

Term Construction Management Services

Request for Proposal RFP #6565

Date: March 16, 2021

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Section 1 - General Information

1.1 Introduction to DASNY:

The Dormitory Authority State of New York (DASNY) is a public benefit corporation of the State of New York empowered by Titles 4 and 4-B of the Public Authorities Law (the "Act"), to provide design and project management services to, and to issue its bonds, notes and other obligations, for a wide variety of public purposes. Under the Act, DASNY provides a multitude of services in various forms in connection with the design, construction and financing of capital facilities for State University of New York, including dormitories and educational facilities; City University of New York Senior Colleges; Community Colleges; Boards of Cooperative Educational Services; Cities and Counties with respect to Court Facilities and combined occupancy structures, as defined by law; the Department of Education of the State of New York with respect to certain facilities under its jurisdiction; other State and local governmental entities; independent colleges and universities; facilities for the aged; certain not-for-profit hospitals and nursing homes, as well as a wide variety of other not-for-profit organizations specifically described in the Act.

1.2 Purpose and Project Overview:

DASNY seeks proposals from Construction Management (CM) firms to provide the following services:

- 1. Full CM Services on an on-call basis for statewide projects with a construction value less than \$25 million.
- Technical support services to augment DASNY staff on various projects regardless of construction value.

It is DASNY's intent to contract with and empanel a group of qualified CM firms to provide the services listed above for a period of four years. Firms are not required to provide services statewide to be selected. Services will be requested and contracted on an as needed basis and the type and value of each assignment will vary. Selection does not guarantee work or that future assignments will be awarded. DASNY reserves the right to terminate the empaneled list early.

1.3 Key Events and Dates:

Event	<u>Date</u>	
Issuance of RFP	3/16/2021	
Deadline for RFP Questions	3/30/2021	(5:00 PM)
Post Responses to RFP Questions	4/6/2021	
Proposal Due Date	4/20/2021	(5:00 PM)
Interviews/Presentations (not earlier than)	5/18/2021	
Notice of Award (not earlier than)	6/1/2021	

Section 2 - Engagement Requirements

2.1 Scope of Services:

The full scope of services to be provided is included within Appendix A of the attached Sample Contract. Services shall also include the following:

Full range CM Services (preconstruction phase, construction phase and administration of general conditions) on projects with a maximum construction value of \$25 million.

On-call CM Services on potential projects for the City University of New York (CUNY), State University of New York (SUNY), NYS Office of Mental Health (OMH), NYS Office of People with Developmental Disabilities (OPWDD), NYC Health and Hospital Corporation (HHC), New York City Housing Authority (NYCHA), Housing Trust Fund Corporation (HTFC), DCAS and other DASNY clients.

Technical support services to augment DASNY staff on projects in which the construction value bears no limitation. Firm's should be able to provide construction personnel who are qualified to address emergency safety or housekeeping concerns and provide other technical services including, but not limited to: field inspection, cost estimating, scheduling, design review, value engineering, administrative/office support and other construction phase management services.

2.2 Qualification and Certification Requirements:

- Experience providing CM Services of similar nature and construction value;
- Experienced staff with thorough knowledge of their area of expertise;
- Experience with Wick's Law projects;
- Experience with Project Labor Agreements (PLA's);
- Project estimating capabilities;
- Ability to perform constructability reviews;
- An established QA/QC Program;
- An established Safety Program;
- Experience working in occupied facilities; and
- Experience expediting for NYC Department of Buildings (DOB) permitted projects (only if proposing to provide services in New York City).

2.3 Project Management Software:

Primavera P6Tm will be utilized as the scheduling tool and the Owner's Project Management Program applicable at the time a work authorization is issued will be utilized as the management tool to plan, track, and record all project-related schedules, correspondence, submittals, transmittals, meeting minutes, requests for information, daily logs, project costs, change management, and reporting. In addition, DASNY at their option will deploy these systems from available web-based and/or Application Service Provider (ASP) system(s). Firms responding to this RFP shall engage these systems, hereinafter referred to as "The Project Management System", for all project deliverables.

Section 3 - Content of Technical Proposal

3.1 Information to be provided by Proposers:

The following is a list of required information that must be provided by the proposer. Provide your response in the same order in which it is requested using numbered side tabs that correspond with each of the numbered tabs below. Your technical proposal must contain sufficient information to assure DASNY of its accuracy.

Tab 1. Include a **cover letter** with the following items:

- a. The name, title, telephone number, fax number and email address of the individual within your firm who will be DASNY's primary contact concerning this RFP.
- b. The primary contact's name, title, telephone number, fax number and email address for each subconsultant who will perform work under this contract.
- c. The identities of the primary staff proposed to provide services relating to this RFP.
- d. A statement to the effect that your firm is willing to perform all mandatory services identified in Section 2, Item 2.1 and will abide by the terms of the RFP, including all attachments.
- e. A statement that the Proposer understands selection does not guarantee that any services will be requested from your firm.
- f. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a technical proposal that contains an unsigned cover letter. If the proposer is a joint venture, the proposal shall be signed by the joint venture. Anyone signing the proposal as an agent shall file with it, legal evidence of his or her authority to execute such proposal.
- Tab 2. Provide the geographic area in which your firm provides its services. The geographic area must be defined and should be limited to the areas in New York State in which your firm is willing and able to provide the requested services.
- Tab 3. Provide a description of your firm's organization, team makeup including subconsultants and the resumes of partners, principals, associates and other key staff proposed to provide services to DASNY.
- Tab 4. Provide a description of your firm's experience providing similar services including recent relevant project experience to the public and private sector with a particular focus on experience with Wick's Law projects (multiple primes). Note specific experience working under an on-call or term contract basis. Include the names, titles and phone numbers of at least three (3) references excluding DASNY employees and a summary of the services provided.
- Tab 5. Provide a detailed description of your firm's experience/involvement with projects performed under Project Labor Agreements (PLA's).

- Tab 6. Provide a description of your firm's capability and resources to provide each of the following services: field inspection; cost estimating; scheduling; design review; constructability reviews, value engineering; and administrative/office support.
- Tab 7. Provide a description of your firm's experience working in occupied facilities.
- Tab 8. Provide a description of your firm's familiarity or experience/involvement with PMWeb or an equivalent system.
- Tab 9. Provide a description of how your firm implements quality assurance/control throughout construction.
- Tab 10. Provide a description of your firm's safety program as it pertains to your in-house safety resources, monitoring/enforcement to ensure OSHA compliance, violations, emergency response, evacuation plan and reporting.
- Tab 11. Provide a detailed description of your firm's experience/involvement with projects permitted by DOB (only if proposing to provide services in New York City).
- Tab 12. Provide a completed Utilization Plan, included in this RFP as an attachment, listing all proposed sub-consultants including ESD Certified M/WBE firms you "may" use if selected for a contract. **No dollar amounts should be entered at this time**. With each project assignment, a new plan with dollar amounts will be required. The goals for the term contract are 18% MBE & 12% WBE. The goals refer to the percentage of utilization of your M/WBE sub-consultants.
- Tab 13. Provide a complete Diversity Questionnaire, included in this RFP as an attachment. It is the goal of DASNY to utilize qualified firms that have a demonstrated history of hiring, training, developing, promoting and retaining minority and women staff and to encourage participation by certified MWBE firms. This questionnaire elicits information about each responding firm in order to verify that its work environment demonstrates a strong commitment to diversity.
- Tab 14. Provide a completed Use of Service-Disabled Veteran-Owned Businesses Plan, included in this RFP as an attachment listing all proposed sub-consultants including OGS Certified Service-Disabled Veteran-Owned Businesses (SDVOB) that are of equal quality to those that may be obtained from non-SDVOBs if selected for a term contract. Certified SDVOBs can be identified at http://ogs.ny.gov/core/docs/CertifiedNYS_SDVOB.pdf. No dollar amounts should be entered at this time. With each project assignment, a new plan with dollar amounts will be required. The SDVOB goals for the term contract are 3%.
- Tab 15. <u>Additional Information</u> The proposer must also provide statements regarding the following:

- a. The proposer must agree to provide DASNY with pre- and post-audit access to documents, personnel and other information necessary to conduct audits on request during the term of the Contract and for six years thereafter.
- b. The proposal submitted must contain a representation that the proposer is willing and ready to provide any services requested or required in a timely manner.
- c. Provide a description of how your firm will monitor the allotment and performance of work in order to achieve an efficient administration of the project.
- d. Disclose any potential conflicts of interest (refer to the "Code of Business Ethics Certification" attached).

Section 4 - Content of Cost Proposal

4.1 Information to be provided by Proposers:

The following is a list of required information that must be provided by the proposer. Provide your response in the same order in which it is requested using numbered side tabs that correspond with each of the numbered tabs below. Your cost proposal must contain sufficient information to assure DASNY of its accuracy.

Tab 1. Include a **cover letter** with the following items:

- a. The name, title, telephone number, fax number and email address of the individual within your firm who will be DASNY's primary contact concerning this RFP.
- b. A statement to the effect that the price quoted is an irrevocable offer good for 120 days.
- c. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a cost proposal that contains an unsigned cover letter.
- Tab 2. Provide documentation indicating your firm's Overhead and Profit Multiplier and that of your sub-consultants (if any) by using one of the methods listed below. The calculation should include all direct labor expenses, indirect and operating expenses and proposed profit.
 - a. Submit an approved Standard Cost Proposal Form or a previously approved multiplier from another State Agency.
 - b. Submit the attached CM Multiplier Form and provide backup documentation indicating your firm's Fringe Benefits and Overhead and Profit Fee for the Design and Construction Phases. The calculation should include all direct labor expenses, indirect and operating expenses and proposed profit.
 - c. Submit an approved FARs audited financial statement from your firm's most recent year-end.
- Tab 3. Complete the attached Classification & Rate Form to support the unloaded salaries and rates of your employees under this contract. If submitting an approved Standard Cost Proposal Form a Classification & Rate Form is not required.
- Tab 4. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.

- Tab 5. Provide a completed W-9 form, included in this RFP as an attachment.
- Tab 6. Provide a completed Omnibus Certification included in this RFP as an attachment

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

- 1. Proposers shall submit a Vendor Responsibility Questionnaire ("VRQ") in accordance with Section 9 of this RFP. DASNY requires vendors to file the VRQ online via the New York State VendRep System (the "System"). Proposers must provide a copy of the certification page to DASNY. 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.
- 2. Included as an attachment is the draft form of the Contract DASNY proposes be executed between the selected Consultant(s) and DASNY (the "Contract"). As part of its proposal, each Proposer must identify all questions, comments, requests, exceptions, or objections (collectively, "Objections"), if any, that it may have to the Contract for DASNY's review and consideration. Any such Objections must be set forth in writing and should be as detailed and as possible. Any Objections raised by a Proposer must be commercially reasonable. Any Objections must include proposed alternative wording. DASNY may, at any time during the evaluation period and in its sole and absolute discretion, modify, amend or change the terms and provisions of the Contract by issuance of an addendum.

Section 5 - Evaluation of Proposals

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

5.1 Preliminary Review:

DASNY reserves the right to reject and return to the proposer all proposals received after the RFP due date and time. All proposals will be reviewed to determine if they contain all required submittals specified in Sections 3 and 4. Incomplete proposals may be rejected.

5.2 Evaluation:

Proposals will undergo an evaluation process conducted by a Committee selected by DASNY. The Committee will evaluate the proposals based upon the criteria for selection set forth below.

5.3 Criteria for Selection:

The criteria for selection shall be the qualifications and requirements listed in Sections 2 and 3.

5.4 Interviews:

DASNY reserves the right to determine whether interviews will be necessary. The purpose of the interview is to further document the proposer's ability to provide the required services and to impart to the Committee an understanding of how specific services will be furnished. The proposed lead principal, as well all other key personnel proposed to provide the services must be present and participate in the interview. The interview will be evaluated on the basis of whether it substantiates the characteristics and attributes claimed by the proposer in its written response to this RFP and any other information requested by the Committee prior to the interview.

Section 6 - Submission of Proposals

6.1 Submission of Technical and Cost Proposal:

DASNY will be accepting electronic proposals only.

To Submit Electronically:

Follow the directions below to upload your proposal electronically. Any technical issues or questions should be directed to the Designated Representative for the Project via email prior to the due date of the RFP.

- 1. You will receive an email from DownstateRFPcoordinator@dasny.org with a link to a Microsoft SharePoint site: "Term Construction Management Services RFP."
- 2. Click on the link. If you have an existing Microsoft account, you will be asked to login and then you will be routed directly to the "Term Construction Management Services RFP "Documents" page.
 - a. If you do not have a Microsoft account, you will need to register for a Microsoft account before you can access the link.
- 3. Four documents will need to be uploaded and include:
 - a. Technical Proposal
 - b. Cost Proposal
 - c. Vendor Responsibility Certification
 - d. DASNY Omnibus Procurement Certification

All documents must be saved in PDF format and labeled as directed below:

- a. Technical Proposal:
 - i. Save file as: RFP 6565-Tech-firm name
 - ii. Click "Upload" or drag and drop
- b. Cost proposal:
 - i. Save file as: RFP 6565--Cost-firm name
 - ii. Click "Upload" or drag and drop
- c. Vendor Responsibility:
 - i. Save file as: RFP 6565--VRQ-firm name

- ii. Click "Upload" or drag and drop
- d. Omnibus Certification:
 - i. Save file as: RFP 6565--Omnibus-firm name
 - ii. Click "Upload" or drag and drop
- 4. Once your documents are uploaded, DO NOT OPEN. The document submitted must be your final submission and cannot be modified.
 - a. If you open your documents after they are submitted, the system will show it as "modified."
- 5. The Term Construction Management Services RFP site will close at 5:01 PM on 4/20/2021. Any questions or issues on submitting must be addressed to the Designated Representative for the Project before that time using the email in Bullet 1. Please ensure you give yourself enough time for uploading all files.

Section 7 - Important Information Affecting Proposers

7.1 Proposal Requirements:

DASNY's Designated Representative for the Project, including the procurement is:

Rana Ahmad

Project Accountant

e-mail: DownstateRFPCoordinator@dasny.org

Attention: Term Construction Management Services

All questions shall be submitted in writing or by email, citing the particular proposal section and paragraph number. Proposers should note that all clarifications and exceptions, including those related to the terms and conditions of the contract are to be resolved prior to the submission of a proposal. A list of all substantive inquires received with relevant responses will be posted on DASNY's website, www.dasny.org.

- 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 7, Item 7.1.1. The proposal may thereafter be resubmitted, but not after the final due date and time. Modifications offered in any other manner, oral or written, will not be considered.
- 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 7, Item 7.1.1. Notice of such error or omission should be submitted prior to the final due date and time for submission of proposals. Modifications shall be made by addenda to this RFP. Such clarifications will be posted on DASNY's website, www.dasny.org.
- 3. If a Proposer fails, prior to the final due date and time for submission of proposals, to notify DASNY of a known error or an error that reasonably should have been known, the Proposer shall assume the risk of proposing. If awarded the contract, the proposer

- shall not be entitled to additional compensation or time by reason of the error or its late correction.
- 4. A Proposer indicates its acceptance of the provisions and conditions enumerated in this RFP by submitting a proposal.

7.2 DASNY Requirements:

- 1. By submitting a proposal, the Proposer covenants that the Proposer will not make any claims for or have any right to damages because of any misinterpretation or misunderstanding of the specifications or because of lack of information.
- 2. DASNY shall not be liable for any cost incurred by the Proposer in proposal preparation or in activities related to the review of this RFP or any interview costs.
- 3. Other than the contact person identified in Section 7, Item 7.1.1 or their designee(s), prospective Proposers shall not approach DASNY employees during the period of this RFP process about any matters related to this RFP or any proposals submitted pursuant thereto.

7.3 DASNY Rights and Prerogatives:

DASNY reserves the right to exercise the following prerogatives:

- 1. To accept or reject any or all proposals and amend, modify or withdraw this RFP.
- 2. To correct any arithmetic errors in the proposals.
- 3. To change the final due date and time for proposals.
- 4. To accept or reject any of your firm's employees or proposed subconsultants assigned to provide services on this project and to require their replacement at any time. The Proposer shall obtain the written approval of the Owner of changes to the technical proposal after it is submitted, including any changes with respect to subconsultants. The Owner shall have the right to reject any proposed change to the Proposer's technical proposal.
- 5. To waive or modify any irregularities in proposals received after prior notification to the proposer. This will in no way modify the RFP documents or excuse the proposer from full compliance with its requirements.
- 6. To consider modifications to proposals at any time before the award is made, if such action is in the best interest of DASNY.
- 7. To request a revised cost proposal from firms selected as finalists.
- 8. To accept a proposal for the engagement containing other than the lowest cost proposal.

- 9. To interview proposers prior to selection.
- 10. To reject any proposal containing false or misleading statements or that provides references that do not support an attribute or condition claimed by the proposer.
- 11. To begin negotiations with the next most responsive proposer to this RFP should DASNY be unsuccessful in negotiating a contract with the selected proposer within a reasonable time frame.
- 12. To contract with more than one firm.

7.4 Contractual Requirements:

- Contract By submitting a proposal, the successful proposer agrees to reference the RFP as part of the resulting contract. DASNY may award a contract for any or all parts of a proposal and may negotiate contract terms and conditions to meet client program requirements consistent with the RFP. Award of a contract is subject to contract negotiation and approval of such contract by the appropriate DASNY authorities.
- 2. Modification of Contract Any modification to the original contract signed between the successful Proposer and DASNY will require the mutual consent of the successful Proposer and DASNY. Any contract or amendments thereto will be considered effective only after approval and execution by the appropriate DASNY authorities.
- 3. Interpretation The contract shall be construed and interpreted in accordance with the laws of New York State. New York State shall be the forum for disputes.
- 4. Public Announcements Upon selection of the successful proposer and contract execution, public announcements or news releases pertaining to the contract shall not be made without prior written consent of DASNY.

Section 8 - Insurance

DASNY engages the services of Ebix, Inc. to assist in managing and tracking insurance compliance. The successful proposer will be required to submit Certificate(s) of Insurance showing compliance with the insurance requirements. Ebix, Inc. is an insurance data management company whose role is to help assure those with whom DASNY is doing business with are fulfilling their obligation to DASNY by maintaining insurance coverage to protect DASNY from financial loss.

Ebix, Inc. is a full-service Application Service Provider (ASP) company focused exclusively on tracking and verifying insurance coverage. Ebix, Inc. performs tasks for DASNY that would otherwise need to be performed internally. Ebix, Inc. will keep track of companies who have agreed to provide DASNY with evidence of insurance.

Ebix, Inc. performs the following tasks for DASNY:

- Establish a Database with information (e.g. name, address, coverage requirements, etc.) for each organization for which DASNY desires to track insurance.
- Keep track of all insurance coverage renewal dates.
- If necessary, send a series of letters to a vendor notifying them of their insurance compliance obligation, and also informs DASNY of actions necessary for them to resolve a noncompliance status.
- Report to DASNY any vendor failing to meet their agreed obligation to provide proper evidence of insurance coverage.

As stated above, the successful proposer will be required to submit Certificate(s) of Insurance showing compliance with the insurance requirements (General Liability, Automobile, Excess Liability (if needed), Professional Liability, Worker's Compensation, New York Disability and any other coverage as required) directly to Ebix, Inc. Corporate information for Ebix, Inc. is as follows:

Ebix, Inc. One Ebix Way Johns Creek, GA 30097 https://www.ebix.com/

<u>Section 9 – Vendor Integrity</u>

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 https://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.

Section 10 - Negotiations

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

Section 11- Notification

Upon completion of the selection process, DASNY will notify all firms of its decision. Notification will be sent to the primary contact only. Shortly after notification the selected firm(s) will be posted on DASNY's website.

Section 12 - Freedom of Information Law and Public Disclosure

This RFP and all information submitted in response to this RFP constitute "records" subject to disclosure pursuant to the New York State's Freedom of Information Law (Public Officers Law, Article 6, § 84-90, the "FOIL Law" or "FOIL"). FOIL reaffirms the public's right to know how government operates and requires that DASNY make its records available for public inspection or copying, except to the extent that records or portions thereof fall within one or more grounds for denial set forth in the §87(2) of the FOIL Law.

Should you feel your firm's proposal contains any such trade secrets, other confidential or proprietary information or is otherwise exempt from disclosure pursuant to FOIL, you must submit a request to exclude such information from disclosure. Such request must be in writing, must detail the information that should be exempt from disclosure, and must state the reasons why such information should be excepted from disclosure. DASNY will not honor any attempt, by a firm, to omit its entire proposal from disclosure.

Section 13 – Term of Agreement

The contract term is expected to be for a period of four (4) years, subject to the availability of sufficient funding, successful performance and an approved contract.