

ADDENDUM No. 03

Date: 6/16/2022

DORMITORY AUTHORITY - STATE OF NEW YORK
Design-Build Services for Select Retail Cannabis
Dispensaries
Solicitation 7586

This **ADDENDUM** is hereby included in and made part of the Contract whether or not attached thereto. All requirements of the original Request for Proposal shall remain in force except as noted by this **ADDENDUM No. 03**.

The purpose of Addendum 3 is to revise section 6.3 Evaluation Criteria of the RFP as follows:

6.3 Criteria for Selection

Each Proposal will be evaluated for competency, completeness and responsiveness based on the Proposer's expertise, the technical and financial qualifications of the Proposer, the responsibility of the Proposer, and the other evaluation criteria established by this RFP, including the ability to meet or exceed the criteria set forth below. The Proposal that is in the overall best interests of the Fund and/or the public, as determined by DASNY in its sole and absolute discretion as agent for the Fund, will be selected and recommended to the Fund for contract execution.

With respect to items 1-5, listed below, DASNY shall consider the following evaluation criteria in accordance with their assigned scoring weight. In addition, while items 6-7 will not be scored as part of the evaluation criteria, DASNY reserves the right to not select any Proposal that either (1) fails to fully disclose all requested information; or (2) discloses information that would cause DASNY to determine that the Proposer should not be selected.

1. **Organization and Proposed Team Structure (20%).** The organizational aspects of the Proposer will be reviewed by DASNY, which shall consider the following:
 - a. Organizational and management structure of the Proposer's organization, and Proposer's explanation of the means by which the structure will afford DASNY with optimal levels of project management, accountability and compliance with the terms of the Contract and New York State law governing the provision of design-build services.
 - b. Proposer's proposed organizational chart describing the Proposer's organizational structure, and the lines of authority and communication.
 - c. A sufficient number of professional and other personnel to perform the Work. Identified key personnel assigned have demonstrated experience and strengths to successfully complete the Work.
2. **Relevant Experience and Past Performance (40%).** The Proposer's previous relevant experience providing services of similar scope and complexity to the Work required by the Fund as described in this RFP. DASNY will specifically evaluate the following:

- a. The Proposer's ability, experience and past performance with design-build delivery systems in relevant retail space, with specific emphasis on cannabis dispensaries, and in providing, managing and controlling the development, design, engineering and construction services required to complete a project of a scope and complexity similar to the Project. This includes, but is not limited to, Proposer's project management and organizational experience on large scale public and private development projects. Work on these projects must demonstrate (i) management of design, engineering and construction services, (ii) success in the areas of cost control, on-time completion, safety, and quality of work, and (iii) ability and experience in providing coordination of design and construction services with public agencies, utilities, separate contractors and other outside parties. Consideration will be given where the proposed team has worked together on past projects.
- b. Proposer's past participation, and an integral role, in cannabis dispensaries.
- ~~c. Proposer's reference and feedback on successful completion of relevant projects.~~

3. Approach and Schedule (15%). The Proposer's approach to providing the scope of services and project schedules will be reviewed by DASNY, which shall consider the following:

- a. The Proposer's approach to providing and managing required services and the ability to provide the requested services in a fast-tracked, expeditious, manner. This includes the Proposer's plan for monitoring the allotment and performance of work to achieve efficient administration of the required services.
- b. The Proposer's approach fosters a highly collaborative and effective project team and provides a pathway to cost efficient and timely design and construction.
- c. The Proposer's example project schedule illustrates the appropriate sequencing and the ability to complete the work in an expeditious manner.

4. Financial Strength (15%). DASNY will consider the following with respect to each Proposal submitted:

- a. Financial Viability Risk Assessment form of the Proposer for the last three (3) years, such as balance sheets, and profit and loss statements.
- b. Evidence of current and past financial strength and capabilities of the Proposer including, without limitation, references from banking institutions and accounting firms.
- c. Disclosure of any litigation, arbitration or similar proceeding currently pending, or pending at any time during the past five (5) years, against the Proposer and/or its Team Members with claims exceeding \$100,000.

5. Form of Contract (10%). DASNY will consider the following with respect to each Proposal submitted:

- a. The nature, extent and commercial reasonableness of the Proposer's objection or exceptions, if any, to the Proposed Design-Build Agreement.

With respect to items 1-5, listed above DASNY shall consider the evaluation criteria in accordance with their assigned scoring weight. In addition, while items 6-7 listed below will not be scored as part of the evaluation criteria, DASNY reserves the right to not select any Proposal that either (1) fails to fully disclose all requested information; or (2) discloses information that would cause DASNY to determine that the Proposer should not be selected.

- 6. Responsibility of the Proposer.** DASNY will consider the following with respect to each Proposal submitted:
 - a. Proposer's proposal demonstrated responsiveness and commercial reasonableness to the overall submission requirements of the RFP and responsiveness from the selection committee and/or Designated Representative during the RFP process; and
 - b. Proposer's proposal demonstrated overall responsibility and/or integrity, including but not limited to the completeness of all responses on the Proposer's Vendor Responsibility.

- 7. Insurance Compliance and Monitoring.** DASNY will consider the following with respect to each Proposal submitted.
 - a. The Proposer's confirmed their ability to comply with the insurance requirements outlined in Section 4, Tab 3 of this RFP and as set forth in the Proposed Design-Build Agreement.

DASNY may also consider **feedback from references provided**, the past performance of the selected Proposer and its subcontractors, subconsultants, individuals or entities as applicable on other contracts with DASNY or other entities in terms of quality of work and compliance with performance schedules. DASNY may solicit from departments of the State or City, other government agencies or any other available sources, relevant information concerning the selected Proposer's record of past performance.

By submitting its response to this RFP, each Proposer acknowledges and agrees that it is not entitled, nor is DASNY obligated, to provide any written justification of DASNY's evaluation or qualification of a Proposer pursuant to the process described above.

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