

Title: *Commercial General and Umbrella/Excess Liability Insurance Broker Services*

Authority: *The Dormitory Authority of the State of New York (DASNY)*

Solicitation Number: *7573*

Anticipated Contract Term: *October 1, 2021 through September 30, 2024*

Posted Date: *5.19.2021*

Submission of Questions: *5.27.2021 (5:00 PM EST)*

Proposal Due Date/Time: *6.11.2021 (5:00 PM EST)*

County (ies): *Statewide or Remote*

Location (s): *515 Broadway Albany, NY 12207 or Remote*

Opportunity Type: *Discretionary procurements between \$50,000 and \$500,000*

1. Description

The Dormitory Authority of the State of New York (DASNY) intends to procure an insurance broker to provide broker/marketing and program support services for its Commercial General and Umbrella/Excess Liability Insurance program for the October 1, 2021-2022 through 2023-2024 policy years. It is DASNY's intent from this solicitation to select and award a contract to one broker or team led by a NYS certified MWBE licensed insurance broker ("Broker"). In accordance with the Public Authorities Law, Section 2879 and the New York State Executive Law, Article 15-A, this opportunity is solely intended for certified MWBE's.

2. Contract Term

The anticipated contract term will be for three years, with two optional one-year renewals, commencing on October 1, 2021. The successful Broker will be provided Broker of Record letters, as necessary, for marketing purposes in advance of the October 1, 2021 contract commencement date.

3. Background

The Dormitory Authority State of New York (DASNY) is a public benefit corporation of the State of New York empowered by Titles 4 and 4-B of the Public Authorities Law (the "Act"), to provide design and project management services to, and to issue its bonds, notes and other obligations, for a wide variety of public purposes. Under the Act, DASNY provides a multitude of support services, including the procurement of insurance coverage in various forms in connection with the design, construction, ownership, and financing of capital facilities for the State University of New York dormitory program; the City University of New York Senior and Community Colleges; the New York City Health and Hospitals Corporation; the New York City Office of Court Administration; the New York State Department of Education 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. All of the entities for which DASNY provides financing, construction or other services are referred to as clients.

DASNY's business can be divided into two broad categories based on the nature of the clients:

1. Not-for-profit institutions including colleges, hospitals, nursing homes and other miscellaneous charitable type institutions.

2. Governmental institutions including SUNY, CUNY, Department of Health, Department of Education, Department of Mental Hygiene, Office of Mental Retardation and Developmental Disabilities, municipal hospitals and Office of Court Administration.

For the most part, the relationship between DASNY and its many not-for-profit clients is a lending transaction based upon a loan agreement. The relationship between DASNY and its governmental clients is more complex and involves a combination of statutes and financing agreements. These statutes and financing agreements are part of the method by which New York State finances and constructs facilities for use by these various governmental clients.

DASNY provides more than loans to its governmental clients. DASNY frequently builds facilities for these clients, in addition to financing the cost of construction. From time to time DASNY may also agree to provide general/excess liability insurance coverage, covering the buildings and/or projects that DASNY has constructed, or is in the process of constructing, on their behalf. For example, DASNY's program provides liability insurance coverage for all academic and support facilities at the City University of New York during the course of construction. Insurance coverage is provided for the State University of New York dormitory operations both during and after construction, into occupancy. A similar arrangement is in place for specific health care facilities operated under the jurisdiction of the NYS Department of Health.

The current structure of DASNY's Commercial General and Umbrella/Excess Liability Insurance program and significant exposure information includes the following:

- General Liability coverage of \$2,000,000 per occurrence/\$4,000,000 general aggregate with a self-insured retention of \$100,000 per occurrence, subject to a total policy aggregate of \$10,000,000.
- Umbrella/Excess Liability is comprised of four layers of \$3,000,000, \$5,000,000, \$10,000,000 and \$10,000,000, respectively, followed by two quota-share layers of \$25,000,000 each, for total program limits of \$80,000,000.
- Exposures include 52,682,889 square feet of permanent property and \$626,619,700 of construction expenses.
- Approximately 10% of DASNY's construction is conducted in upstate NY; 75% in the boroughs of New York City.
- DASNY construction activity is currently composed of 1% (5% by dollar value) new construction and 99% (95% by dollar value) of renovation work. The single largest new construction project has an estimated completed value of \$189 million.
- An average of 39 claims per year with average annual expenses of \$245,956.
- Approximately 67% of claims are premises liability related; the other 33% are construction related, including claims subject to New York State Labor Law.
- The number of Certificates of Insurance issued by DASNY varies, but is usually less than ten on an annual basis.

A Schedule of Named Insureds (identifying the various named insureds covered by this liability insurance program, as well as the type of operations which are contemplated by the coverage), Loss Run, List of Permanent Property Locations, partial list of Current Construction Projects, and a sample Construction General Conditions document are included in this RFP as attachments.

Copies of DASNY's insurance policies will be made available to the successful Proposer upon notification of selection or award of contract at the close of this procurement. Copies of policies will not be made available as part of this solicitation.

It is important for respondents to understand that DASNY also adjusts the claims under these policies on behalf of our clients with the support of a Third-Party Administrator, currently Custard Insurance Adjusters, recently named Riverwood Claims Management.

4. Qualifications and Certification Requirements

DASNY is seeking proposals from firms seeking to provide insurance broker services that will bring a program of risk financing, claims and loss control services in support of DASNY's efforts to manage its exposures to risk and control the costs associated with those exposures.

The Broker must be a NYS certified MWBE licensed insurance broker or a team led by a NYS certified MWBE licensed insurance broker. The lead Broker shall clearly demonstrate its capabilities in managing and/or providing the requisite services listed below for brokerage placement, claims administration assistance, and risk management support services. Furthermore, if a team is proposed, the team must clearly define the roles and/or services each team member will deliver or provide.

The Broker must demonstrate successful brokerage experience for commercial and/or government clients.

The Broker must demonstrate the ability to access markets of sufficient capacity to meet the minimum program limits of \$80 million with carriers minimally rated "A-" by A.M. Best at the time of submittal.

The Broker must demonstrate the ability to perform risk identification, coverage, limits, loss, and pricing analyses required to effectively service DASNY and its clients.

The Broker must demonstrate strong claims support services for a large/active client program, including the ability to collaborate with and/or provide administrative services alongside of other independent service providers.

The Broker must provide evidence of in-force Errors & Omissions (E&O) insurance coverage with a minimum limit of \$10,000,000 or provide proof of insurability with a current quote for limits required to increase existing coverage to \$10,000,000 upon notification of selection and prior to beginning work and/or award of contract. Brokers proposing with a team must provide evidence that the lead MWBE broker shall solely fulfill this, and any other insurance obligations enumerated in the Sample Contract, without reliance on insurance provided by other team members or propose an alternative insurance arrangement reaching the same E&O limits in a manner that is acceptable to DASNY.

The Broker must demonstrate the ability to access expert loss control/engineering support services for a portfolio of higher education institutions, including high-rise residential exposures.

The Broker must possess a valid and current New York State Property & Casualty Insurance Broker's license.

All certified MBE/WBE firms submitting proposals to this solicitation should be registered as such with the New York State Department of Economic Development.

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.

If the Proposer is a joint venture, provide a copy of the executed joint venture agreement and a W-9, as well as evidence of insurance coverage, in the name of the joint venture.

DASNY prefers to compensate insurance brokers on a fee basis, but commissions will be considered upon request. In either case, the Broker is required to disclose all sources of revenue to be earned by the Broker, its affiliated organizations, and contracted/partner/team members in association with the placement of the insurance programs and/or any services provided in association with those programs. DASNY reserves the right to approve both the form and amount of that compensation.

NOTE: The selected Broker will be responsible for marketing DASNY's program to insurance carriers, however brokers are prohibited from approaching markets unless given authorization by DASNY in writing. DASNY reserves the right to inquire as to the respondent's preferred markets at any time during the procurement process. However, such inquiries should not be considered a promise of assignment or authorization to approach those markets, or any markets, on behalf of DASNY.

5. Scope of Services

Please see Attachment A for the Scope of Services to be provided by the selected Broker.

6. 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, with labels that correspond with each of the numbers below. Your proposals must contain sufficient information to assure DASNY of its accuracy.

A. Content of Technical Proposal

1. Provide a cover letter with your firm's name, address and telephone number along with the name, title, telephone number and email address of the individual within the firm who will be DASNY's primary contact concerning this proposal.
2. Provide a description of your firm's organization and the role of each team member proposed to provide services to DASNY. Include a detailed description of any partnering/teaming arrangements with other broker or service firms, if applicable, including the nature/organization of the partnering arrangement, the division of work between the firms and team members, and how the members of each of the respective team organizations will interact.
3. Provide the resumes or summaries of experience and credentials of the individual(s) who will provide services to DASNY, with particular emphasis on General Liability and Umbrella/Excess Liability Insurance Programs.
4. Provide a description of your understanding of DASNY, its operations and handling of the program, and how your firm will market DASNY's program to appropriate insurance markets/carriers. Include three carrier market selections, in priority order, to whom your firm would market DASNY's General and Umbrella/Excess Liability Insurance program. Explain why your firm chose these markets and why they would be a good fit for DASNY's General Liability risk profile.
5. Provide a description of successful projects your firm/team has completed within the last five (5) years for clients (public and/or private sector) of similar size and/or nature to DASNY's program,

with particular emphasis on General and Umbrella/Excess Liability programs/services. Describe the general nature of the insured operations (e.g. construction, finance, manufacturing, warehousing), and how those clients' programs are similar to DASNY's, as well as specifically what services were/are provided. Include the names, titles and phone numbers of at least three (3) references, excluding DASNY employees, and a summary of the services provided.

6. Provide a description of your firm's capability and expertise in preparing, reporting and negotiating potential claims, particularly General Liability claims, with insurance carriers. Include experience and credentials of the individuals (s) who will provide claim services on behalf of DASNY.
7. Provide a copy of your firm's current and valid New York State Property & Casualty Insurance Broker's license and Certificates of Insurance as attachments. Certificates of Insurance must demonstrate evidence of a minimum of \$10,000,000 Errors & Omissions insurance, as well as other forms and amounts of insurance coverage required in the Sample Contract and Sample Certificate of Insurance attached, or evidence of the ability to secure such coverage prior to performing work and/or the award of a contract for services. Coverage must be in place within 5 business days of notification of tentative award.
8. Provide a NYS Vendor Responsibility Questionnaire. 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.
9. Provide a completed DASNY Omnibus Procurement Certification included in this solicitation as an attachment.
10. Provide a completed W-9 Form, included in this Discretionary Purchase, as an attachment. If the proposer is a joint venture, provide a W-9 in the name of the joint venture and provide a copy of the executed joint venture agreement.
11. Provide a letter from the NYS Empire State Development certifying your business as a Minority or Women Business Enterprise, as an attachment. (Please Note: A copy of the NYS M/WBE Certification which shows the effective date OR a current screen shot from the ESD Directory which shows M/WBE Certification are acceptable forms of verification in place of a letter from ESD.
12. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements, as an attachment.
13. Additional Information - The proposer must also provide statements, as attachments to their proposal, 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 “Omnibus - Certification” attached).

B. Content of Cost Proposal

1. Include a cover letter with the following items:
 - a. The name, title, telephone number and email address of the individual within your firm who will be DASNY’s primary contact concerning this solicitation;
 - b. A statement indicating the firm’s/team’s preference for compensation in the form of insurance carrier paid commission(s) or fee(s) paid by DASNY.
 - c. Explanation and amount of the proposer’s suggested fee or commission, including the basis for calculation.
 - d. A statement to the effect that the fee or commission quoted is an irrevocable offer good for 120 days.
 - e. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a cost proposal that contains an unsigned cover letter.

7. Evaluations 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 to: (1) examine the responses for compliance with this solicitation; and (2) identify the complying firms that have the highest probability of satisfactorily performing the scope of services. The evaluation process will be conducted in a comprehensive and impartial manner.

Preliminary Review

DASNY reserves the right to reject and return to the proposer all proposals received after the solicitation due date and time. All proposals will be reviewed to determine if they contain all required submittals specified in Sections 4 and 6. Incomplete proposals may be rejected.

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.

Criteria for Selection

The criteria for selection shall be the qualifications required by Section 4 and Section 6A.

8. Questions

There will be an opportunity available for submission of written questions and requests for clarification regarding this procurement. Any questions and requests for clarification must be submitted via email to **UpstateRFPCoordinator@dasny.org** and include “Commercial General and Umbrella/Excess Liability” in the subject line no later than **May 27, 2021**. Answers will be posted on or about **June 1, 2021**.

9. 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 as 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 solicitation and any other information requested by the Committee prior to the interview.

10. Submissions of Proposals

Firms interested in responding to this solicitation must submit their Technical Proposal, which should not exceed 25 pages, including any required attachments, and a separate Cost Proposal (no page limit), in a format (pdf, Word, PowerPoint, etc.) of the Proposer's choice by email to the RFP Coordinator at **UpstateRFPCoordinator@dasny.org** and include "Commercial General and Umbrella/ Excess Liability" in the subject line no later than **June 11, 2021 at 5:00 pm EST**. Proposals received after this date will not be accepted.

NOTE: Solicitation documents may, from time to time, be amended or addenda issued. It is the Proposer's responsibility to become aware of any such amendments and/or addenda prior to submission of a proposal. All amendments and/or addenda to solicitations will be posted on DASNY's website.

11. Notification and Award

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. DASNY will commence with the selected firm finalization of the scope and fee negotiations and execute a contract.

For more details regarding this solicitation please refer to DASNY's website at <https://www.dasny.org/opportunities/rfps-bids/professional-services>

12. Freedom of Information Law and Public Disclosure

This solicitation and all information submitted in response to this solicitation 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.

13. Important Information Affecting Proposers:

Proposal Requirements:

All inquiries regarding this solicitation should be addressed to the following individual:

Email: UpstateRFPCoordinator@dasny.org

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

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 this Section 13. 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 solicitation, the proposer should immediately notify the contact person identified in this Section 13. 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 solicitation. Such clarifications will be given by written notice to all parties who have received this solicitation.
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 solicitation by submitting a proposal.

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 solicitation or any interview costs.
3. Other than the contact person identified in Section 13, or their designee(s), prospective proposers shall not approach DASNY employees during the period of this solicitation process about any matters related to this solicitation or any proposals submitted pursuant thereto.

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 solicitation.
2. To correct any arithmetic errors in the proposals.
3. To change the final due date and time for proposals.
4. To accept or reject any of the firm's employees or proposed sub-consultants assigned to provide services on this project and to require their replacement at any time. The proposer shall obtain the written approval of DASNY of changes to the technical proposal after it is submitted, including any changes with respect to sub-consultants. DASNY shall have the right to reject any proposed change to the proposer's technical proposal.
5. To waive or modify any irregularities in proposals received after prior notification to the proposer. This will in no way modify the solicitation 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 solicitation 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.
13. To review and request changes to contracts or other forms of agreement with sub-consultants or other partners/team members.

Contractual Requirements

1. Contract
 - a. By submitting a proposal, the successful proposer agrees to reference the solicitation as part of the resulting contract.
 - b. DASNY may award a contract for any or all parts of a proposal and may negotiate contract terms and conditions to meet client program requirements consistent with the solicitation.

c. Award of a contract is subject to contract negotiation and approval of such contract by the appropriate DASNY authorities.

2. Modification of Contract

a. Any modification to the original contract signed between the successful proposer and DASNY will require the mutual consent of the successful proposer and DASNY.

b. Any contract or amendments thereto will be considered effective only after approval by the appropriate DASNY authorities.

3. Interpretation

The contract shall be construed and interpreted in accordance with the laws of New York State. New York State shall be the forum for disputes.

4. Public Announcements

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

4. Attachments

Attachment A-	Scope of Services
Attachment B-	Sample Contract
Attachment C-	DASNY Omnibus Procurement Certification
Attachment D-	W-9 Form
Attachment E-	Sample Insurance Certificates & Requirements
Attachment F-	Loss Runs
Attachment G-	Permanent Property Locations
Attachment H-	Current Construction Projects
Attachment I-	Sample Construction General Conditions