



Energy Performance Contracting

Request for Proposal RFP #7579

Date: March 23, 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 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, the Office of Mental Health (OMH) 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 from consultants to provide a continuum of unified, professional services and construction contracting in order to implement a program of energy related improvements and upgrades to various facilities on a statewide basis. This program is designed to benefit all of DASNY’s clients with a particular emphasis on City University of New York (CUNY) projects. Projects undertaken as part of this program are intended to meet one or more of the following objectives:

- a net decrease in energy consumption;
- a net reduction in sulfur dioxide, nitrogen oxides and carbon dioxide for fossil fueled equipment;
- a net reduction in energy costs over the life of the project; and
- any criteria determined by DASNY to be consistent with the intent of this agreement.

It is DASNY’s intent to enter into term contracts with one or more firms to provide the services noted above, specific projects will be identified over the course of the contract term.

Work conducted under these term contracts will be authorized in three separate, but continuous phases: 1) facility energy assessment; 2) design phase services; and 3) project installation. Individual agreements authorizing the completion of each phase of a project will be issued to a single firm. The selected firm will be required to hold all construction contracts and provide the necessary bonding and insurance for the project.

1.3 Key Events and Dates

<u>Event</u>	<u>Date</u>
Issuance of RFP	03/23/22
Deadline for RFP Questions	04/04/22 (5:00 PM)
Post Responses to RFP Questions	04/11/22
Proposal Due Date	05/02/22 (3:00 PM)
Notice of Award (not earlier than)	06/28/22

Section 2 - Engagement Requirements:

2.1 Scope of Services

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

Projects located in New York City and Long Island may be required to execute a Project Labor Agreement (PLA) during the construction phase of a project, referred to as the Project Installation Agreement. The selected contractor(s) as a condition of being awarded this Contract may be required to execute a PLA. A copy of the PLA may be viewed on DASNY's website at <http://www.dasny.org/rfp-bidopportunities-solicitations/dasnyprojectlaboragreements.aspx>. The work undertaken as part of the Project Installation Agreement shall be governed by and subject to the conditions set forth in the PLA. All sub-contractors of every tier will be required to execute a Letter of Assent, included in the PLA, agreeing to be bound by the PLA. The PLA has been approved by the Building and Construction Trades Department, AFL-CIO and executed Building and Construction Trades Council of Greater New York and Vicinity and its participating affiliated Local Unions.

2.2 Qualifications

Firms responding to this RFP must meet the following qualifications:

- Experience with design and construction of energy systems.
- Ability to meet the contractual requirements outlined in the attached Contract.

2.3 Certification Requirements

Professional Engineers (PE) must be registered in the State of New York and possess a Certificate of Authorization to provide Engineering Services from the State Education Department.

2.4 Project Management Software

Primavera P6™ (current version) will be utilized as the scheduling tool and Primavera Contract Manager™ (current version) and PMWeb Inc. will be utilized as the management tools 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 Firm 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 the Consultant

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 the 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 the firm. DASNY reserves the right to reject a technical proposal that contains an unsigned cover letter.
- 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 energy performance projects.
- Tab 3.** Provide a detailed description of your firm's approach to providing the requested scope of services.
- Tab 4.** Provide a detailed description of your firm's experience providing similar services including recent 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.
- Provide a description of your firm's experience in engineering and designing the following types of projects:
- a. Installation or expansion of energy management systems and energy saving controls;
 - b. Retro-commissioning of building controls and other building systems;
 - c. Fume hood replacement and/or modification of laboratory air systems;
 - d. Cooling tower replacement;
 - e. Boiler replacement;
 - f. Renewable power equipment;
 - g. Cogeneration;
 - h. Installation of solar and photovoltaic systems;
 - i. Installation of domestic hot water heating units;
 - j. Replacement of existing electric centrifugal, steam turbine centrifugal or absorption chiller units with new high efficiency equipment; and
 - k. Replacement of hydronic or steam distribution system.
- Tab 5.** Describe your firm's specific experience in engineering and specification of open protocol instrumentation and control systems.
- Tab 6.** Describe specific expertise in Construction Management of energy conservation projects, specifically mechanical and electrical inspection capabilities, Measurement and Verification (M&V) procedures, commissioning and performance testing. Include resumes of

procurement personnel, field supervisors, field level inspectors and commissioning personnel.

- Tab 7.** Describe sub-consultants and Construction Manager's review and approval process for a field change or equipment substitution during construction.
- Tab 8.** Provide a list of performance-testing sub-contractors that your firm has worked with on other projects.
- Tab 9.** Include a description of how your firm will monitor the allotment and performance of work in order to achieve an efficient administration of the project.
- Tab 10.** Provide license numbers or copies of registration certificates, as appropriate. Business entities proposing to provide Professional Engineering Services must possess a Certificate of Authorization to provide Engineering Services in New York State from the State Education Department. Include a copy of this certificate.
- Tab 11.** 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.
- Tab 12.** Provide a complete Diversity Questionnaire, included in this RFP as an attachment. It is the goal of DASNY to utilize qualified firms that have a demonstrated history of hiring, training, developing, promoting and retaining minority and women staff and to encourage participation by certified MWBE firms. This questionnaire elicits information about each responding firm in order to verify that its work environment demonstrates a strong commitment to diversity.
- Tab 13.** 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 14.** **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. Provide a description of how your firm will monitor the allotment and performance of work in order to achieve an efficient administration of the project.
 - d. Disclose any potential conflicts of interest (refer to the "Code of Business Ethics - Certification" attached).

- 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 as possible. Any objections raised by a Proposer must be commercially reasonable. Any objections must include proposed alternative wording. DASNY may, at any time during the evaluation period and in its sole and absolute discretion, modify, amend or change the terms and provisions of the Contract by issuance of an addendum.

Section 4 - Content of Cost Proposal:

4.1 Information to be Provided by the Consultant

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 the firm. DASNY reserves the right to reject a cost proposal that contains an unsigned cover letter.

Tab 2. Design Phase:

Provide documentation indicating your firm's overhead and Profit Multiplier and that of your sub-consultants (if any) by using **one** of the following methods:

- a. Submit a previously approved multiplier by DASNY or another State Agency.
- b. Submit a request for a multiplier 2.5 or less on your firm's letterhead.
- c. Submit the attached DASNY Multiplier Form with a current financial statement for a multiplier 2.5 or greater.
- d. Submit an approved FARs audited financial statement from your firm's most recent year-end.

Construction Phase:

Provide documentation indicating your firm's overhead and Profit Multiplier and that of your sub-consultants (if any) for construction management services by using **one** of the following methods:

- e. Submit a previously approved multiplier by DASNY or another State Agency for construction management services.
- f. Submit a request for a multiplier 2.1 or less on your firm's letterhead.

- g. Submit the attached DASNY Multiplier Form with a current financial statement for a multiplier 2.1 or greater.
- h. Submit an approved FARs audited financial statement from your firm's most recent year-end.

Tab 3. Complete the attached Classification & Rate Form to support the unloaded salaries and rates of your employees under this contract.

Tab 4. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.

Section 5 – Content of Administrative Proposal

5.1 Information to be Provided by Proposers for Administrative Proposal

Tab 1. Vendor Responsibility Questionnaire

Proposers shall submit a Vendor Responsibility Questionnaire (“VRQ”) in accordance with Section 9 of this RFP. DASNY requires vendors to file the VRQ online via the New York State VendRep System (the “System”). Proposers must provide a copy of the certification page to DASNY. To enroll in and use the System, see the System Instructions at http://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at <https://onlineservices.osc.state.ny.us/Enrollment/login?0>.

Tab 2. Omnibus Certification

A completed Omnibus Certification form included in this RFP as an attachment.

Tab 3. W-9 Form

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 6 - 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.

6.1 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.

6.2 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. Firms will be selected to meet the anticipated business needs of DASNY, to further DASNY's mission to increase MWBE and SDVOB utilization and participation, and also provide opportunities to new firms that have not previously contracted with DASNY.

6.3 Criteria for Selection

The criteria for selection shall be the qualifications required by Section 2 and Section 3.

6.4 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 7 - Submission of Proposals:

7.1 Submission of Technical and Cost Proposal

DASNY will be accepting electronic proposals only.

To Submit Electronically:

Follow the directions below to upload your proposal electronically. Any technical issues or questions should be directed to the Designated Representative for the Project via email prior to the due date of the RFP. **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 Energy Performance Contracting Request Access-Firm Name."
 - a. An expression of interest does not qualify as a request for access. Please ensure that your firm explicitly requests access using the described procedure.
 - b. 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 the Designated Representative with a link to a Microsoft SharePoint site: "Energy Performance Contracting RFP 7579."
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 Energy Performance RFP "Documents" page.
 - a. If you do not have a Microsoft account, you will need to register for a Microsoft account before you can access the link.
4. Three (3) files will need to be uploaded and include:
 - a. Technical Proposal
 - b. Cost proposal

c. Administrative Proposal

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

- a. Technical Proposal:
 - i. Save file as: RFP 7579 Energy Performance-Tech-firm name
 - ii. Click "Upload" or drag and drop
- b. Cost Proposal:
 - i. Save file as: RFP 7579 Energy Performance-Cost-firm name
 - ii. Click "Upload" or drag and drop
- c. Administrative Proposal:
 - i. Save file as: RFP 7579 Energy Performance-Admin-firm name
 - ii. Click "Upload" or drag and drop

5. Once your files are uploaded, DO NOT OPEN. The files submitted must be your final submission and cannot be modified.
 - a. If you open your files after they are submitted, the system will show it as "modified"
 - b. The submitted files will remain in a "pending" status so that they remain private and will not be visible to the other proposers throughout the procurement process.

The Energy Performance Contracting RFP site will close at 3:01 PM on May 2, 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 8 - Important Information Affecting Consultants:

8.1 Proposal Requirements

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

Kelly Whitbeck
Email: DownstateRFPCoordinator@dasny.org

All questions must be submitted in writing to the Designated Representative by email, citing the particular proposal section and paragraph number. Consultants 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. Answers to all questions of a substantive nature will be given to all recipients of this RFP in the form of a formal addendum, which will be annexed to and become part of the resultant contract.

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 7.1.1 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.

8.2 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 consultants 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.

8.3 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 Professional 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 Professional'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 consultants 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.

8.4 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 9 – Insurance:

The successful proposer will be required to comply with the Insurance requirements located in Article 9 of the attached Sample Contract.

Section 10 – 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 11 – Negotiation:

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

Section 12 – 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 13 – 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.