



Construction Manager-Build Services

Request for Proposal RFP #7580

University at Buffalo Ellicott Welcome Center Project #366510

Date: January 18, 2022

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- a. DASNY Contract – Pre-Construction Phase Services
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- c. General Conditions for Construction
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- m. Use of Service-Disabled Veteran-Owned Business Enterprises Plan
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Section 1 - General Information

1.1 – 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, and to issue bonds, notes, and other obligations, for a variety of public purposes. Under the Act, DASNY provides design, construction, and financing of capital facilities for the State University of New York, the City University of New York; and other State and local governmental entities, as well as a wide variety of other not-for-profit organizations specifically described in the Act.

1.2 – Introduction to University at Buffalo; the State University of New York (UB):

The University at Buffalo (UB) is a premier, research-intensive public university and the largest in the 64-campus SUNY system. UB serves more than 32,000 students and is comprised of three campuses: North Campus, South Campus, and Downtown Campus. The Ellicott Complex is UB’s largest housing complex and is located at the North Campus. The Complex houses approximately 3,200 students and is divided into six quads.

UB’s Campus Living oversees the student housing program operation. It is critical for design and implementation of the Ellicott Welcome Center project to align with Campus Living’s Vision, Mission, and Values.

Vision:

To be the Benchmark for a World Class Student Housing Program

Mission:

Inclusive Residential Communities. Personal Growth and Learning, Every Day, for Every One.

Values:

- | | |
|-----------|--|
| Inclusion | Creating a community that welcomes and celebrates every student, staff and guest with all of their diverse identities, beliefs and ways of thinking. |
| Learning | Cultivating an environment for all students and staff to expand their knowledge through exploration and engagement. |
| Safety | Foster an environment that protects the community’s physical, personal (psychological, sociological), technological and economic well-being. |
| Integrity | Demonstrating honesty, reliability, trustworthiness and ethical behavior in all we do. |

1.3 – Project Background:

The Ellicott Complex was completed in 1974 as a unique structure designed to house students, Campus Living staff, educational space, and food service. As the University has grown and student needs have changed, there is a recognized need to update functional spaces within the complex.

In recent years, students and staff have identified concerns with the means by which pedestrians enter the complex and the sense of community that exists within. The natural pedestrian pathway from the academic spine into the complex brings pedestrians through a non-descript set of doors at the south façade of the Fargo Quad, leading into a dark window-less corridor. Currently, the Fargo Quad first floor is occupied by “back of house” administrative offices for dining services. Once inside this corridor, access to food service

and residential areas or Campus Living support staff is not evident. To access the plaza level, an exterior stair adjacent to the south façade exists, though a pathway to this stair is not evident as one approaches the building.

Currently, Campus Living office space is dispersed throughout the complex, which makes student interaction with this staff challenging. There is a recognized need to place key staff members in a central location where students can easily locate and interact with them. Another recurring comment is the need for larger gathering and lounge space where social interaction and community building could be fostered.

In 2019, Trudeau Architects was engaged to study these concerns and identify means by which the University could improve the look and feel of the Complex. One focus of the study was to address this area on the south side of Fargo Quad that had evolved into the “Front Door” from a functional standpoint, identifying how this could be reimaged into a focal point for the Complex. This reimaged front door would welcome pedestrians into the Complex, clarify wayfinding into and through the area, and bring other functions such as Campus Living support staff to this hub where they can more directly engage with students.

The vision is to provide a distinct entrance, with canopy, exterior gathering spaces and clearly marked pedestrian pathways to guide one into the space. Once inside, various gathering areas, office spaces and a small marketplace would be found on the first floor. The plaza deck would be opened to provide daylighting and visual access between floors, and a new interior stair would provide direct pedestrian access between these two primary levels of the complex.

Preliminary concept renderings developed by the selected Design Professional, Mach Architecture, are included as Attachment (n.). The renderings are provided for information only. Programmatic space will be confirmed during design and alternate concepts could be considered.

1.4 – Purpose and Project Overview:

DASNY seeks proposals from Construction Managers to provide, professional construction management services during the design and construction of the University at Buffalo Ellicott Welcome Center project using a Construction Manager-Build (“CM-Build”) project delivery method.

The project includes the renovation of approximately 24,000 sf of existing interior space and exterior plaza space at the Ellicott Complex with an estimated construction value of \$12,000,000. The renovation will enhance the façade, exterior space, and interior wayfinding experience at the South side of the Fargo Quad to create a proper gateway from the academic spine into the residential Ellicott Complex. On the exterior, the project will consist of construction of a new canopy, exterior stairs to the plaza level, and enclosing a portion of the plaza level for circulation and gathering spaces. On the interior, the project will add a defined circulation path through the first level, onto the plaza level and will feature new Campus Living office space, various lounge areas, and a small marketplace.

The project is to be carried out in phases and within a year-round, 24/7 occupied facility. Delivery is to include temporary access/exit from the complex during various phases so as to not impede pedestrian and/or vehicular traffic.

A CM-Build project delivery method is similar to a Construction Manager-at-Risk project delivery method, in that the Construction Manager is involved during the design phase of the project, procures the construction phase trade contracts, and manages the construction phase of the project. However, in a CM-Build delivery method, a Guaranteed Maximum Price is not provided prior to bidding the trade packages,

rather a Maximum Contract Price (“MCP”)¹ is established after the Construction Manager receives the trade bid packages. The CM-Build Contractor (hereinafter referred to as the “Construction Manager” or “CM”) is a Construction Manager who will contract with DASNY to submit an MCP.

Services will be performed and executed in two separate contracts: Pre-Construction Contract and Construction Contract (Attachments a. and b.). Costs associated with General Conditions Work Items will be included as part of the Construction Contract and will include but are not limited to the items listed in Appendix B of the attached sample Construction Contract. DASNY’s standard General Conditions for Construction will apply to all Construction Work.

Pre-Construction phase services are anticipated to commence starting at or during the 30% Schematic Design phase of the project. The CM will be an integral member of the Project Team, consisting of representatives from the Owner, the Design Professional, and other consultants, as required. The Owner will manage the Design Professional. Generally, it will be the responsibility of the CM to integrate the design and construction phases, utilizing their skills and knowledge of general contracting to develop schedules, prepare detailed project construction estimates, study labor conditions, and in any other way deemed necessary, to contribute to the development of the project during the Pre-Construction Phase. Upon selection of the CM by the Owner, the Pre-Construction phase contract will authorize the CM to provide Pre-Construction Phase services only, including without limitation the provision of an MCP for the final completion of the Project by the CM. Provisions may be made for early bid packages which are identified during the Pre-Construction contract should the need arise.

At the end of the Pre-Construction Phase, and in accordance with the terms and conditions of this RFP, the Owner will execute a Construction Contract. Construction phase services will include the award and management of numerous principal and specialty trade contracts (previously bid during the pre-construction phase) to provide the actual construction of the Project, as well as the award and management of general conditions work items (i.e. site security, temporary utilities, etc.). The Construction Contract will be based on the accepted MCP that was developed as part of the pre-construction contract. During the construction phase, the CM will be responsible for completing the construction of the project within the MCP by providing all necessary construction services through Trade Contractors selected as hereinafter provided.

The substantial completion date for this project is August 1, 2024. Liquidated damages will be assessed in the amount of \$7,500.00 per day for each and every calendar day that the CM fails to complete within this timeframe.

1.5 – Sustainability:

DASNY Policy:

DASNY promotes and supports sustainable design approaches and construction practices. Our internal processes shall facilitate integrated design and recognition of sustainable opportunities in every project, regardless of size or complexity, using all the tools available to us.

The intent of this policy is to ensure the design and construction teams, in support of NYS goals for sustainability, resiliency and energy efficiency, establish clear sustainable goals for the project, work toward those goals, produce documentation confirming the goals have been achieved, and that the project remains within the established budget and programmatic parameters that make up the project description.

¹ MAXIMUM CONTRACT PRICE (MCP) is the amount the OWNER has agreed to pay the CM for the costs of the project subject to the terms of the Construction Phase Contract, including all construction costs, and all other projected costs including, the CM’s fees, the CM’s MCP contingency and the General Conditions Cost.

SUNY's Program Directive IB-2 Net Zero Carbon New Buildings and Deep Energy Retrofits of Existing Buildings:

In concert with the SUNY Chancellor's call for renovation projects to advance SUNY's energy and carbon reduction goals and NYS's Climate Leadership and Community Protection Act (CLCPA), the Design team will need to comply with the requirements of the current version of Directive 1B-2 for Partial Building Renovations.

UB's Program Directive:

The University at Buffalo (UB) is working to find solutions to the global challenges we face through their research and empower the next generation of change agents through their teaching. This foundation further leverages ten core carbon reduction strategies that form the backbone of UB's climate action plan.

These ten strategies are:

1. Implement a phased carbon pricing system across the University
2. Source 100% of electricity from renewable sources by 2025
3. Electrify 100% of the University's fleet vehicles
4. Establish a zero-carbon heating and cooling strategy for North, South, and Downtown Central Plants
5. Achieve zero waste across all university material streams
6. Attain a 30% reduction in building energy use through conservation measures
7. Create zero carbon commuting pathways for student, faculty and staff
8. Quantify the carbon impact of our university's food system by 2021 and set goals to half that by 2030
9. Purchase offsets to achieve climate neutrality with greatest local impact
10. Craft cutting-edge climate action analysis metrics and continuous improvement system

The sustainability efforts at UB are guided by a collection of plans and assessment systems. The project may make use of guidance and rating systems such as LEED, Fitwell, WELL, Passive House, and Living Building Challenge, in full or in principle, to support this focus.

1.6 – The Contract:

Attached to this RFP as Attachments (a.) and (b.)² are the forms of the Contract for the CM-Build Work DASNY proposes be executed between the selected Proposer and DASNY. It is the expectation that the attached forms of the Contract will be used, however, if the Proposer has any questions, comments, requests, exceptions, or objections (collectively, "objections") to the Contract, they shall be set forth in writing, in Section 3, Tab 4 of the Proposal, for DASNY's review and consideration. Any objections raised by a Proposer must be commercially reasonable. The nature of any such objections will be among the criteria used by DASNY in determining the selected Proposer. If DASNY believes, in its sole and absolute discretion, that any objections raised by a Proposer are commercially unreasonable, DASNY may reject such Proposer's Proposal. Failure to submit such questions, comments, requests, or exceptions prior to selection of the selected Proposer will constitute a waiver of those issues by the Proposer. All provisions of the Contract that have not been objected to by a Proposer shall be deemed accepted and agreed to by such Proposer. 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.

The selected Proposer must enter into the Contract with DASNY in substantially the same form and substance as Attachments (a.) and (b.), subject to any modifications that DASNY and the selected Proposer shall agree to in accordance with the terms of the Contract, within fourteen (14) days after receiving notice

² Note: The forms of Contract that are attached as part of this RFP are representative samples of the terms and conditions that the CM should expect to execute, but are subject to change. In its sole and absolute discretion, DASNY may modify, amend, or change the terms and provisions of the Contracts as may be required.

that it has been selected as the successful Proposer. DASNY, in its sole discretion, may extend this period an additional thirty (30) days. DASNY may select a different Proposer if the initially selected Proposer does not sign the Contract with DASNY by the end of the fourteen (14)-day or extended period.

DASNY reserves the right to negotiate terms and conditions at all times prior to execution of the Contract. Nothing limits DASNY's right, before its selection of the selected Proposer, to engage in discussions or negotiations with any or all Proposers, relating to the proposed terms of the Contract or the substance of any Proposal submitted in response to this RFP.

1.7 – Key Events and Dates:

<u>Event</u>	<u>Date</u>
Issuance of RFP	1/18/2022
Pre-Proposal Meeting/Site Visit*	1/25/2022 (1:00 PM)
Deadline for RFP Questions	2/01/2022 (5:00 PM)
Post Responses to RFP Questions	2/04/2022
Proposal Due Date	2/18/2022 (3:00 PM)
Interviews/Presentations (not earlier than)**	3/14/2022
Notice of Award	4/01/2022

***A Pre-Proposal Meeting will be held at University at Buffalo, Greiner Hall, Classroom C, Room 134C on Tuesday, January 25, 2022 at 1:00 PM.** A campus map as well as a COVID Screening form are included as attachments (o.) and (p.) to this RFP.

The purpose of the Pre-Proposal Meeting is to describe the project, goals, and to answer any questions presented by the consultants. Representatives of DASNY and the University at Buffalo will be available to answer questions regarding this RFP. Immediately following the meeting, a tour of the project site will be conducted.

Due to COVID-19, only one (1) staff member from each team will be permitted to join the meeting in person. COVID-19 exposure screening is to be completed by each visitor ahead of the pre-proposal meeting by printing and filling out the DASNY Visitor COVID-19 Screening Questionnaire (attachment p.). Upon arrival, please check in with the DASNY Representative and provide them with the completed Questionnaire. Masks are required to be worn at all times during the pre-proposal meeting regardless of vaccination status. Please review UB's COVID-19 Guidelines in advance of the meeting by accessing the following link: <https://www.buffalo.edu/coronavirus/health-and-safety/health-safety-guidelines.html>.

Parking passes are required to park at most locations on campus. Firms may obtain a guest hangtag from Parking and Transportation Services in 1 Capen at Capen Hall. Firms may also park in the limited metered parking spots in the Fargo Quad lot near Greiner Hall.

Firms are to RSVP to the pre-proposal meeting by email to Kelly Whitbeck at UpstateRFPCoordinator@dasny.org by providing the name, title, and contact information of the meeting attendee. Should there be any changes or updates to the pre-proposal meeting, firms will be notified via addendum.

**Interviews/Presentations will be carried out virtually. More information regarding specific time and date of interview are to be provided at a later date.

1.8 – Preliminary Project Schedule:

The preliminary project schedule is as follows:

- CM-Build – Notice of Award – April 1, 2022
- Schematic Design Submission - May 2022
- Design Development Submission- August 2022
- Construction Document Submission – October 2022
- CM Contractor Bid Phase - January 2023
- Construction Start – May 22, 2023*
- Substantial Completion Date – August 1, 2024*

*Construction dates are subject to change based on Owner’s requirements.

Section 2 - Engagement Requirements

2.1 – Scope of Services:

Refer to Appendix A, “Scope of Services” listed within each of the attached DASNY Contracts (Pre-Construction Contract and Construction Contract) for the detailed scope of services.

2.2 – Qualifications and Certification Requirements:

Firms responding to this RFP must meet the following:

- Have completed a minimum of three (3) projects of similar size, scope, and complexity within the past ten (10) years, including at least one (1) project providing Construction Manager-at-Risk or CM-Build services on a college campus (multi-phase Project experience in an occupied site is preferred);
- Experience delivering projects within a tight construction schedule;
- Employ an experienced staff with thorough knowledge of their area(s) of expertise;
- Have a working knowledge of the United States Green Building Council (USGBC) LEED rating system, low-energy buildings, buildings achieving a high-performing certificate such as Net Zero and/or Net Zero Ready Buildings, Passive House, and Living Building Challenge, or other sustainability programs;
- Project estimating capabilities;
- An established and verified QA/QC Program; and
- An effective Safety Plan.

2.3 – Project Management Software:

In accordance with the General Conditions for Construction and the General Requirements for Construction, Project Management Software such as Primavera Contract Management™, Primavera P6™, or PMWeb®, 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 systems be replaced during the term of this engagement, the Construction Manager shall utilize the replacement Project Management Software system for all project deliverables at no additional cost to the Owner.

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 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. Cover Letter

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 RFP.
- b. The primary contact's name, title, telephone number, fax number and email address for each sub-consultant who will perform work under this contract.
- c. The identities of the primary staff proposed to provide services relating to this RFP.
- d. A statement to the effect that your firm is willing to perform all services identified in Section 2, 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

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 with alternative construction procurement methods and Construction Management experience.
- b. A description of your firm's experience providing similar services including recent (within the last 10 years), relevant project experience, for the public and private sector. Provide a minimum of five (5) recent, relevant projects examples of similar size, scope, and complexity. Identify whether your firm served as the prime or sub, the dollar value of the contract, the name and contract information of the owner, the name and contact information of the consultant, and a description of the work. In addition, provide the names, titles, and phone numbers of at least three (3) references, excluding DASNY employees and a summary of the services provided.
- c. Provide a completed Utilization Plan and Scope Verification Form, included in this RFP as attachments, 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.
- d. 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 to verify that its work environment demonstrates a strong commitment to diversity.

- e. 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 <https://ogs.ny.gov/veterans>. **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%.
- f. Provide a narrative on how bid packages will be designed or sized to provide opportunities to participants in DASNY's Bonding and Capital Access Program, a program which offers M/WBE's, Statewide, the opportunity to act, on CM Projects, as subcontractors to the CM or as first tier subcontractors to subcontractors to the CM. The trades of the participants in the Bonding and Capital Access Program include, but are not limited to, general construction, electrical, steel erection, insulation, asbestos, and painting. The contract between DASNY and the CM may include requirements for this program.

Tab 3. Project Approach

Provide a descriptive summary, developed in response to the RFP, as to your firm's approach to items including, but not limited to, the information noted below:

- a. Overall Approach: Describe your firm's overall approach to providing the requested scope of services.
- b. Coordination: Provide your firm's approach to engaging with the Design Professional and maintaining a productive working relationship to ensure project success.
- c. 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, Item 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.
- d. Constructability Issues: Identify four (4) constructability issues in regard to projects listed under the Qualifications category (Section 3, Item 2.b) and provide a brief description of your firm's approach to reviewing each.
- e. Cost Model/Estimates: Provide the cost model format used on one of the completed projects provided under the Qualifications category (Section 3, Item 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.
- 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, and Covid mitigation plans and procedures. Provide examples from one of the completed projects under the Qualifications category (Section 3, Item 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, Item 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.
- k. EMR Rating: Provide your Experience Modification Rate (EMR)-Workers Compensation Board claim rating.
- l. Subcontractor and Labor Market Analysis: Provide a preliminary procurement plan outlining proposed bid packages and potential subcontractor bidders for each package. Provide input on availability of labor for the various trades for the duration of the project. Provide an example of (sub)contractor outreach performed by your firm to help support the competitive bidding process that includes a brief description of the outreach, the number of contractors solicited, the number of contractors who responded positively to the outreach, and the number of bids ultimately received.
- m. Schedule and Budget: Describe your firm’s approach to completing these projects on schedule and your procurement strategy and approach with the subcontractor community to result in a competitive and cost-effective outcome. Include a timeline and schedule for completion of all aspects of the engagement, including a preliminary project schedule.
- n. Sustainability: Describe your approach to Projects using the various green building 3rd party rating systems or incorporating green building technologies into Projects.

Tab 4. Questions, Comments and Objections to the Contract

As set forth in Section 1.6, above, the Proposer shall identify, in writing, all questions, comments, requests, exceptions, or objections if any, that the Proposer may have to this Contract for DASNY’s review and consideration.

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 staffing requirements and costs associated with performing the identified Scopes of Service for Pre-Construction Phase and Construction Work Phase as follows:

- a. Pre-Construction Phase: Direct Salary Costs (hours and rates).

- b. Pre-Construction Phase: Fringe Benefits including a detailed breakdown of the components of your fringe benefit rate.
- c. Pre-Construction Phase: Overhead and Profit in accordance with (Section 4, Item 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, Item 2.b).
- f. Construction Phase: Fee Percentage in accordance with (Section 4, Item 5).

Note: General Conditions Work Items shall be included as part of Construction Contract as per Appendix B of said Contract.

- Tab 3. Provide documentation indicating your firm's Overhead and Profit Multiplier for the Pre-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 detailed in Section 4, Item 2.a and 2.d.
- Tab 5. Provide a Construction Phase Fee Percentage for the management of the Construction Phase. The Fee Percentage shall be applied to the initial value of the Trade Contracts, Bonds, Sub-Guard Insurance, as approved by the OWNER (please review the contract terms and conditions of the Construction Phase Contract for additional information), to arrive at the CM's management fee for this project. The Fee Percentage includes all CM home office costs, including officers as well as home office and local office support staff, together with all CM overhead costs and profit. This Fee Percentage shall also include all required services of a home office Project Executive, by whatever name called. The fee includes the management of all General Conditions associated with the Project. No additional overhead or profit on direct labor for the Construction Phase will be paid beyond the Construction Phase Fee.
- Tab 6. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.
- Tab 7. 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.
- 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. 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:

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 UpstateRFPcoordinator@dasny.org with the subject line: "RFP 7580-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 UpstateRFPcoordinator@dasny.org with a link to a Microsoft SharePoint site: “UB CM Build RFP 7580.” 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 UB CM Build RFP 7580 “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 7580-Tech-firm name
 - ii. Click “Upload” or drag and drop
 - b. Cost proposal:
 - i. Save file as: RFP 7580-Cost-firm name
 - ii. Click “Upload” or drag and drop
 - c. Vendor Responsibility:
 - i. Save file as: RFP 7580-VRQ-firm name
 - ii. Click “Upload” or drag and drop
 - d. DASNY Omnibus Certification:
 - i. Save file as: RFP 7580-Omnibus-firm name
 - ii. Click “Upload” or drag and drop
 - e. W-9 Form:
 - i. Save file as: RFP 7580-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 UB CM Build RFP 7580 site will close at 3:01 PM on February 18, 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:

Kelly Whitbeck

E-mail: UpstateRFPCoordinator@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 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.
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 given by written notice to all parties who have received this RFP.
4. If a Proposer fails, prior to the final due date and time for submission of proposals, to notify DASNY of a known error or an error that reasonably should have been known, the Proposer shall assume the risk of proposing. If awarded the contract, the proposer shall not be entitled to additional compensation or time by reason of the error or its late correction.
5. A Proposer indicates its acceptance of the provisions and conditions enumerated in this RFP by submitting a proposal.

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 sub-contractors 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-contractors. 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 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 - Negotiation

After completion of the selection process, DASNY will commence finalization of the project scope and 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://www.osc.state.ny.us/state-vendors/vendrep/file-your-vendor-responsibility-questionnaire>. 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.