstrate the Proposer’s technology innovation and how the Proposer researches, develops and tests forward-thinking ideas that will benefit DASNY as a client;

2. If it is feasible, demonstrate the Bank’s security posture for the applications that will be supporting DASNY’s business via sharing reports of recent ethical hack / application security testing for the in-scope applications.

##### Section 6. Submission of Proposals

##### Response Submission

Complete the items as appropriate pursuant to the instructions in this RFP. **In your response, provide the information in the same order in which it is requested.** Your proposal must contain sufficient information to assure DASNY of its accuracy.

Proposers should note that all clarifications and exceptions are to be resolved prior to the submission of a proposal. A list of all substantive inquires received with relevant responses will be posted on DASNY’s website, www.dasny.org by **1/10/2020.**

Firms must submit one (1) electronic copy of their proposal in PDF format (thumb drive media only) along with one (1) hard copy of their proposal. Proposals received after the due date will be rejected and returned. **Proposals must be submitted before 5:00 pm on 1/31/2020 to:**

**Nicole White**

**RFP Coordinator**

**DASNY – State of New York 515 Broadway**

**Albany, NY 12207**

An official authorized to commit the company to a contract or engagement letter must sign the proposal. All proposals and accompanying documentation will become the property of DASNY and will not be returned. The content of each firm’s proposal will be held in strict confidence during the evaluation process and no details of any proposal will be discussed outside the evaluation process.

##### Section 7. Important Information Affecting Proposers

##### Proposal Requirements

* + 1. 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 6.A 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. DASNY will not be liable for any costs incurred by a proposer in the preparation and production of a proposal and/or an interview.
    2. 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.A 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 shall be posted on DASNY’s website.
    3. By responding to this RFP, the Proposer indicates its acceptance of the provisions and conditions enumerated in this RFP. The Proposer warrants and affirms that the terms of this RFP, and any resultant agreement, do not violate any contracts or agreements to which it is a party, and that its other contractual obligations will not adversely influence its capabilities to perform under the contract.

##### DASNY’s Requirements

* + 1. By submitting a proposal, the Proposer covenants that it will not make any claims or have any right to damages because of any misinterpretation or misunderstanding of the specifications or because of a lack of information.
    2. DASNY shall not be obligated for any cost incurred by the Proposer in proposal preparation or in activities related to the review of this RFP or any interview or site visit costs.
    3. Other than the contact person identified in Section 4.A above, or 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.

##### DASNY’s Rights and Prerogatives

DASNY reserves the right to exercise the following prerogatives:

* To accept or reject any or all proposals and amend, modify or withdraw this RFP.
* To correct any arithmetic errors in the proposals.
* To change the proposal’s due date upon appropriate notification to all prospective proposers.
* To accept or reject any of the Proposer’s employees assigned to provide services on this project and to require their replacement at any time.
* 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.
* To consider modifications to proposals at any time before the award is made, if such action is in the best interest of DASNY.
* To interview proposers and conduct onsite visits prior to selection.
* 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.
* To negotiate the terms of the proposal with the selected proposer prior to commencing services. If negotiations cannot be concluded successfully with any selected proposer(s), DASNY may negotiate with other proposers.

**D. Contractual Requirements**

1. Contract or Engagement Letter
2. By submitting a proposal, the successful proposer agrees to reference the RFP as part of the resulting contract.
3. DASNY may award a contract or engagement letter for any or all parts of a proposal and may negotiate terms and conditions consistent with the RFP. **(See sample contract attached).**
4. Procurement selection and award for services is subject to negotiation and approval of terms and conditions.
5. Any agreement may be terminated by DASNY upon 30 days’ written notice for any reason, or immediately for cause. In the event of such termination, the successful proposer will be entitled to reasonable compensation for acceptable services performed through the date of termination.
6. Modification of Contract or Engagement Letter
7. Any modification to the original contract or engagement letter signed between the successful proposer and DASNY will require the mutual consent of the successful proposer and DASNY.
8. Any contract or amendments thereto will be considered effective only after approval by the appropriate DASNY authorities.
9. 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.

1. 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.

**E. Negotiation**

After completion of the selection process, DASNY will commence finalization of the scope

of services and fee negotiations with the selected proposer(s).

**F. Notification**

Upon completion of the negotiation process, DASNY will notify all proposers 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

**Section 8. Vendor Integrity**

As a public entity, DASNY may only contract with entities that are determined to be responsive and responsible and said entities are required to maintain responsibility throughout the term of the services being provided. Proposers shall submit a Vendor Responsibility Questionnaire (“VRQ”) which is designed to provide information to assess a proposed vendor’s responsibility to conduct business in New York State. All VRQs shall be reviewed in accordance with applicable law, policy, rules, regulations and guidelines, including without limitation Executive Order Nos. 125, 170.1 and 192;

DASNY requires vendors to file the VRQ online via the New York State VendRep System (the “System”). To enroll in and use the System, see the System Instructions at <http://www.osc.state.ny.us/vendrep/vendor_index.htm> or go directly to the VendRep System online at <https://portal.osc.state.ny.us>. **Proposers must provide their New York State Vendor Identification Number when enrolling**. To request assignment of a Vendor ID or for System assistance, contact the Office of the State Comptroller’s (“OSC”) Help Desk at 866-370-4672 or 518- 408-4672 or by email at [ciohelpdesk@osc.state.ny.us](mailto:ciohelpdesk@osc.state.ny.us).

##### Section 9. Term of Engagement

Among the proposals received, DASNY intends to select one or more banks to provide banking services as identified in this RFP. Bank(s) selected by the Evaluation Committee to be engaged by DASNY will result in a contract or engagement letter and may need to be approved by the DASNY Board.

The engagement term will run for either an initial three or five-year period with two one-year renewal options. DASNY may exercise its options to extend the term for up to 2 one-year renewal periods at management’s discretion.

(This section intentionally left blank)

##### 

##### Section 10. Items to be Completed and Returned

##### Each Proposer should submit their proposals in the order and sections identified below.

* **A** **– Application Coversheet**
* **B – Mandatory Qualifications**
* **C – Bank Experience**
* **D – Banking Services**
* **E – Technology Enhancements**
* **F – Cyber Security**
* **G – Business Resiliency/Business Continuity**
* **H – Fee Schedule –Banking Services**
* **I – Fee Schedule – Ancillary Services**
* **J – Certification Concerning Independent Proposal**
* **K – Certification Regarding Audit**
* **L – Procurement Lobbying Law**
* **M –NYS Vendor Responsibility Questionnaire For-Profit Business Entity (Non-Construction)**
* **N – Code of Business Ethics- Certification**
* **O – Certification Regarding Joint Commission on Public Ethics**
* **P – Diversity Questionnaire**
* **Q – References**

1. **APPLICATION COVERSHEET**

**Attach this form to the top of your proposal.**

APPLYING FOR: Commercial Banking and Custodial Services

DATE OF APPLICATION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

GENERAL INFORMATION ON FIRM:

Legal Name of Firm: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Firm’s Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Firm’s Main Telephone Number (including area code): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Federal Tax ID Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MWBE Registration Number (if applicable):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MAIN CONTACT INFORMATION FOR THIS PROPOSAL:

Please list the individual that will be the main contact regarding this proposal:

Contact Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact Telephone Number (including area code): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact E-mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IMARY STAFF PERSON(S):

Please list the primary staff person(s) who will provide services relating to DASNY. Attach additional sheets if necessary.

*Contact #1*

Contact Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact Telephone Number (including area code): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact E-mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Contact #2*

Contact Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact Telephone Number (including area code): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact E-mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Contact #3*

Contact Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact Telephone Number (including area code): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact E-mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**B. MANDATORY QUALIFICATIONS**

* + - 1. The Proposer is a member of the Federal Reserve Bank or maintains accounts with member banks, is a New York State or Federally chartered commercial bank and is authorized to do business in New York State.

[ ] Yes [ ] No

(Check boxes that are applicable)

[ ] Member of Federal Reserve Bank OR [ ] Maintain accounts with member banks

[ ] New York State chartered OR [ ] Federally chartered

[ ] Authorized to do business in NYS

* + - 1. The Proposer has a minimum equity capital of $125 million, having unsecured or uncollateralized long term debt obligations, or obligations secured or supported by a letter of credit, contract, agreement or surety bond, which at the time any relationship is entered into, a rating of at least A, without regard to symbols or numbers, by at least one nationally recognized rating organization.

[ ] Yes [ ] No

3. The Proposer is a member of the National Automated Clearing House Association (NACHA) .

[ ] Yes [ ] No

1. The Proposer is able to act as an Originating Depository Financial Institution (ODFI) for the direct deposit of payments.

[ ] Yes [ ] No

1. The Proposer is able to perform Federal wire transfers or ACH credits to the Federal government for tax payments in accordance with the Electronic Federal Tax Payments (EFTPS) Guidelines.

[ ] Yes [ ] No

1. The Proposer agrees to pledge certain securities or letter of credit facilities as collateral for deposits in accordance with Section 105 of NYS Finance Law and in accordance with DASNY’s Investment Policy and Guidelines, see links below;

a. [NYS Finance Law Section 105](https://www.nysenate.gov/legislation/laws/STF/105)

b. [DASNY’s Investment Policy and Guidelines](https://www.dasny.org/sites/default/files/inline-files/DASNY%20Investment%20Guidelines%202-8-17%20FINAL.pdf)

[ ] Yes [ ] No

1. The Proposer agrees 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 Agreement and for six years thereafter.

[ ] Yes [ ] No

8. The Proposer agrees to disclose any litigation, administrative proceeding, violation of or investigation involving the alleged violation of any federal or state law or regulatory agency rule in which the Proposer or any individual servicing the account, were involved, whether currently ongoing or resolved. Attach a description that specifies the nature of the alleged violations and corrective measures undertaken and penalties assessed, if any.

[ ] Yes [ ] No

9. Financial Stability

In order to assess the Proposer’s financial stability, the Proposer must provide the following:

a. Description of any litigation that the Proposer is currently involved in which may affect the financial integrity of the Proposer or its capacity to provide the requested services. If none, please indicate that there are none.

b. The Proposer’s audited financial statements for the past two years.

c. The current long-term debt ratings of the Proposer as described in Section 2B, Minimum Qualifications. Additionally, please provide the latest financial strength ratings issued by an outside firm, such as Kroll Bond Ratings (formally LACE ratings).

d. FDIC quarterly reports for the past 2 quarters.

e. A description of the Proposer’s capital structure, adequacy and coverage.

By my signature on this, I certify that all information contained above and attached is true and accurate to the best of my knowledge, and that I am authorized to bind the Proposer contractually.

In the event of a material adverse change in the financial condition of the Proposer, we will notify DASNY immediately by telephone and in writing.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**C. BANK EXPERIENCE**

1. **Banking Services Experience**

Detail the Proposer’s experience with providing banking services to clients with profiles similar to those describing DASNY. The Proposer’s response should include, but not be limited to the following types of information:

* 1. A narrative describing the Proposer’s organizational structure, customer service philosophy, and financial viability emphasizing services provided to similar accounts.

b. Information that will provide a sense of the Proposer’s market share of governmental clients relative to the market in New York State and to the Proposer based on balance of deposits.

1. **Staffing**

The Proposer shall state that individuals that are fully capable and qualified of performing this assignment hereunder will perform the services. If an individual named in the response to this RFP becomes unavailable or is deemed unsatisfactory at the discretion of DASNY, the Proposer shall substitute a person with at least equal or greater skill and experience as the person replaced. DASNY reserves the right to reject any such substitute individual.

Provide the Proposer’s staffing plan for development, implementation (testing and conversion), training and continuous support of the banking services. The Proposer’s response should include, but not be limited to the following information:

1. The names, titles, responsibilities, resumes and summary of qualifications including years of experience;
2. Include an organization outline or chart which shows the reporting structure of the individuals listed.

# D. BANKING SERVICES

**Executive Summary**

Provide a brief summary highlighting significant and unique features of the Proposer’s proposal that distinguishes it from its competitors and includes a firm corporate commitment to work closely and cooperatively with DASNY to facilitate the implementation of any enhancements or modifications required by DASNY.

**1. General Banking Services**

Describe the services to be provided and where applicable, the procedures and methods which will be used to provide services to DASNY. The Proposal should include the following information:

1. **Account Structure**

DASNY currently uses a pooling DDA structure for accounts characterized by its function (DASNY Funds, DASNY Program GOF Funds, and DASNY Rehab Funds) each a Master DDA account. Each Master DDA has several subaccounts associated with it, which represents separate accounts in our accounting system and function separately for purposes of deposit and disbursement activity; however, all deposits and disbursements are conducted at the Master account level within the Bank and the activity is allocated to the subaccount daily by the Proposer.

1.) Do the Proposer’s systems have the capability to either “group accounts under one master account” or “roll sub-accounts up to one master account” for reporting and tracking purposes? If yes, please describe the process including any manual steps needed by customers to group accounts under one master account.

2.) The Proposer must provide a monthly bank account analysis which includes in a detailed manner the monthly volume and costs associated with each itemized activity, earnings credits and net amounts owing or owed on a monthly and year to date basis.

1. **Depository Services**

DASNY currently uses a Remote Deposit Capture Check Scanner for the day-to-day handling of check deposits. Checks are deposited into their respective accounts on a daily basis. Deposits are credited to the account on the day deposited and funds are available to DASNY by the next business day.

1. If there are specific check types that cannot comply with next day availability, please identify the type and the funds availability schedule.
2. Can your bank provide electronic reporting of deposit detail activity? Is this available daily, weekly, monthly? At what time of day is it available?
3. Please describe how DASNY will receive debit advisories for dishonored checks. Provide a sample.
4. Describe your Remote Deposit service. Functionality should include the ability to assign account coding to the deposit for upload to DASNY’s general ledger system.
5. **Overdrafts**
6. Is interest assessed on overdrafts and, if so, how is the rate calculated?
7. Does the Proposer treat available overdrafts differently than ledger overdrafts, including whether different rates are charged? If so, please explain.
8. On what basis does the Proposer calculate daylight overdraft positions?
9. **Check Issuance**
10. Explain what programs are used by your bank to accept direct transmission of issuance data.
11. Provide an overview of how DASNY would add special handled checks to the issuance file on the same day.
12. **Check Imaging**
    * + - 1. Can your bank provide DASNY with Image Drop Service or other imaging medium of cleared disbursement checks (front and back) on a no less than monthly basis?
          2. How are image services provided?
          3. How would check images be retrieved, if required?
          4. How long would it take for your bank to provide an imaged check to DASNY?
          5. In the event of an emergency can a same day image be provided?
13. **Stop Payments**
14. How will reports on stop payments be available and when?
15. How will stop payment releases be reported?
16. Will DASNY be able to issue and release a stop payment on the same day?
17. If this service is available online, please briefly describe the service.
18. How will original checks be handled?
19. **Reconciliation Services**

DASNY currently receives full reconciliation services including details of outstanding issues and next day positive pay feature on all checking accounts based upon receipt of an electronic issuance file from DASNY. If the issuance file differs from the control numbers of checks and dollar value reported by DASNY, the file is not accepted, and the bank notifies DASNY immediately.

1. Can your bank provide the services DASNY is currently receiving as described above?
2. Provide an overview of your Bank’s Next Day Positive Pay reconciliation system.
3. How are rejected items handled?
4. Do you postpaid items? Before or after reconciliation?
5. When will detailed issuance and paid checks information be available?
6. Is Teller Positive Pay required?
7. Please describe how DASNY will receive information regarding miscellaneous bank debits and credits?
8. **Automated Clearing House (ACH) Transfers/Fed Wires**
9. The Proposer must be able to process incoming and outgoing ACH transfers in a secured environment. The Proposer must provide DASNY with identifying information
10. of payments received. All accounts require ACH debit block unless specifically requested otherwise.
11. In what format does your bank accept transmission of ACH payments and prenote information?
12. Can your bank warehouse ACH transmissions that contain future dated settlement/effective dates? If yes, how far in advance can your bank warehouse transactions?
13. What is the minimum amount of time you need to receive an ACH file for the funds to be in the payees’ bank on the effective date?
14. The Proposer must be able to provide the ability to process incoming and outgoing Federal wire transfer services via a secure online web-based system or other state of the art secure system in accordance with the Electronic Federal Tax Payments System (EFTPS) Guidelines. The Proposer must provide transaction detail of all incoming and outgoing wires.
15. Describe your bank’s online Fed wire system, i.e., necessary approvals, what type of information is available, etc.
16. Describe how DASNY would verify and approve release of ACH/Wire transfer payments.
17. **On-line Access and Reporting**

The day-to-day functions dealing with DASNY’s accounts are time sensitive. Therefore, it is imperative that the Proposer provides sufficient support for DASNY to conduct its day-to-day business. Staff must be available throughout the day to approve and research wire transfers, check Fed reference numbers, perform in-bank transfers, resolve reconciliation issues etc. on an as needed basis and typically within 24 hours to the extent the functions or information are not capable of being performed and/or obtained online. As part of the response please discuss whether the Proposer will be providing a central point of contact who coordinates all of DASNY’s work requests/issues for ongoing support as well as implementation of special projects.

1. Does the banking system provide online capabilities for all initial setup and changes to DASNY data (e.g., avoid any need to send attachments via email or other similar process that is not directly handled within the application itself. (e.g. Document Library for Deposit Account Documentation such as signature cards, addition of accounts, banking resolution and certificate of incumbency)?
2. Fully describe the Proposer’s online (web based) service capabilities. List system capabilities by service (i.e. balance reporting, wires, positive pay, stop pay, etc.) and indicate whether the items listed below are available. Are all services provided through one portal?
3. Can the Bank provide on-line access to the Authority for the following reports and information:
   1. Previous or Same day detailed activity;
   2. Incoming and outgoing wire transfers.
   3. Outstanding check issuance report.
   4. On-line view of stop payments, positive pay mismatches and other reports as detailed below:
      1. Stop Payment Placement and Removal
      2. Next Day Positive Pay
      3. Checks Presented not Reconciled
      4. Issuance List (listing of check paid)
4. What are the hours of available technical support for online services? How is it accessed?
5. Does the Proposer provide the capability to upload or download electronic data as part of normal operations?
6. When is prior day information available? When is intra-day information available? Is it real-time?
7. Provide samples of the above reports as an appendix to your response.
8. Are online images of cleared checks available in electronic format for a minimum of 180 days?
9. In the event of a system failure and the reports cannot be accessed on-line, describe how reports will be made available.
10. Provide how long reports are available on-line.
11. Can the Proposer provide a secure electronic method for initiating intra-bank transfers between DASNY accounts?

**j**. **Check Cashing**

The Proposer selected to provide services for the payroll account as outlined in this RFP should be prepared to cash employee payroll checks, without charge and without the necessity of the employee having an account with the Proposer.

Please explain your bank’s position on cashing “on-us” checks (include both payroll and non-payroll checks). Provide a list of what your bank would require for an employee to cash a payroll check (i.e. picture ID, employee ID, driver’s license, etc.). If your bank does not have check cashing facilities in the Albany, New York City and Buffalo areas, how would your bank propose check cashing services to DASNY employees?

**2. Custodial Services**

DASNY has over 50 program operating accounts and 70 rehabilitation accounts that are primarily invested in Government Money Market mutual funds, U.S. Treasury, and Federal Agency securities, and are held in a custodial capacity. DASNY will place these custody accounts with the Proposer that holds the underlying checking account from which funds are drawn to meet disbursements. The program operating accounts use the operating disbursement account when a check is required, and the remaining rehabilitation related accounts are funded through the construction disbursement account. In your fee proposal please provide a separate fee schedule outlining the cost for holding the assets in these custodial accounts.

1. Does your bank provide custody services?
2. Indicate if a subsidiary of the Proposer will provide the custody services.
3. If your bank provides custody services, does it have an online platform, and do you require a separate log in from the treasury platform?
   1. Does the platform provide for online trade entry with multiple approval levels and audit trail information? Please describe the approval levels and audit trail.
   2. Does it have reporting capabilities to view activity, trade status, and generate monthly statements? Please describe the capabilities.
4. Describe the method to transfer funds from DDA accounts to custody accounts.
5. Does the Proposer provide for the ability to invest and/or apply automatic sweeps into no-load government money market funds operated in accordance with Rule 2a-7 of the Investment Company Act of 1940;
   1. If so, how many different options do you offer?
   2. Are they bank branded funds only?

**3. Ancillary Services**

1. Corporate Credit Card Services

DASNY currently makes use of a corporate credit card account to cover expenses incurred by employees while in travel status or for the procurement of other goods and services.

1. Please provide a brief explanation of your corporate credit card program, how it works and any recommendations for administering such.
2. Include any workflow approvals and reporting available based on use by each user.
3. Does your card program include functionality for expense reporting and reimbursement? Please describe the functionality.
4. Virtual Card Services
   * + - 1. Describe in detail your virtual card program.
         2. Include reporting available to monitor spend and enrollment.
5. Receivables/Billing Platform
   * + - 1. DASNY periodically issues bills for fees and debt service payment to our clients via email or mail.
         2. Describe any solution you would be able to offer that would streamline the presentment of the billing and encourage clients to make payment through an integrated portal that would credit the funds to the appropriate account based on the client. In certain instances, a portion of the amount due needs to be deposited with the client’s bond trustee. In your description, please describe the ability to differentiate between fees and debt service and if you would be able to receive both payment types and direct the debt service portion to the appropriate trustee.
         3. Include any integration to our AR system (DASNY currently uses JD Edwards for its financial system) that would match the receipt with the outstanding receivable and create entries for our general ledger.
6. Account Verification Services

DASNY initiates wire and ACH transfers to many different entities. In an effort to reduce fraud resulting from business email compromise among other activities, DASNY would like to ensure it is sending payment to the intended recipient. We’re looking for a service that would provide multi-institutional financial account verification services for account status and account ownership.

1. Account Status Verification – indicate whether the account is open or closed, frozen, in good standing.
2. Account Ownership Verification – verification of DASNY supplied information such as name and address.
3. Describe in detail the Account Verification services your bankoffers;
4. To the extent the service is based on the type and volume of information to be verified, please include that information within your cost proposal.

**4. Collateralization of Deposits**

DASNY is required to collateralize all deposits that are in excess of the current FDIC insurance levels in accordance with Section 105 of the NYS Finance Law and in accordance with DASNY’s Investment Policy and Guidelines. Detail the Proposer’s experience with collateralizing deposits at 102% for entities similar to DASNY. Historical deposit levels for the past 15 months, which would require collateralization, are outlined below for your reference.

|  |  |
| --- | --- |
| **Collected Balances** |  |
| Max - $57.2M |  |
| Min - $36.9M |  |
| Avg. - $44.5M |  |

The Proposer’s response should include, but not be limited to the following types of information:

1. A narrative describing your collateral department’s operations and capabilities.
2. Explain how the Proposer ensures that the appropriate level of collateral is maintained. How do you ensure deposit spikes are sufficiently covered?
3. What types of collateral will be used to cover DASNY’s deposits?
4. Who is your primary custodian for collateral? Describe reporting capabilities for daily collateral positions.
5. Can your bank comply with the collateralization requirements outlined in DASNY’s Investment Policy and Guidelines?
6. Has the Proposer ever been unable to pledge sufficient collateral to meet deposit levels? If so, please describe the circumstances.

***5.* Other Information**

The Bank shall also provide the following information in this order:

a) A description of the facility where the service will be provided. If more than one such facility is involved, include specifics regarding service/operations for each facility.

b) A discussion of the Bank’s and subcontractor’s (if any) organization and division of responsibilities.

c) A sample of standard banking documents required by your bank in order to provide the services described within this proposal. Be sure to include a sample security agreement establishing the requirement of collateral to be pledged by the Bank for all deposits in excess of FDIC limits, and held at a third-party custodian.

**E. TECHNOLOGY ENHANCEMENTS**

Please describe what is distinctive about the Proposer's approach to information technology solutions and meeting customer needs.

**1. System Functionality**

1. Do the Proposer’s systems include a standard cash forecasting module or capability? If yes, please describe the functionality and reporting capabilities, including any use of artificial intelligence in projecting cash balances.
2. If the systems in scope for the services offered represent a composite of two or more separate applications what steps have you taken to ensure the applications function seamlessly (e.g., a user is not required to sign in multiple times or is required to leave one module / application to move to another and back again to process a transaction)?
3. In cases where there are two or more separate applications that are linked together to provide the services to DASNY will the Proposer provide capabilities where data can be shared across bank applications / systems for reporting purposes? Describe fully with examples. (e.g. Can you provide a report that combines the DDA account with the Custody account holdings?)
4. What degree or type of information technology consulting will the Proposer provide as part of the base fees within the proposal?
5. DASNY leverages JD Edwards for its general ledger and FIS SunGard APS2 for its investments. What capabilities does the Proposer have to seamlessly support data sharing between the Proposer and the DASNY systems?

**2**. **Automation / Reduce Manual Efforts**

1. It is DASNY’s desire to automate as much of the current payment process as possible with an eye towards full automation. Although it is optional to offer new technologies or recommend improvements to the existing procedures, DASNY encourages respondents to provide alternatives which would improve the efficiency, effectiveness, and control environment relative to the services provided.
2. Based on your observations of DASNY’s processes, please provide a high level description of what activities you feel DASNY could consider to automate the payment process from the receipt and deposit of funds, through the audit, processing and posting of payments, including systems processing and the funding of the payments at the Proposer, including liquidation of securities.

**3.** **Innovation**

1. Does the Proposer dedicate a portion of your budget to evaluating, testing and adopting new and innovative solutions and capabilities? If yes, what is the percentage of this investment as a part of the IT budget and overall company budget?
2. What is the Proposer’s engagement level with Fintech entities and how would your bank rate the level of involvement as compared to your peers (e.g., on par, leading your peers, somewhat behind, etc.)?
3. Describe the latest advancements in Artificial Intelligence (AI), machine learning/deep learning, API integrations with Treasury Management Systems (TMS) and describe solutions or tools your systems offer that could bridge the gap of implementing a full TMS.
4. Describe ways that the Proposer is using AI to mitigate fraud. Include any recommendations the Proposer has on how DASNY can leverage AI in this manner as well.
5. Describe any recent innovations that you have incorporated into the systems being proposed to support DASNY as part of this RFP.
6. Provide details of any future enhancements planned for the next 2 to 4 years, to current operations or innovative approaches that will benefit DASNY and the services being offered.

**4**. **Technical and Support Personnel**

Describe how the Proposer envisions providing a process improvement and technology team, skilled in the banking industry and dedicated to identifying new technologies that can streamline manual business processes to create efficiencies for DASNY. The Proposer should describe such team if one already exists within its organization and highlight its performance. In your description, be sure to describe the process of identifying technology solutions and any costs associated with providing the recommended enhancements. DASNY reserves the right to implement the process improvement using its own internal resources.

**5. Training**

1. What capabilities or features within your systems are designed to reduce the amount of time and effort to bring new customer employees up to speed and reduce time and effort to leverage the in-scope systems (e.g., webinars, self-help features, chat window within the applications to ask questions, etc.)?

**6. Testing and Conversion**

Provide a proposed schedule for testing and conversion. The schedule should address all the requirements included in this proposal, allow for user testing and in addition, it should detail the following:

1. A timetable of actions required on the part of DASNY and the Proposer.
2. What dedicated resources (personnel, requirement, training of DASNY personnel, etc.) procedures and controls the Proposer will provide or recommend in the conversion period to ensure that the conversion is successful.
3. The Proposer will be required, subsequent to selection, and prior to commencement of work, to begin testing on this account. This test will include, but is not limited to, a demonstration of the following:

* + - 1. Issuance file can be posted to the reconciliation system
      2. Paid items can be posted to the reconciliation system
      3. All reports required in this proposal can be provided
      4. On-line inquiry system can be accessed to perform status inquiry, and the placing and removing of stops
      5. Processing of any type of electronic payments
      6. Accessing deposit and ACH/Fed Wire information

**Is your bank agreeable to begin testing before the execution of all necessary documents?**

**F. CYBER SECURITY**

1. Describe the systems security, including whether passwords, authentication, and/or encryption techniques are used to protect customer data.
2. Provide an overview of the Proposer’s information security policy that governs DASNY’s banking and confidential data used in the services in scope for this RFP and the frequency with which you review and approve the policy.
3. Describe the Proposer’s security for its online capabilities. Within your description, please include the following items:
   1. The fraud detection programs in place to detect unauthorized transactions.
   2. Security for user access administration of online business banking.
   3. Describe in detail, the Proposer’s compliance with State and Federal regulations pertaining to this area.
   4. How is the administration of the security module established and maintained?
   5. What level of granularity is provided for the designated client administrators?
4. Describe testing of core service applications and systems assuring information backup, anti-intrusion, and other privacy requirements.
5. Does the Proposer have a centralized program and team to manage changes and globally apply such changes to all online programs, statements, reports being affected? Please describe the process, any related time stamps, etc.
6. Describe the safeguards and security measures the Proposer has in place to protect DASNY, especially against unauthorized use of the system? Within your description, please include
   1. A description or sample of the Proposer’s fund transfer agreement.
   2. Any daily limits on wire transfers
   3. The physical security controls for your data and operations centers.
   4. The logical security controls governing bank employees, third parties and customers.
   5. If not covered in (d), detail the access controls that are in place to protect bank and customer data (e.g., password lockout, monitoring of failed logon attempts, restrictions on remote desktop connections).
   6. If not covered above, detail the network security controls in place to protect bank systems, including a description of what testing is performed to verify the network security controls (e.g., penetration testing).
7. Describe the data protection protocols that are in place to protect customer data.
8. Describe how the Proposer ensures the internet of things does not cause a potential avenue for unauthorized individuals to gain access to internal banking systems.
9. Summarize the fraud monitoring and processes in place to protect customers from wiring or otherwise transferring funds to a fraudulent individual impersonating a valid DASNY customer or supplier. In particular, describe how the Proposer prevents transferring funds to a fraudulent individual as a result of a customer being the victim of Business Email Compromise.
10. Do you use automated transaction review processes for wire transfers and other means of routing money to detect potential fraud situations? If so, provide a description of the process and associated controls.
11. Describe the Proposer’s approach for alerting customers if a potential security incident arises that may impact customer data. Describe what commitment the Proposer makes to notify customers when a potential and/or confirmed incident is detected.
12. Provide an overview of the vulnerability management program at the Proposer to detect and remediate vulnerabilities within the environment. Include in your overview the Proposer’s target time frames for patching systems following the release of a security patch for primary operating systems (e.g., Windows and subsystems (red hat application code).
13. Describe the frequency and type of compliance scanning performed by the Proposer to detect potential configuration or software issues, including the typical remediation timeframe for correcting issues detected.
14. Describe bank governance and oversight for third party suppliers (including FinTech firms) that support services in scope for this RFP, including details of the due diligence processes you use to assess and monitor service providers.
15. Does the bank leverage resources outside of the US for either internal operations or through third parties that would be in scope for services proposed within this RFP? If yes, please provide details on the services and locations provided outside of the US and confirm that they are subject to the diligence processes and monitoring described in item 13.
16. Describe your employee awareness training.
17. Describe your employee Human Fire wall training, and the frequency of the ongoing education. Do you offer this type of training to clients?

**G. BUSINESS RESILLIENCY/BUSINESS CONTINUITY**

1. Is a formal disaster recovery plan in place in the event of a systems failure or other disaster at the Proposer’s primary processing site? Please describe.
2. Describe the Proposer’s provisions for backup and continuation of services in a local or regional disaster situation. Describe the Proposer’s disaster recovery services if the in-scope systems and any or all its components cannot operate from its facilities temporarily.
3. Does the business continuity plan include recovery strategy, loss of critical personnel, and documented recovery plans covering all areas of operations necessary to delivering services detailed within bank proposal?
4. What, if any, support does the Proposer intend to offer to entities, such as DASNY in a disaster situation to permit DASNY to maintain stable banking functions?
5. Does the Proposer’s recovery strategy provide for recovery after short- and long-term disruptions in facilities, environmental support, public utilities, workforce availability, and data processing capabilities? Please describe.
6. What disaster recovery / business continuity recovery objectives (RTO & RPO) apply for the services and systems offered within the proposal?
7. When were the disaster recovery and business continuity plan(s) last tested? Please provide summary information regarding the scope and results of the most recent testing activities completed.
8. Will the Proposer be able to provide equal level of services to DASNY (e.g., no degradation of response time, all contracted services are available, etc.) in situations where the Proposer needs to activate the Proposer’s disaster recovery or business continuity plans?
9. Will the Proposer, if requested by DASNY, participate in disaster recovery or business continuity recovery testing?

**H. FEE SCHEDULE- BANKING SERVICES**

##### All costs associated with the requirements of this RFP must be incorporated into your proposal. No other add on costs are permitted. The prices quoted within the proposal are an irrevocable offer good for 120 days from the date when proposals are due, or longer by mutual agreement

**The Proposer must include two fees, one reflecting a three-year fixed fee and rate schedule and provide a maximum price increase in years four and five, and a second fixed fee reflecting a five-year fixed fee and rate schedule and provide a maximum price increase in years six and seven**. Prior to any extension, negotiations will determine the actual increase in fees. DASNY may entertain changes in fees for additional, enhanced, or modified services requested by DASNY.

1. **The Proposer must fill out the below “Schedule of Fees and Expenses - General Banking Services” and provide detailed explanations and cost calculations for each of the individual core services requested in the proposal**. Also provide supplemental cost information to the extent the bundling of services results in a lower fee.



**DASNY maintains approximately $30 million to $40 million in cash balances in DDA accounts on a monthly basis.** It is expected that monthly charges for all core and ancillary services provided will be offset by an “Earnings Credit”. The Earnings Credit will be used to reduce the Proposer fees charged for that period and will be calculated as described below based on DASNY balances on deposit with the Proposer during each monthly payment cycle:

**Earnings Credits = (average available account balance) x (ECR) x Time**

**Where: ECR = Earnings Credit Rate**

**Time = number of days in period/365**

The difference between the monthly fee and the earnings credit will be rolled over on a monthly basis to be adjusted for the subsequent month’s activity **until settled with a direct payment or credit to the account on an annual basis**.

2. The Proposer should propose options to maximize earnings on idle funds or excess cash, for example, **a sweep account option** into a Government Money Market Fund, Local Government Investment Pools (LGIPs), Fixed-income liquidity portfolios or other investment options to preserve principal. **Each proposed option should include interest rate**.

3. The Proposer should include a statement indicating whether the proposed rates exceed the rates currently being charged by the Proposer to other public entities in New York and if so by how much and why.

**I. FEE SCHEDULE- ANCILLARY SERVICES**

**The Proposer must fill out the below “Schedule of Fees and Expenses - Ancillary Services” and provide detailed explanations and cost calculations for each of the ancillary services requested in the proposal**. Also provide supplemental cost information to the extent the bundling of services results in a lower fee**.**



**1**. **Corporate Credit Card** - Include any incentive programs your bank offers that may be tied to the corporate credit card. Below is the volume of charges for 2019 (estimate), 2018 and 2017:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **2019 (Estimate)** | **2018** | **2017** |
| **Average Monthly Charges** | $125,000 | $100,000 | $30,000 |
| **Total Annual Charges** | $1,500,000 | $1,200,000 | $360,000 |

**2**. **Virtual Card**

a. Indicate whether it’s an incentive-based program and include any schedules identifying spend levels required to receive incentive payments.

b. Are the payees charged fees for using the service? If so, describe the program in detail, the fees that are charged and how the fees are determined.

1. **Integrated Receivables/Billing Platform –** Include any development costs associated with this offering in addition to costs associated with maintaining the service. If costs vary based on transaction volume and amount, please detail in your proposal.
2. **Account Verification** –Provide cost information for account status and account ownership separately. If there is a discount for bundling the two together, please provide that as well. To the extent the cost is based on the type and volume of information to be verified, outline that in detail within your cost proposal.

**5. Cash Forecasting -** Provide cost information for Cash Forecasting module if it is applicable.

# J. Certification Concerning Independent Proposal

hereby certifies as follows in connection with our Proposal for the position of:

.

1. Except as described below, we have prepared our Proposal independently, without consultation, communication, or agreement as to any matter with any other respondent to the RFP or with any competitor.
2. Except as described below, we have not disclosed our Proposal and, unless otherwise required by law, will not disclose our Proposal prior to award, either directly or indirectly, to any other Firm or to any competitor.
3. Except as described below, we have made no attempt and will make no attempt to induce any other person or Firm to submit or not to submit a proposal.
4. Except as described below, there are no fee splitting arrangements, finder’s fees, consulting arrangements or any other financial arrangement in connection with this proposal or the subsequent transactions contemplated by this proposal.

Exceptions if any:

Signature of Authorized Officer Date

Title

**K. CERTIFICATION REGARDING AUDIT**

**Certification**

The undersigned agrees 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 Agreement and for six years thereafter.

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature)

Title \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Firm’s Legal Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# L. Procurement Lobbying Law

The bidder/proposer shall submit this form at time of bid (or with RFP). The bidder/proposer must check all applicable boxes.

1. Bidder/proposer affirmation relating to procedures governing permissible contacts
   1. The bidder/proposer: affirms does not affirm

that it understands and has to date and agrees hereinafter to comply with DASNY’s procedures relative to permissible contacts for this procurement as required by State Finance Law § 139-j (3) and § 139–k (6) (b).

1. Bidder/proposer disclosure of findings of non-responsibility and prior contract terminations or withholdings under the Procurement Lobbying Law
   1. Has any “governmental entity,” as defined in State Finance Law § 139-j and § 139-k made a finding in the last four years that the bidder/proposer was not responsible?

No Yes

* 1. If yes, was the basis for any such finding(s) the intentional provision of false or incomplete information required by State Finance Law § 139-j and § 139-k, and/or the failure to comply with the requirements of State Finance Law § 139-j (3) relating to permissible contacts?

No Yes

* 1. If yes, provide details regarding each finding of non-responsibility below. (Attach additional pages, if necessary).

Governmental Entity:

Date of Finding:

Basis of Finding:

* 1. Has any “governmental entity” as defined in State Finance Law § 139-j and § 139-k terminated or withheld a procurement contract with the bidder/proposer due to the intentional provision of false or incomplete information required by such Laws and/or the failure to comply with the requirements of State Finance Law § 139-k(3) relating to permissible contacts?

No Yes

* 1. If yes, provide details below. (Attach additional pages, if necessary).

Governmental Entity:

Date of Termination or Withholding of Contract:

Basis of Termination or Withholding of Contract:

##### Certification

The bidder/proposer acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law Section 210.40 or a misdemeanor under Penal Law Section 210.35 or Section 210.45, and may also be punishable by a fine of up to $10,000 or imprisonment of up to five years under 18 U.S.C. Section 1001; and states that all information provided to DASNY with respect to State Finance Law § 139–j and § 139–k is complete, true and accurate.

(Officer’s Signature) (Date)

Firms Legal Name:

Print Officer’s Name:

Title:

**M. NYS Vendor Responsibility Questionnaire**

|  |
| --- |
| **COMPLETION & CERTIFICATION** |
| The person(s) completing the questionnaire must be knowledgeable about the vendor’s business and operations. An owner or officer must certify the questionnaire and the signature must be notarized. |

|  |
| --- |
| **NEW YORK STATE VENDOR IDENTIFICATION NUMBER (VENDOR ID)** |
| The Vendor ID is a ten-digit identifier issued by New York State when the vendor is registered on the Statewide Vendor File. This number must now be included on the questionnaire. If the business entity has not obtained a Vendor ID, contact the OSC Help Desk at [ciohelpdesk@osc.state.ny.us](mailto:ciohelpdesk@osc.state.ny.us) or call 866-370-4672. |

|  |
| --- |
| **DEFINITIONS** |
| All underlined terms are defined in the “New York State Vendor Responsibility Definitions List,” found at [www.osc.state.ny.us/vendrep/documents/questionnaire/definitions.pdf.](http://www.osc.state.ny.us/vendrep/documents/questionnaire/definitions.pdf) These terms may not have their ordinary, common or traditional meanings. Each vendor is strongly encouraged to read the respective definitions for any and all underlined terms. By submitting this questionnaire, the vendor agrees to be bound by the terms as defined in the "New York State Vendor Responsibility Definitions List" existing at the time of certification. |

|  |
| --- |
| **RESPONSES** |
| Every question must be answered. Each response must provide all relevant information which can be obtained within the limits of the law. However, information regarding a determination or finding made in error which was subsequently corrected is not required.  Individuals and Sole Proprietors may use a Social Security Number but are encouraged to obtain and use a federal Employer Identification Number (EIN). |

|  |
| --- |
| **REPORTING ENTITY** |
| Each vendor must indicate if the questionnaire is filed on behalf of the entire Legal Business Entity or an Organizational Unit within or operating under the authority of the Legal Business Entity and having the same EIN. Generally, the Organizational Unit option may be appropriate for a vendor that meets the definition of “Reporting Entity” but due to the size and complexity of the Legal Business Entity, is best able to provide the required information for the Organizational Unit, while providing more limited information for other parts of the Legal Business Entity and Associated Entities. |

|  |
| --- |
| **ASSOCIATED ENTITY** |
| An Associated Entity is one that owns or controls the Reporting Entity or any entity owned or controlled by the Reporting Entity. However, the term Associated Entity does **not** include “sibling organizations” (i.e., entities owned or controlled by a parent company that owns or controls the Reporting Entity), unless such sibling entity has a direct relationship with or impact on the Reporting Entity. |

|  |
| --- |
| **STRUCTURE OF THE QUESTIONNAIRE** |
| The questionnaire is organized into eleven sections. Section I is to be completed for the Legal Business Entity. Section II requires the vendor to specify the Reporting Entity for the questionnaire. Section III refers to the individuals of the Reporting Entity, while Sections IV-VIII require information about the Reporting Entity. Section IX pertains to any Associated Entities, with one question about their Officials/Owners. Section X relates to disclosure under the Freedom of Information Law (FOIL). Section XI requires an authorized contact for the questionnaire information. |

**N. Code of Business Ethics - Certification**

**Certification**

The undersigned: (1) recognizes that this questionnaire is submitted for the express purpose of assisting New York State government entities (including the Office of the State Comptroller (OSC)) in making responsibility determinations regarding award or approval of a contract or subcontract and that such government entities will rely on information disclosed in the questionnaire in making responsibility determinations; (2) acknowledges that the New York State government entities and OSC may, in their discretion, by means which they may choose, verify the truth and accuracy of all statements made herein; and (3) acknowledges that intentional submission of false or misleading information may result in criminal penalties under State and/or Federal Law, as well as a finding of non-responsibility, contract suspension or contract termination.

##### The undersigned certifies that he/she:

* is knowledgeable about the submitting Business Entity’s business and operations;
* has read and understands all of the questions contained in the questionnaire;
* has not altered the content of the questionnaire in any manner;
* has reviewed and/or supplied full and complete responses to each question;
* to the best of his/her knowledge, information and belief, confirms that the Business Entity’s responses are true, accurate and complete, including all attachments, if applicable;
* understands that New York State government entities will rely on the information disclosed in the questionnaire when entering into a contract with the Business Entity; and
* is under an obligation to update the information provided herein to include any material changes to the Business Entity’s responses at the time of bid/proposal submission through the contract award notification, and may be required to update the information at the request of the New York State government entities or OSC prior to the award and/or approval of a contract, or during the term of the contract.

|  |
| --- |
| Signature of Owner/Official |
| Printed Name of Signatory |
| Title |
| Name of Business |
| Address |
| City, State, Zip |

Sworn to before me this day of , 20 ;

Notary Public

The bidder (or Proposer) shall submit this form at time of bid (or with RFP).

##### Ethics Programs

1. DASNY, a public-benefit corporation, expects the highest degree of ethical business conduct by its employees and the many contractors, consultants and vendors with whom it interacts on behalf of its clients, bondholders and the people of the State of New York. DASNY, by mandate of its Board of Directors, administers a comprehensive corporate integrity program to ensure that, as public officers, DASNY employees at all levels perform their official duties consistent with the requirements of the *New York State Public Officers Law*; other applicable laws, rules, and regulations; and policies of DASNY.
2. DASNY encourages and supports a fair, open and honest business relationship with its contractors, consultants and vendors based on quality, service and cost. Moreover, DASNY believes that a “level playing field” in the marketplace can only be achieved through adherence to ethical business practices by all participants involved in the process.
3. To promote a working relationship with DASNY based on ethical business practices, contractors, consultants and vendors are expected to:
   1. furnish all goods, materials and services to DASNY as contractually required and specified;
   2. submit complete and accurate reports to DASNY and its representatives as required;
   3. not seek, solicit, demand or accept any information, verbal or written, from DASNY or its representatives that provides an unfair advantage over a competitor;
   4. not engage in any activity or course of conduct that restricts open and fair competition on DASNY- related projects and transactions;
   5. not engage in any course of conduct with DASNY employees or representatives that constitutes a conflict of interest or creates the appearance of a conflict of interest;
   6. not offer any unlawful gifts or gratuities to DASNY employees or representatives, or engage in bribery or other criminal activity; and
   7. report to DASNY any activity by a DASNY employee or contractor, consultant or vendor of DASNY that is inconsistent with DASNY’s *Code of Business Ethics*.
4. DASNY encourages its contractors, consultants and vendors to advance and support ethical business conduct and practices among their respective directors, officers and employees, preferably through the adoption of corporate ethics awareness training programs and written codes of conduct. In addition to considering technical competence and financial stability, DASNY will consider the *corporate integrity* of all contractors, consultants and vendors prior to the awarding of contracts or issuing of purchase orders.

##### Conduct of DASNY Employees

DASNY employees are expected to conduct business with contractors, consultants and vendors in a fair, consistent and professional manner. DASNY’s Code of Business Ethics and Employee Conduct entitled *Serving Responsibly,* and other DASNY policies and procedures, guide the manner in which DASNY employees are required to interact with contractors, consultants and vendors. Additionally, the New York State Public Officers Law sets forth legal parameters within which DASNY employees must perform their official duties with respect to, among other things, conflicts of interest and the acceptance of gifts.

##### Limits on Gifts to DASNY Employees

1. Pursuant to Section 73(5) of the Public Officers Law, no person shall offer any gift having more than a nominal value to a DASNY employee under circumstances in which it:
   1. could be reasonably inferred the gift was intended to influence the employee in the performance of his or her official duties; or
   2. could reasonably be expected to influence the employee in the performance of his or her official duties; or
   3. was intended as a reward for any official action on the part of the employee.
2. A gift is anything more than nominal in value, in any form, given to a DASNY employee. Gifts include, but are not limited to, money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance or promise. Any firm or its agents, either doing business or seeking to do business with DASNY (contractors, consultants, vendors, etc.), is prohibited from directly or indirectly offering or giving any gifts, even gifts of nominal value, to DASNY employees as such gifts are deemed to be *per se* improper.
3. As is stated in the *Prohibited Interests* section of the Construction and Consultant Contract documents, violations of these gift provisions may be grounds for immediate contract termination and/or referral for civil action or criminal prosecution.

##### Employing Relatives of DASNY Employees

Although contractors, consultants and vendors may employ relatives of DASNY employees, DASNY must be made aware of such circumstances as soon as possible, preferably in writing, to ensure a conflict of interest situation does not arise. DASNY reserves the right to request that contractors, consultants and vendors modify the work assignment of a DASNY employee’s relative where a conflict of interest, or the appearance thereof, is deemed to exist. Please be advised that DASNY employees are required to disclose information regarding the hiring of relatives by contractors, consultants and vendors and recuse themselves from matters that may present a conflict of interest. For purposes of this document, the term “relatives” refers to spouses, domestic partners, parents, children, sisters, brothers, sisters-in-law, brothers-in-law, parents-in-law, sons/daughters-in-law, stepparents, stepchildren, aunts, uncles, nieces, nephews, first cousins, grandparents by blood relationship or by marriage, or persons residing in the same household.

##### Hiring Former DASNY Employees

Contractors, consultants and vendors may hire former DASNY employees. However, as a general rule, former employees of DASNY may neither appear nor practice before DASNY, nor receive compensation for services rendered on a matter before DASNY, for a period of *two years* following their separation from DASNY service. In addition, former DASNY employees are subject to a *“lifetime bar”* from appearing before DASNY or receiving compensation for services regarding any transaction in which they personally participated or which was under their active consideration during their tenure with DASNY. Violations will be referred to the New York State Commission on Public Integrity for appropriate action.

##### Questions

Questions relating to these guidelines should be directed to the responsible DASNY Project Manager or Program Director, Director of Procurement, DASNY’s Ethics Officer or Director of Internal Affairs. To contact any of these individuals please call: (518) 257-3000.

When in doubt, please seek guidance.

##### Certification

I have read the foregoing and agree to comply with DASNY’s Code of Business Ethics. I further acknowledge that failure to comply shall justify contract termination by DASNY and may result in the rejection of bids or proposals for future work with DASNY.

(Officer’s Signature) (Date)

Firm’s Legal Name:

Print Officer’s Name

Title

# O. Certification Regarding Joint Commission on Public Ethics

As of December 12, 2011, the New York State Commission of Public Integrity has been replaced with the Joint Commission on Public Ethics. Has your Firm, or any of the members discussed in your proposal, been the subject of any investigation or disciplinary action by the New York State Ethics Commission, the Temporary State Commission on Lobbying, the Commission on Public Integrity or the Joint Commission of Public Ethics?

Yes [ ] No [ ]

If yes, please describe briefly how any matter was resolved or whether it remains unresolved.

##### Certification

The undersigned personally does hereby state and certify to the Dormitory Authority that the information given above is true, accurate and complete.

By

(Signature)

Title

Firm’s Legal Name

Date

**P. Diversity Questionnaire**

##### Company Demographic Profile

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Job Categories | Number of Employees (report employees in only one category) | | | | | | | | | | | | | | |
| Race/Ethnicity | | | | | | | | | | | | | |  |
|  | | Non-Hispanic or Latino | | | | | | | | | | | | Overall Totals |
| Hispanic or Latino | | Male | | | | | | Female | | | | | |
| Male | Female | White | Black or African- American | Native Hawaiian or Other  Pacific Islander | Asian | American Indian or  Alaska Native | Two or  More Races | White | Black or African- American | Native Hawaiian or Other  Pacific Islander | Asian | American Indian or  Alaska Native | Two or  More Races |
| Executive/ Senior Level Officials and  Managers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| First / Mid- Level Officials and  Managers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Professionals |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Technicians |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sales Workers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Administrative  Support Workers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Craft Workers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Operatives |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Laborers and  Helpers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Service  Workers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

(NOTE: proposers can also attach Employer Information Reports EEO-1 for the last 3 years)

##### MWBE Certification Status

1. Is your company certified as a Minority and/or Woman-owned business enterprise with New York State Empire State Development? Yes or No

If yes, provide a copy of your certification.

1. If no, list all other jurisdictions and/or certifying bodies that have deemed your company Minority and/or Woman-owned. Also, provide a copy of each certification.
2. If your company has applied for, but has not, as of the issuance of the RFP, been certified as a Minority or Women-owned business enterprise by New York State Empire State Development, you must submit proof of a pending application, including the filing date.

##### Demographic Profile of Staff Assigned to this Engagement

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Job Categories | Number of Employees (report employees in only one category) | | | | | | | | | | | | | | |
| Race/Ethnicity | | | | | | | | | | | | | |  |
|  | | Non-Hispanic or Latino | | | | | | | | | | | | Overall Totals |
| Hispanic or  Latino | | Male | | | | | | Female | | | | | |
| Male | Female | White | Black or  African- American | Native Hawaiian or Other Pacific  Islander | Asian | American Indian or Alaska  Native | Two or More  Races | White | Black or  African- American | Native Hawaiian or Other Pacific  Islander | Asian | American Indian or Alaska  Native | Two or More  Races |
| Executive/ Senior Level  Officials and Managers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| First / Mid- Level Officials  and Managers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Professionals |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Technicians |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sales Workers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Administrative Support  Workers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Craft Workers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Operatives |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Laborers and  Helpers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Service  Workers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

* + 1. **EEO Firm Activity**

1. Is your company’s CEO or Chief Procurement Officer (“CPO”) committed to and engaged in the process of diversity business development? Yes or No

If yes, attach a signed statement from your CEO or CPO.

1. Provide a copy of your company’s equal opportunity and affirmative action policy.

**Q. References**

Please list at least three references:

*Reference #1*

Contact Name:

Firm:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

*Reference #2*

Contact Name:

Firm:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

*Reference #3*

Contact Name:

Firm:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):