

Dormitory Authority of New York State			
Design-Build Services for Retail Cannabis Dispensaries			
RFP 7586			
Questions and Answers to be posted			
Question #	Corresponding RFP Section	Question	Answer
1	n/a	Who is representing DASNY in securing locations for the social equity/justice impacted candidate program for Cannabis dispensaries? We are a landlord that would like to have our locations reviewed.	<p>CBRE has been engaged as the Fund's Tenant Rep for this Site Search and is assisting with the vetting of possibly retail locations. If you are interested submitting a property for consideration, please contact the primary contact. His name and contact information is below.</p> <p>Stephen Craig Sjurset Senior Vice President CBRE Advisory & Transaction Services Retail 200 Park Avenue 19th Floor New York City 10166 T 212.984.7105 C 516.902.6137 stephen.sjurset@cbre.com www.cbre.com/tristateretail</p>
2	Attachment #7	The form requests FY 2013/2014/2015. Is this an accurate request or should the FY reports be more recent?	Please use financial statements and other information from FY2021, 2020, and 2019. The form has been updated to reflect the last (3) Fiscal Years. Attachment #7 has been updated and revised on the website.
3	6.5	Can you clarify and provide any additional information on how "The Fund" will guarantee payment for services to the Design/Build team?	The Fund will issue work orders based upon available funding from investors. In addition, the Fund will include up to \$50 million State investment, which will be used to finance initial expenditures, including construction costs pending the creation of the Fund.
4	6.3	Will "The Fund" award multiple projects to one Design/Build team?	Depending upon the region, it is possible that a team could be awarded multiple projects. However, per Section 1.2, the intent is that Projects will be allocated among the selected proposers based upon the location of the Projects and the number of selected firms as well as other factors intended to give all empaneled Design-Build Teams, to the extent feasible, the opportunity to work on some of the Projects. In addition, Section 1.5 of the RFP states, it is anticipated that the work will be distributed equitably amongst the empaneled Design-build Teams and will be subject to review of the Design-Build Team's past performance on prior Projects and cost proposal for the Project to be assigned.
5	1.4	Will "The Fund" be responsible for all payments to the Design/Builder relating to the full development of projects?	Yes, The Fund will be responsible for all payments to the Design/Builder relating to the full development of projects.
6	N/A	What are the payment terms from DASNY to the approved design / build resources?	Payment terms will be pursuant to Article IV of the Contract for Design-Build Work and Article 8 of the General Conditions of the Work, which will be issued via an addendum.
7	Attachment #7	How are the areas of work for the design / build resources determined?	DASNY, along with its Real Property consultant, will identify potential sites based on program requirements.
8	Design / Build services	Can an approved resource provide architecture and construction or construction only, but not architecture only?	The Design-Build Team is obligated to provide complete design and construction services, including: Complete and comprehensive design services, including architectural and engineering services, and all work, services and materials necessary to design and construct the project(s) as contemplated by this RFP and as set forth in the Contract for Design-Build Work between the Design-Build Team and the Fund
9	1.5	Is the NYS Social Equity Cannabis Investment Fund taking absolute responsibility for the selection of retail space location or will the Design-Build Team have a role in selection of each location?	It is not anticipated that the Design-Build Teams will have a role in selection of dispensary locations.
10	1.5	How many teams will be selected per geographical location to ultimately be able to submit a bid for retail renovations per geographical location?	Design-Build Teams will be selected to maximize coverage as required to meet the needs of the Fund, on a per region basis. It is anticipated that the work will be distributed equitably amongst the empaneled Design-Build Teams and will be subject to review of the Design-Build Team's past performance on prior Projects and cost proposal for the Project to be assigned. The final number of teams will be determined as part of the selection process by the Selection Committee with the final determination made at a later date.
11	1.5	What entity is responsible for unforeseen conditions at each location to include reporting of known environmental or related potential conditions?	Unforeseen conditions are addressed within in the General Conditions of the Work, which will be issued via an addendum.

12	1.5	Should Design-Build Teams anticipate environmental and related reportable site condition issues prior to pricing the work?	A site conditions assessment will be included as part of the contemplated project and will be provided to the Design-Build Team in advance of submitting a proposal. At certain sites, it will be the responsibility of the Design-Build Team to conduct their own site assessment.
13	1.5	Will there be hard MWBE/SDVOB Requirements associated with each renovation/build?	Although no specific goals for participation in the work by certified M/WBE and SDVOB firms have been established for this program, the selected firms will be expected to generally use good faith efforts to provide for meaningful participation by M/WBE and SDVOB firms in the work where feasible.
14	1.5	Is there a bond requirement for each renovation/build?	Yes, there is a performance and payment bond requirement for each retail cannabis dispensary facility.
15	1.5	What is the time period, in its entirety relative to the build/renovation of all of the estimated 150 retail spaces?	The goal is to have all dispensaries completed within two years of contract execution.
16	1.5	What is the time period anticipated for the design & build of all locations in Region 5?	There is not a specific time period for this specific region, however, the goal is to have all dispensaries completed within two years of contract execution.
17	1.5	What is the estimated time period associated with each design and build of each individual location?	The total project durations for each site will be confirmed with the Design-Build Teams prior to execution of the Work Order for that particular site.
18	1.5	What is the warrant period required for each build post completion?	Warranty period will consist of a 12 month duration.
19	1.5	Can any portions of the Construction Agreement be assigned to other firms provided DASNY or the "Fund" provide pre-approval?	Yes, Article 6 of the General Conditions of the Work describes utilizing the services of Subcontractors.
20	1.5	Can a non-licensed NYS architect be considered as a part of the design-build team if the engineer is licensed in NYS and the constructor is a NYS firm?	The requirements of the RFP state that the Design-Build Team must have: Licensed Professional Engineer with current NYS Registration shall perform all services constituting the practice of engineering in New York State. Licensed Architect with current NYS Registration shall perform all services constituting the practice of architecture in New York State.
21	1.5	If an architect has a pending license in NYS, can they be included in the proposed Design-Build Team?	The requirements of the RFP state that the Design-Build Team must have: Licensed Professional Engineer with current NYS Registration shall perform all services constituting the practice of engineering in New York State. Licensed Architect with current NYS Registration shall perform all services constituting the practice of architecture in New York State.
22	1.5	For each region identified, will multiple "potential" team be identified that will ultimately need to bid against each other for each retail space?	It is the goal of this procurement to provide sufficient coverage for Projects located in all New York State regions and DASNY expects that any of the Design-Build Teams selected through this procurement will be assigned work by the Fund under this contract. Design-Build Teams will be selected to maximize coverage as required to meet the needs of the Fund, on a per region basis. It is anticipated that the work will be distributed equitably amongst the empaneled Design-Build Teams on the basis of the Design-Build Team's past performance on prior Projects and cost proposal for the Projects to be assigned.
23	1.5	For every singular retail space, will teams need to compile a full bid?	It is the intention that the selected Design-Build Teams be requested to provide a lump sum cost proposal to design and construct each adult use retail cannabis dispensary they are assigned.
24	1.5	Are there any qualification criteria that need to be considered for potential subcontractors that the design-build team may ultimately hire?	Information surrounding subcontractors is located in Article VII of the Contract for Design-Build Work and Article 6 of the General Conditions of the Work.
25	RFP Page 13, Section 5	Can you please clarify if any of the proposal forms need to be completed by the Lead Designer or are they all for the Prime Contractor?	DASNY is seeking proposals from entities, or a collaboration of entities, capable of providing design, construction, and other identified services necessary to renovate existing spaces to create conditional adult use cannabis retail dispensary facilities ("RCDs") collectively referred to as the "Design-Build Team" or "Team" or "Proposer".
26	N/A	Can you confirm the Diversity Questionnaire is not required?	Confirmed.
27	Section 3, tab 4, approach & sc	At the time of kick-off, how many locations do you expect CBRE to have ready?	DASNY is in the process of coordinating an RFP to establish the Fund simultaneously so at the time of kick-off, there will be no signed leases and therefore no sites ready to go. However, Design services will be needed for diligence purposes during the lease negotiation process. DASNY plans to steadily finalize lease deals in the following weeks and months.
28	Section 1.2, affects section 3, ta	What are the building space delivery requirements/conditions given to CBRE relating to landlord? White box or gray box or any other specifications?	The intent is to turnover sites to the Design-Build Teams in a white box condition. However, there may be some exceptions to this.
29	Section 1.2, affects section 3, ta	Do the Lease LOI's allow for pre-inspection of the space to determine viability of site alignment with program needs?	Yes, it is anticipated the Leases will require the Landlords to allow pre-inspection for diligence purposes.

30	Section 1.2, affects section 3, ta	Will DASNY be involved in jurisdictions for leases & approvals/licenses?	The Construction Permitting Agency for these projects shall be the regional AHJ and/or by local municipalities. OCM will be pre-approving the locations/space and then match up the location with Operators applying for a Dispensary License.
31	Section 5.d, page 13	Clarify performance bond - is this per project (dispensary) or for the overall scope? And what amount?	The Contractor shall provide a performance bond in an amount at least equal to 100% of the estimated construction value of each project (dispensary).
32	Section 1.4 & 1.5, affects section 3, ta	Are there landlord allowances (tenant improvements) that would offset the construction cost?	Landlord allowances for tenant improvements may be available to offset the construction. This will vary by lease deal depending on concessions being offered in the local market and/or by what was negotiated in the lease.
33	Section 1.4, affects section 3, ta	Is there a tentative schedule for how many locations need to be ready by what date?	Not at this time.
34	1.5	Will there be more than one team awarded per region?	DASNY expects the Fund to contract with multiple Design-Build Teams across the state. Assignments will be made on a geographic basis.
35	1.5	Can a team be awarded contracts for more than one region?	Design-Build Teams are not required to provide services across the state to qualify for a contract; however, providing coverage state-wide is a primary goal of the selection. If teams are capable of providing services in more than one region the selection committee will consider this factor. Selection will be made on a statewide basis, assignments will be made on a geographic basis.
36		When is the Addendum indicated in the RFP that will show the D-B Agreement going to be issued to the bidders?	The Contract for Design-Build Work and the General Conditions of the Work sample documents will be issued, through an addendum, on or before 6/3/2022.
37	2.1.6	The RFP indicates compliance with OCM Regulations. Have these regulations been established yet and if so when will they be provided?	Not as of this time.
38	2.1.3	Has DASNY, CCB or OCM been in contact with any local municipalities or communities to establish a willingness to work with the D-B Teams in-order to expedite review and approvals and establish community consensus?	No.
39		Have specific communities within the designated regions been identified yet and have the potential number of facilities within those communities been established?	Not as of this time.
40	2.2.1	Will the designs for each facility involve input from each individual operator/ licensee related to specific layout and design features?	No.
41	N/A	Are there milestone submissions to DASNY/the FUND during the design process?	Milestone submissions are included in the General Conditions of the Work, to be issued as an addendum.
42	2.1.3	Is a municipal health department approval needed for each facility?	No.
43	2.3	Will Proposers be required to submit a Civil Engineer subcontractor?	Only as applicable per the site.
44	2.3	Will Proposers be required to retain Land Use Counsel?	No.
45	2.3	Will the team be under one contract or multiple contracts?	There will be one Master Contract between the Fund and the Design-Build Team. Individual Work Orders will be executed per project (dispensary).
46		Is DASNY working with any consultants to dictate design?	DASNY is working with its term consultant to develop concept plans that will be the basis for design of the spaces. The concept plans will be for protentional spaces in Urban, Suburban, and Rural areas.
47	1.5	Will budget be dictated by the Fund or licensee?	Budget per dispensary location will be dictated by a combination of DASNY and the Fund.
48	1.5	Do you have a budget set for each of the dispensaries planned in each region?	Not at this time.
49		What role if any will property owners and future License holders have in the design, construction and fit out of the various dispensaries?	None
50	2.6	Will DASNY allow the use of Procore for contract management of projects (in lieu of PM Web) and will DSASNY allow the use of MS Project for schedule management of projects (in lieu of P6)?	DASNY's PMWeb System will be used for project management purposes including project administration, change management and payments. DB Teams can also utilize their project management systems, but not in lieu of PMWeb, rather, in addition to PMWeb. DASNY will allow the use of MS Project for schedule management.
51	Attachment No. 10	Discretionary Disbursements - what is DASNY's definition for this?	DASNY defines Discretionary Disbursements as any distribution of dividends that are not contractually obligated.
52	Attachment No. 9	It has come to our attention that the Payment Bond-Performance bond attachment contains what appears to be duplicate pages and misnumbered pages. There are two page fours. We are working on completing the form but would like to confirm that it is only one set that we need to complete.	The payment / performance bond forms are not required to be completed at the time of the RFP Submission. At the time of contract, the successful firms will work with DASNY's procurement staff to complete the form as appropriate.
53	Section 3 Tab 6, Letter b	Where can we find the Code of Business Ethics Certification Attached?	Please refer to Attachment #4 – DASNY Omnibus Certification for further information.
54	Section 5, Letter d	Could you confirm that we only to provide a statement aknowledging the intent to comply with the performance and payment requirements, as opposed to filling out the performance and payment bonding per the RFP attachment	Performance and payment bond will be required to be completed at the time of the work order / contract agreement. At the time of the RFP submission, a statement acknowledging intent to comply with bonding requirements is required.

55	Section 4, Tab 2, Letter a	Financial viability risk assesstment - can you confirm that row 52 "Net Operating Revenue" is the same as "Net Operating Income"?	DASNY defines for Net Operating Revenue as the operating revenue a company earns less any purchase discounts or allowances.
56	Performance and Payment Bonds	- Is it a requirement for all contractors and trades to be bonded? If not, please specify which ones are to be bonded and for what amount	Per section 15.07 of the General Conditions of the Work, the Contractor shall provide a performance bond in an amount at least equal to 100% of the Contract sum as security for the faithful performance of the Contract. The Contractor shall also provide a payment bond in an amount at least equal to 100% of the Contract sum for the payment of all persons performing labor or providing materials in connection with the Work of the Contract.
57		Please advise on how the FUND intends to award project withing the respective region. Is it the intent to have the qualified proposers bid on the the locations within the region and award based on lowest qualified bid?	Design-Build Teams will be selected to maximize coverage as required to meet the needs of the Fund, on a per region basis. It is anticipated that the work will be distributed equitably amongst the empaneled Design-Build Teams and will be subject to review of the Design-Build Team's past performance on prior Projects and cost proposal for the Project to be assigned.
58	1.2	How many design build teams does DASNY anticipate selecting to support the projects?	Design-Build Teams will be selected to maximize coverage as required to meet the needs of the Fund, on a per region basis. It is anticipated that the work will be distributed equitably amongst the empaneled Design-Build Teams and will be subject to review of the Design-Build Team's past performance on prior Projects and cost proposal for the Project to be assigned. The final number of teams will be determined as part of the selection process by the Selection Committee with the final determination made at a later date.
59	2.1- 4	Has DASNY established design standards to be utilized on all projects or will this be left to the Design/Build team on each retail location?	The Concept Program provided in the RFP will be updated and provided to the selected D-B Teams.
60	2.1- 1	Has DASNY established an estimated construction budget per sq. foot for the 3000- 5000 SF facilities?	Not at this time.
61	2.1-2	Does DASNY anticipate any ground up construction for the facilities thus requiring Civil Engineering or is it anticipated that the facilities will be located in existing facilites?	Sites are anticipated to be located in existing facilities
62	2.1- 12	What is the bonding requirement in dollar amounts?	Per section 15.07 of the General Conditions of the Work, the Contractor shall provide a performance bond in an amount at least equal to 100% of the Contract sum as security for the faithful performance of the Contract. The Contractor shall also provide a payment bond in an amount at least equal to 100% of the Contract sum for the payment of all persons performing labor or providing materials in connection with the Work of the Contract.
63	2.1	Will there be universal technology roll out plan?	It is the intent to standardize as much of the technology as possible based on site specific location and needs. See Concept Plan
64		Will a flat fee for design based on square footage be accepted?	See sample Design-Build contract included as an attachment to the RFP.
65	2.1	Will the Owner (or DASNY) work to establish standard specifications for key aspects of the program (Design, POS, Maintenance & Support)?	The Concept Program provided as Attachment 3 to the RFP will be updated and provided to the selected D-B Teams.
66	1.1	With OCM & CCB include the integration of the Medical Marijuana Program and process development and transition management (as part of the scope)?	The projects identified in this procurement are limited to the Conditional Adult Use Cannabis Retail Dispensary program and is not contemplated to involve any aspect of the Marijuana Program.
67	Attachment 3	Will a horizontal distribution approach be considered for the critical security and back office er alternative approaches to key aspects of the design (e.g., Security, POC, Data Management and other process controls)?	It is the intent to standardize as much of the technology as possible based on site specific location and needs. See Concept Plan
68	1.4	Do the Fund or DASNY anticipate hiring PM's, SME's and other specialists to act as the "Owners-Representative" to ensure and oversee consistency re: QC, Standards Development, Best Practices, Maintenance and Upgrades and otther crucial aspects of the successful program implementation?	DASNY and its consultants will be managing the design and construction process.
69		Please clarify labor rate (Union - Prevailing Wages)	Per Section 14 of the RFP, The selected firm(s) shall be responsible for work performed and paid pursuant to prevailing rate of wage and supplementals, the wages paid for a legal day's work shall be not less than the prevailing rate of wages as defined by NYS Labor Law. The selected firm(s) shall be responsible for obtaining prevailing wage rate updates directly from the NYS Department of Labor, either by accessing its website http://www.labor.state.ny.us or a written request to the Bureau of Public Works.
70		Does the scope of work calls for a Fire Alarm System	Fire Alarm System shall be provided per the 2020 NYS Building Code and applicable NYC Code- 2014 until 11/6/22 and 2022 code thereafter and other applicable laws
71		Does the scope of work calls for an Sprinkler System	Automated Fire Protection shall be provided per the 2020 NYS Building Code and applicable NYC Code- 2014 until 11/6/22 and 2022 code thereafter and other applicable laws

72	5d	If the proposer is an architecture firm, can the insurance and bond information come from our general contractor sub to cover the build portion of the project?	The Design-Build Entity / Contractor that the Fund contracts with must meet the requirements of the contract with respect to insurance and bonds. The Design-Build Entity / Contractor shall provide a performance bond in an amount at least equal to 100% of the estimated construction value of each project (dispensary). The Design-Build Entity / Contractor shall provide insurance certificates to DASNY that demonstrates their ability to meet the insurance requirements of the contract.
73	3.1.3	For the five Project examples, if the proposer is listing 5 of their projects but the other subs have relevant project examples, where should those be added?	Please include the project examples for your subcontractors / subconsultants in the same area in which the proposer.
74	2.3	If the proposer is a licensed architect for the Design portion, can they be the sole proposer with a build sub and engineering sub included in the proposal?	DASNY is seeking proposals from entities, or a collaboration of entities, capable of providing design, construction, and other identified services necessary to renovate existing spaces to create conditional adult use cannabis retail dispensary facilities ("RCDs") collectively referred to as the "Design-Build Team" or "Team" or "Proposer".
75	3.1.4	The Concept Program is listed as SAMPLE. Are you looking for specific examples of how proposer will manage each item?	The concept program was included in the RFP for informational purposes and to understand the overall concept of the program. The Document should be considered a representative sample, for reference only, and does not represent a complete list of programmatic requirements.
76		Do subs need to be part of the organization chart? Or just proposer?	Yes