



Construction Management Services
CUNY Hunter College North Building
Auditorium Project

Request for Proposal
RFP #7578

Date: January 3, 2022



**Request for Proposal (RFP)
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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 including for the City University of New York Senior Colleges; Community Colleges; State University of New York; Office of Mental Health, 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 - Introduction to CUNY

The City University of New York (CUNY) comprises 25 colleges located throughout the Five Boroughs and is attended by more than 250,000 students. The CUNY campuses vary in size and age, and in the types of facilities. There are approximately 300 buildings on CUNY campuses, some of which date back to the late Nineteenth and early Twentieth centuries. CUNY colleges also occupy space in leased facilities throughout NYC. Programmatic changes within the colleges’ operations frequently require modification of facilities, including renovation of existing facilities, and for “adaptive re-use” of existing space which will be an ongoing initiative. Many CUNY buildings also require significant renovation, updating and replacement of various building systems, features and components, including to improve energy efficiency.

1.3 - Introduction to Hunter College

Hunter College is one of CUNY’s eleven senior colleges. Hunter College, founded in 1870, is one of the largest colleges in the City University of New York. More than 23,000 students currently attend Hunter, pursuing undergraduate and graduate degrees in more than 170 areas of study. Hunter College embraces its setting in the City of New York and seeks to draw upon the City’s energy, capitalize on its resources, and integrate it into the College’s teaching research and creative expression.

1.4 - Purpose

DASNY seeks proposals from Construction Management (CM) firms to provide pre-construction and construction phase construction management services for the renovation of the Assembly Hall Auditorium (“Auditorium”) at Hunter College North Building. The purpose of this project is to create a modern venue for musical performances, large lecture-style classes, and special events such as ceremonies and symposiums. The facility will support the college’s uses and will also operate as a rental venue serving the NYC region.

Section 1.5 - Project Background and Scope of Work

Background

The Auditorium at Hunter College’s North Building on the 68th Street campus, is most often used for graduation ceremonies or large symposiums. It also provides a festive environment for celebrations and other large-scale gathering. The Auditorium is comprised of approximately 25,000 square feet and

currently seats 2,116 people. It features a compact stage area, small wings, wide continental seating layout, a second-floor balcony and corridor and includes a related basement area. The North Building was built in 1940. It was designed by Shreve, Lamb, and Harmon, best known for designing the Empire State building. The building design incorporates Art Deco inspired motives and some Modernist architectural characters.

The North Building has a Park Avenue address, the 69th Street Entry serves as its main entry, and the building is also accessed via the 68th Street courtyard, through the Kaye Playhouse Lobby. Security desks are stationed at each of these entries. Additional entries on Park Avenue and the 68th Street courtyard are currently used for egress only.

Project Scope of Work

It is anticipated that the project scope of work for the renovation of the Assembly Hall (Auditorium) within Hunter College's occupied and operational North Building will establish the facility as a state-of-the-art, major, multi-purpose, flexible, ceremonial and performance venue and performing arts hub, and will include theater specialized renovation and construction work, related MEP, structural, and several specialty trades, such as, but not limited to, acoustical, lighting, audio-visual, tele-communications, environmental/hazmat, etc., as may be required.

The Authority Having Jurisdiction for the permitting and construction for this project will be New York City Department of Buildings / Other New York City Regulatory entities, as may be applicable.

The project shall comply with all applicable codes, rules and regulations, including but not limited to NYC Energy Codes, ADA, NYCDOB, FDNY, NYC Landmarks, etc., and also NYS SHPO, SEQ, etc. as may be applicable.

Project Budget

The preliminary estimated construction budget for this project is approximately Forty Million and 00/100 Dollars (\$40,000,000.00).

Project Objectives

The project's objectives are as follows:

1. State-of-the-art, Major, Flexible, Performance Venue

The project shall renovate and repurpose the auditorium to provide Hunter College with a state-of-the-art, major, flexible, performance venue that shall serve as a performing arts hub for the college, the surrounding community, the City, the region and beyond. The auditorium is currently underutilized and via this project shall be revitalized to provide an appropriate magnet facility supportive of current and future cultural enrichment needs, and to provide greater opportunities for cultural and educational outreach, including for Hunter's Music, Theater and Dance Departments.

The renovated and repurposed auditorium shall provide a modern venue for musical performances, with multi-purpose performance and event flexibility for a variety of other uses, including but not limited to, symphonic and other various musical, theater and dance performances, and medium and large-scale ceremonies and symposiums for the college and outside users.

2. Acoustical Performance Improvements

The acoustics of the auditorium require substantial improvement to support symphonic musical performances and other various venues. Currently background ambient noise, which appears to be primarily mechanical, is high, reverberation time low, the hall lacks acoustic separation from entries and adjacent areas and its acoustics may be adversely impacted by the large balcony.

3. Seating Capacity

Seating capacity shall be maintained to the extent practicable. The existing auditorium includes 2,116 seats, some loss of seats is anticipated to attain project objectives, and a minimum of 1,500-1,800 seats shall be provided in its large configuration(s). ADA access shall be provided.

4. Patron Experience Improvements

The renovation of the lobby space and adjacent corridors shall improve the overall experience of attending events, enhance the patron experience, provide additional breakout space, improve circulation and clarify points of entry and egress. Upgraded amenities such as increased restrooms, green room/flex space, coat check, and a box office or will call area shall be included.

5. Back of House Improvements

The renovation and repurposing of the facility shall also include back of house improvements anticipated to include, but not be limited to, existing stage wing space, dressing rooms, storage, etc. which shall be redesigned and constructed to be able to support a wide range of performances and events.

1.6 - Key Events and Dates

<u>Event</u>	<u>Date</u>
Issuance of RFP	01/03/2022
Pre-Proposal Meeting*	01/18/2022 (11:00 AM)
Deadline for RFP Questions	01/24/2022 (5:00 PM)
Post Responses to RFP Questions	01/31/2022
Proposal Due Date	02/10/2022 (5:00 PM)
Interviews/Presentations (not earlier than)	03/21/2022
Notice of Award (not earlier than)	05/06/2022

***A Virtual Pre-Proposal Meeting through Microsoft Teams will be held on Tuesday, January 18, 2022 at 11:00 AM. Please register by contacting the designated representative via email with the names and contact information of those wishing to attend.**

The purpose of this meeting is to describe the project, goals and to answer any questions presented by the proposers. Representatives of DASNY and CUNY will be available to answer questions regarding this RFP.

Section 2 - Engagement Requirements

2.1 - Scope of Services:

Construction Management Services shall include, but are not limited to, project management and administration, constructability analysis, value analysis, cost estimating and scheduling, change order mitigation and management, and supervision and inspection.

Refer to Appendix A, “Scope of Services” listed within the attached Design Phase Services Contract (Attachment #2), Construction Phase Services Contract (Attachment #3), and/or General Conditions Work Phase Services Contract (Attachment #4).

2.2 – Qualification Requirements:

- Firm’s demonstrated experience and proven track record within the last ten (10) years as a Prime Construction Manager providing both pre-construction and construction phase services for similar performing arts auditoria renovation projects, with related upgrades, or for projects of comparable scope, size and complexity.
- Proposed Team’s experience and proven track record in providing Construction Management Services for similar performing arts auditoria renovation projects, with related upgrades, or for comparable of similar scope, size, and complexity.
- Experience providing Prime Construction Management Services for:
 - At least three (3) projects of similar scope, size and complexity within the NYC Metropolitan region or comparable metropolitan environment
 - Similar complex renovations in occupied and operational higher education and/or comparable facilities
 - Similar complex renovations within the public sector
- Experience with, and in depth understanding of, New York City codes, New York City Construction Industry permitting requirements, market and occupancy requirements.
- Experience with projects performed under a Project Labor Agreement (PLA).
- An established and well documented QA/QC and Safety Programs including but not limited to COVID protocols.

2.3 – Project Management Software:

Primavera P6[™] (current version) will be utilized as the scheduling tool and Primavera Contract Management[™] (current version) and PMWeb, Inc. 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. Should any of the abovementioned software be replaced during the term of this engagement, CM shall utilize the replacement Project Management Systems 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. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a technical proposal that contains an unsigned cover letter. If the proposer is a joint venture, the proposal shall be signed by the joint venture. Anyone signing the proposal as an agent shall file with it, legal evidence of his or her authority to execute such proposal.

Tab 2. General Qualifications: The following is designed to elicit information important to DASNY in determining the selection of a consultant. Provide descriptive information demonstrating your firm's qualifications for completing this project and a statement as to why your firm should be selected. DASNY requests that each proposer provide information regarding the following:

- a. A description of your firm's organization and the resumes of partners, principals, associates and other key staff proposed to provide services to DASNY, with particular emphasis on experience as a Prime Construction Manager with:
 - i. multi-phased major renovation projects including renovations of higher education or comparable occupied and operational facilities.
 - ii. Construction Management services including but not limited to project management and administration, constructability analysis, value analysis, cost estimation and scheduling, change order mitigation and management, and supervision and inspection.
- b. A description of the Team your firm proposes to work on this project, including subconsultants. Please include resumes for all proposed team members.
- c. A description of your firm's experience providing similar services including recent relevant project experience within the past ten (10) years, for the public and private sector. Include the names, titles and phone numbers of at least three (3) references excluding DASNY employees and a summary of the services provided.
- d. A description of your firm's experience providing similar services including relevant project experience within the past ten (10) years in the NYC Metropolitan or comparable metropolitan area.
- e. A description of your firm's experience with:
 - i. Projects performed under a Project Labor Agreement (PLA); and
 - ii. NYC Codes, permitting, market and occupancy requirements.
- f. A description of any additional pertinent firm experience.
- g. 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 this contract. **No dollar amounts should be entered at this time.** Upon selection, a new plan with dollar amounts will be required. The goals for this contract are 18% MBE & 12% WBE. The goals refer to the percentage of utilization of your M/WBE sub-consultants.
- h. 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.

- i. Provide a completed Use of Service-Disabled Veteran-Owned Businesses Plan, included in this RFP as an attachment listing all proposed sub-consultants including OGS Certified Service-Disabled Veteran-Owned Businesses (SDVOB) that are of equal quality to those that may be obtained from non-SDVOBs if selected for this contract. Certified SDVOBs can be identified at http://ogs.ny.gov/core/docs/CertifiedNYS_SDVOB.pdf. **No dollar amounts should be entered at this time.** Upon selection, a new plan with dollar amounts will be required. The SDVOB goals for this contract are 6%.

Tab 3. Additional Information: The Proposer must also provide statements regarding the following:

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

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

- a. Pre-construction design phase support services. Describe the approach and process by which your firm performs pre-construction design phase support services. Provide sample pre-construction design phase support reports.
- b. Value Analysis: Describe the process by which your firm performs value analysis so as to achieve an appropriate balance between costs, aesthetics, sustainable design and function. Provide a sample value analysis report from one (1) of the projects listed under the Qualifications category (Section 3, Tab 2.b). In addition, provide a summary as to this value analysis effort inclusive of total number of items studied, total dollar value, total number of accepted items and total corresponding value of the accepted items.
- c. Constructability Issues: Identify four (4) constructability issues in regard to projects listed under the Qualifications category (Section 3, Tab 2.b) and provide a brief description of your firm’s approach to reviewing each.
- d. Cost Model/Estimates: Provide the cost model format used on one of the completed projects provided under the Qualifications category (Section 3, Tab 2.b) and describe how this cost model was developed and the timing of its updates during design, and summarize how the final construction cost related to this cost model. Provide the cost model to be used on this project.
- e. Schedule Analysis and Development: Describe the approach and process by which your firm performs schedule analysis and development services. Provide sample pre-bid schedules and schedule reports for comparably complex projects.
- f. Project Tracking/Reporting: Describe your firm’s approach and procedures for project tracking and reporting, including scheduling, accounting, etc. Provide examples of a progress report including schedule tracking, cost control and reporting, and show how the cost model estimates track to the accounting and invoicing.

- g. Quality Assurance/Control Program – Describe how your firm implements quality assurance/control throughout construction. Provide samples/examples of your quality control program inclusive of applicable documentation.
- h. Safety Program – Describe your firm’s safety program as it pertains to your in-house safety resources, monitoring/enforcement to ensure OSHA compliance, violations, emergency response, evacuation plan and reporting. Please also include your firm’s COVID safety protocols. Provide examples from one of the completed projects under the Qualifications category (Section 3, Tab 2.b) of a safety plan that is customized for a specific project and specific activities on that project.
- i. Requests for Information (RFI) and shop drawings: Describe your firm’s approach to handling these documents to ensure accuracy and timeliness. Provide examples of applicable logs on a project noted in the Qualifications category (Section 3, Tab 2.b).
- j. Staffing Plan: Provide a staffing plan illustrating the staff intended for use during the pre-construction phase and another staffing plan illustrating the staffing during the construction phase. Include a description of how your firm will assign and maintain core project team members throughout the life of this project. Show the anticipated staff that are to be engaged to participate during the design and construction phases and onsite during the construction phase. Develop and illustrate your organization chart and anticipated positions and/or technical staffing types. Please ensure your staffing plan includes all anticipated subconsultants to be utilized for the design and construction phases. Firms may utilize a “to be determined” naming designation associated with any of the technical staffing disciplines that are to be utilized for the Project as required, who will be retained at a later date.

Tab 5. Questions, Comments and Objections to the Contract(s): The Proposer shall identify, in writing, all questions, comments, requests, exceptions, or objections, if any, that the Proposer may have to the Design Phase, Construction Phase or General Conditions Contracts for DASNY’s review and consideration.

3.2 – Page Limit

Technical proposals may not exceed One Hundred (100) pages. All pages in excess of one hundred will be accepted but not scored. All required documentation is included in the page limit and exceptions will not be granted.

Section 4 - Content of Cost Proposal

4.1 - Information to be provided by Proposers:

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

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

- a. The name, title, telephone number, fax number and email address of the individual within your firm who will be DASNY’s primary contact concerning this RFP.
- b. A statement to the effect that the price quoted is an irrevocable offer good for 120 days.
- c. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a cost proposal that contains an unsigned cover letter.

- Tab 2. Provide estimated manpower requirements and costs associated with performing the identified Scopes of Service for the Design Phase and/or Construction Phase and/or General Conditions Work Phase as follows:
- a. Design Phase: Direct Salary Costs (hours and rates).
 - b. Design Phase: Fringe Benefits in accordance with (Section 4, Tab 3).
 - c. Design Phase: Overhead and Profit Fee in accordance with (Section 4, Tab 3).
 - d. Construction Phase: Field Staff Direct Salary Costs (hours and rates).
 - e. Construction Phase: Field Staff Fringe Benefits including breakdown (if different from Section 4, Tab 2.b).
 - f. Construction Phase: Overhead and Profit Fee in accordance with (Section 4, Tab 3).
- Tab 3. Complete the attached CM Multiplier Form and provide backup documentation indicating your firm's Fringe Benefits and Overhead and Profit Fee for the Design phase and/or Construction Phase. The calculation should include all direct labor expenses, indirect and operating expenses and proposed profit.
- Tab 4. Complete the attached Classification & Rate Form to support the unloaded salaries and rates of your employees under this contract.
- Tab 5. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.
- Tab 6. Provide an estimated cost for general liability insurance coverage for the project.

4.2 Additional Submission Requirements

Provide the following forms in separate electronic files. Do not include these forms in your technical or cost proposal.

- Tab 1. Proposers shall submit a Vendor Responsibility Questionnaire (“VRQ”) in accordance with Section 11 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 <https://www.osc.state.ny.us/state-vendors> or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.
- Tab 2. A completed Omnibus Certification form included in this RFP as an attachment (Attachment #10).
- Tab 3. Provide a completed W-9 Form, included in this RFP as an attachment. If the proposer is a joint venture, provide a W-9 in the name of the joint venture and provide a copy of the executed joint venture agreement.

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:

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. **It is strongly encouraged to request access to the site before the due date.** DASNY may not be able to assist proposers with troubleshooting errors if submissions are not made in a timely manner.

1. Email DownstateRFPcoordinator@dasny.org with the subject line: “RFP 7578-Request Access-Firm Name.”
 - a. Please provide the name and email address of any additional contact from your firm that may require access to submit the RFP responses through the SharePoint site.
 - b. An expression of interest does not qualify as a request for access. Please ensure that your firm explicitly requests access using the described procedure.
 - c. Please request access at a minimum of 24 hours in advance and ensure access to the site works correctly.
2. You will receive an email from DownstateRFPcoordinator@dasny.org with a link to a Microsoft SharePoint site: “Hunter-CMRFP.” Please confirm receipt of this email and ability to access the SharePoint site.
3. 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 Hunter-CMRFP “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.
4. Five documents will need to be uploaded and include:
 - a. Technical Proposal
 - b. Cost proposal
 - c. Vendor Responsibility Certification,
 - d. DASNY Omnibus Certification, and
 - e. W-9 Form

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

- a. Technical Proposal:
 - i. Save file as: RFP 7578-Tech-firm name
 - ii. Click “Upload” or drag and drop
 - b. Cost proposal:
 - i. Save file as: RFP 7578-Cost-firm name
 - ii. Click “Upload” or drag and drop
 - c. Vendor Responsibility:
 - i. Save file as: RFP 7578-VRQ-firm name
 - ii. Click “Upload” or drag and drop
 - d. DASNY Omnibus Certification:
 - i. Save file as: RFP 7578-Omnibus-firm name
 - ii. Click “Upload” or drag and drop
 - e. W-9 Form:
 - i. Save file as: RFP 7578-W9-firm name
 - ii. Click “Upload” or drag and drop
5. 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”
 - b. The submitted document will remain private and will not be visible to the other proposers throughout the procurement process.
 6. The Hunter-CMRFP site will close at 5:01 PM on February 10, 2022. 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:

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

David Fenichel
Contract Administrator
DownstateRFPCoordinator@dasny.org

All questions shall be submitted in writing or by email, citing the particular proposal section and paragraph number. Proposers should note that all clarifications and exceptions, including those related to the terms and conditions of the contract are to be resolved prior to the submission of a proposal. A

list of all substantive inquiries received with relevant responses will be posted on DASNY's website, www.dasny.org.

2. A Proposer may withdraw a proposal anytime prior to the final due date and time by written notification, signed by an authorized agent, to the contact person identified in Section 7, Item 7.1.1. The proposal may thereafter be resubmitted, but not after the final due date and time. Modifications offered in any other manner, oral or written, will not be considered.
3. If a Proposer discovers an ambiguity, conflict, discrepancy, omission or other error in this RFP, the proposer should immediately notify the contact person identified in Section 7, Item 7.1.1. Notice of such error or omission should be submitted prior to the final due date and time for submission of proposals. Modifications shall be made by addenda to this RFP. Such clarifications will be posted on DASNY's website, www.dasny.org.
4. If a Proposer fails, prior to the final due date and time for submission of proposals, to notify DASNY of a known error or an error that reasonably should have been known, the Proposer shall assume the risk of proposing. If awarded the contract, the proposer shall not be entitled to additional compensation or time by reason of the error or its late correction.
5. A Proposer indicates its acceptance of the provisions and conditions enumerated in this RFP by submitting a proposal.

7.2 - DASNY Requirements:

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

7.3 - DASNY Rights and Prerogatives:

DASNY reserves the right to exercise the following prerogatives:

1. To accept or reject any or all proposals and amend, modify or withdraw this RFP.
2. To correct any arithmetic errors in the proposals.
3. To change the final due date and time for proposals.
4. To accept or reject any of your firm's employees or proposed 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:

1. Contract

- a. By submitting a proposal, the successful proposer agrees to reference the RFP as part of the resulting contract.
- b. DASNY may award a contract for any or all parts of a proposal and may negotiate contract terms and conditions to meet client program requirements consistent with the RFP.
- c. Award of a contract is subject to contract negotiation and approval of such contract by the appropriate DASNY authorities.

2. Modification of Contract

- a. Any modification to the original contract signed between the successful Proposer and DASNY will require the mutual consent of the successful Proposer and DASNY.
- b. Any contract or amendments thereto will be considered effective only after approval and execution by the appropriate DASNY authorities.

3. Interpretation

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

4. Public Announcements

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

Section 8 - Negotiations

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

Section 9 - Notification

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

Section 10. Insurance

The successful proposer will be required to comply with the Insurance requirements located in Article 10 of the attached Sample Pre-Construction Contract, and Article 9 of the attached Construction Phase Contract.

Section 11. 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.

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.