



Construction Site Safety Services

Request for Proposal RFP #7581

February 22, 2022

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- a. DASNY Omnibus Certification
- b. W-9 Form
- c. Diversity Questionnaire
- d. Sample Insurance Certificate & Requirements
- e. Sample Contract
- f. Classification and Rate Form

Section 1 - General Information:

1.1 Introduction to DASNY

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

1.2 Purpose

DASNY seeks proposals for the services of loss control, risk management consulting and site survey services specific to construction site safety. DASNY oversees numerous construction sites and the primary responsibility for safety at each project lies with the contractor and/or construction manager. The purpose of this program is to assist, on behalf of DASNY, contractors and construction managers in their efforts to observe, identify and address inadequately controlled safety hazards in an effort to lessen the potential for injury and loss on or near the project site. Projects will be chosen for surveys by the consultant, in consultation with DASNY. Priority will be given to projects with more hazardous activities.

The successful firm(s) shall conduct pre-scheduled construction site safety surveys, by appointment, on a monthly basis. The exact number of surveys will vary based on construction volume and activities. Projects are geographically dispersed throughout New York State, with a large concentration in the Metro NYC area

DASNY reserves the right to increase or decrease the survey frequency as necessary to support specific project efforts.

1.3 Key Events and Dates

<u>Event</u>	<u>Date</u>
Issuance of RFP	02/22/2022
Deadline for RFP Questions	03/01/2022 (3:00 PM)
Post Responses to RFP Questions	03/08/2022
Proposal Due Date	03/15/2022 (3:00 PM)
Interviews/Presentations (not earlier than)	04/04/2022
Notice of Award (not earlier than)	04/12/2022

Section 2 - Engagement Requirements:

2.1 Project Scope of Work

The scope of services to be provided for this project is included within Appendix A of the attached Sample Contract.

2.2 Qualifications and Certification Requirements

Firms responding to this RFP shall meet the qualifications listed below.

Consultant representatives must have a minimum of eight (8) years loss control and safety consulting experience specific to construction site safety and a strong knowledge of OSHA, NYC Department of Buildings, and industry construction safety standards.

2.3 Certification Preferred

Firms responding to this RFP must meet the following certification requirements:

On an as needed basis, the Consultant must be able to provide the services of technical specialists (ACGIH-certified industrial hygienists, ergonomists, and other specialized consultants) and provide consulting and technical services to address hazards, project conditions, and questions related to same.

2.4 Other Technical Requirements

The ability to provide electronic survey reports within three (3) business days of the site visit. The Consultant may be required to draft a monthly summary report of all survey activities. The ability to track and sort survey results is also necessary for periodic trending reports to upper management and DASNY's clients. Reports should include digital photographs, whenever possible to support any recommendation being issued. Capability to communicate with field personnel at any time for emergency purposes is required. The Consultant must have access to software and other supplies required to produce training materials, including booklets and other presentation materials.

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 contacts 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 2.1 above and will abide by the terms of the RFP, including all attachments.
 - e. A statement that the Proposer understands selection does not guarantee that any services will be requested from your firm.
 - f. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a technical proposal that contains an unsigned cover letter. If the proposer is a joint venture, the proposal shall be signed by the joint venture. Anyone signing the proposal as an agent shall file with it, legal evidence of his or her authority to execute such proposal.
- Tab 2. Provide a description of your firm's organization, team makeup including sub-consultants and the resumes of partners, principals, associates and other key staff proposed to provide services to DASNY, with particular emphasis on Construction safety.
- Tab 3. Provide a description of your firm's experience providing similar services including recent, within ten years, relevant project experience, to 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.
- Tab 4. Provide a detailed description of your firm's approach to providing the requested scope of services.
- Tab 5. Provide a sample safety survey report completed for construction operations similar to those of DASNY.
- Tab 6. Provide a sample report resulting from accident investigations or similar documents focused on safety/loss control services applicable to construction operations.
- Tab 9 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. Disclose any potential conflicts of interest.

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 a proposed fee for completing the identified Scope of Services. The cost proposal must include a rate for each site visit and a rate for multiple projects located on one project site (**please see Appendix B-Approved Classifications and Rates for unit cost layout listed in the Sample Contract**). The number of surveys may vary from month to month.

Tab 3 Provide an hourly rate inclusive of all fees and expenses for any additional services that may be requested. Indicate whether different rates apply based on the classification or titles of personnel assigned to the project.

4.2 Additional Submission Requirements

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

- a. Provide a NYS Vendor Responsibility Questionnaire **Certification Form**. (See **Section 11 for instructions**).
- b. A completed Omnibus Certification form included in this RFP as an attachment.
- c. 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.
- d. Provide a completed 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.

- e. Included as an attachment is the draft form of the Contract DASNY proposes be executed between the selected Consultant(s) and DASNY (the “Contract”). As part of its proposal, each Proposer must identify all questions, comments, requests, exceptions, or objections (collectively, “Objections”), if any, that it may have to the Contract for DASNY’s review and consideration. Any such Objections must be set forth in writing and should be as detailed and as possible. Any Objections raised by a Proposer must be commercially reasonable. Any Objections must include proposed alternative wording. DASNY may, at any time during the evaluation period and in its sole and absolute discretion, modify, amend or change the terms and provisions of the Contract by issuance of an addendum.
- f. Complete the attached Classification & Rate Form to support the salaries and rates of your employees under this contract. If submitting an approved Standard Cost Proposal Form a Classification & Rate Form is not required.
- g. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.

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 required by Section 2 and Section 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 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 RFP and any other information requested by the Committee prior to the interview.

Section 6 - Submission of Proposals:

6.1 Submission of Technical and Cost Proposal

DASNY will be accepting electronic proposals only.

To Submit Electronically:

Firms shall submit **three (3) separate files as follows:** 1) Technical Proposal 2) Cost Proposal 3) Additional Submission Requirements on or before **3:00 pm on March 15, 2022**. Proposals received after the due date will not be accepted. Any technical issues or questions should be directed to the Designated Representative (shown below) via email prior to the due date of the RFP.

Email: UpstateRFPcoordinator@dasny.org with the subject line: "Construction Site Safety Services".

Section 7 - Important Information Affecting Proposers:

7.1 Proposal Requirements

1. All inquiries regarding this RFP should be addressed to the following Designated Representative:

Rachel Scaccia, Contract Administrator
Email: UpstateRFPcoordinator@dasny.org

All questions must be submitted in writing to the Designated Representative 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 Designated Representative identified in Section 7.1.1 above. The proposal may thereafter be resubmitted, but not after the final due date and time. Modifications offered in any other manner, oral or written, will not be considered.

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 7.1.1 above. Notice of such error or omission should be submitted prior to the final due date and time for submission of proposals. Modifications shall be made by addenda to this RFP. Such clarifications 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 7.1.1 above, 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 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 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 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 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 XI of the attached Sample 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.