



# **Asbestos and Environmental Term Consulting Services**

## **Request for Proposal RFP #7587**

**Date: December 20, 2022**

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Attachments:

- a. Sample Contract (To be issued via Addendum)
- b. Omnibus Certification
- c. W-9 Form
- d. Classification and Rate Form
- e. DASNY Multiplier Form
- f. Sample Insurance Certificate & Requirements
- g. MWBE + SDVOB Utilization Plan
- h. Diversity Questionnaire
- i. Use of Service-Disabled Veteran-Owned Business Enterprises Plan
- j. DASNY Regional Map
- k. Analytical Rate Sample SCP

**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 from qualified consultants to provide diverse asbestos and environmental consulting services for its various client facilities throughout New York State. Services shall include, but are not limited to: inspections and assessments for asbestos, lead, mold, liquid PCBs, non-liquid PCB materials (e.g. caulk), radon, hazardous and universal waste management along with appropriate bulk sampling and laboratory analyses. Other services may include investigation, survey work, project design, monitoring/oversight and/or air sampling of abatement/remediation, laboratory services, waste tracking and contract closeout. DASNY will contract with consultants to plan and manage asbestos and environmental related support services throughout all phases of a project. It is DASNY's intent to enter into term consulting contracts with multiple firms statewide. Firms may propose to provide asbestos and environmental services. Services will be requested and contracted on an as needed basis and the type and value of each project will vary. Assignments may be made on a geographic basis. Individual firms are not required to provide services Statewide to qualify for a contract. DASNY’s goal is to provide sufficient coverage for clients located in all New York State regions. Consultants will be selected to maximize coverage as required to meet the needs of our clients. In addition, it is DASNY’s intent to provide opportunities to Minority-Owned, Women-Owned, and Service-Disabled Veteran-Owned Businesses as well as to small and new firms as practicable. Selection as a consultant does not guarantee that future work will be awarded.

**1.3 Key Events and Dates**

<u>Event</u>	<u>Date</u>	
Issuance of RFP	12/20/22	
Deadline for RFP Questions*	01/10/23	(3:00 PM)
Post Responses to RFP Questions*	01/19/23	
Proposal Due Date	02/01/23	(3:00 PM)
Notice of Award (not earlier than)	03/31/23	

\*All inquiries concerning this RFP or any other aspects of this procurement must be submitted through the following website <https://forms.office.com/r/qPekYhi7gF> during the Q&A period identified. Verbal and telephonic inquiries are prohibited. In order to provide DASNY sufficient time to reply, questions must be received no later than 3:00 pm on January 10, 2023. Responses to questions will be periodically posted to DASNY's website during the Q&A period. A final record of the questions and associated responses will be posted to DASNY's website, [www.dasny.org](http://www.dasny.org) on January 19, 2023. Proposers responding to this RFP shall be solely responsible for checking the website throughout the RFP process for responses to questions, and no individualized notices shall be provided.

## **Section 2 - Engagement Requirements:**

### **2.1 Scope of Services**

The scope of services to be provided for the contract is included within Chapter Two of the attached Sample Contract.

### **2.2 Qualifications and Certification Requirements**

- Experience in asbestos and environmental consulting and management services.
- Experienced staff, both prime and subconsultants, with thorough knowledge of their area(s) of expertise, including:
  - Minimum three (3) years' experience for Designers providing asbestos/environmental designs.
  - Minimum three (3) years' experience for Project Managers providing asbestos/environmental survey, investigation, remediation, and reporting phases.
  - Minimum two (2) years' experience for Laboratories providing asbestos and environmental analytical services.
  - Experience in the following disciplines are required:
    - Asbestos - disciplines associated with asbestos survey work, abatement project monitoring and/or sampling, abatement project design, laboratory services, reporting, etc.
    - Environmental - disciplines associated with environmental investigations, sampling, design, monitoring and oversight, laboratory services, reporting, etc.
- Valid federal and state asbestos and environmental licenses/certifications, as required.
- Certificate of Authorization to provide Engineering/Design Services in New York. State from the State Education Department.
- New York State licensed architect(s)/engineer(s) for providing design services.

## **Section 3 - Content of Technical Proposal:**

### **3.1 Information to be Provided by Proposers**

The following is a list of information required to 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. **Proposal submitted shall not exceed 250 pages, all pages after 250 will not be evaluated.**

**Failure to meet or to provide the required information in this Section 3 may result in a proposal being rejected and a consultant disqualified from further consideration.**

**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 serve as DASNY's primary contact concerning this RFP.
- b. The primary contact's name, title, telephone 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. Identification of your firm's main office, other office locations, and the geographical areas in which your firm is willing and able to perform the required services. See DASNY Regional Map provided as Attachment (j.).
- g. A statement to the effect that your firm will not perform any work, on a project, for a contractor, subconsultant or supplier for which you are also performing work for DASNY (i.e. OSHA personal air sampling); and
- h. Signature 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.

**Tab 2. Firm and Proposed Team**

Provide the following information related to your firm and proposed team:

- a. An overview of your firm's organization, team makeup including sub-consultants and the resumes of partners, principals, associates, proposed contract manager and other key staff anticipated to provide services to DASNY.

- b. An organizational chart describing the organizational structure of the proposed team and their intended roles and responsibilities.
- c. Resumes of Proposers' and sub-consultants' and sub-contractors' (if applicable) key personnel demonstrating each person's experience and ability to provide services to DASNY.
- d. Identification of past working experience of team, including sub-consultants and sub-contractors (if applicable).
- e. Include your firm's and subconsultants license/registration numbers or copies of license/registration certificates (e.g. NYS DOL Asbestos Handling License, NYS DOL Mold Assessment Contractor License, EPA Certification for Lead Paint Activities, Radon Testing Certification, Certificate of Authorization to provide Engineering/Design Services in New York State from the State Education Department, etc.).
- f. Include key staff licenses/certifications, including subconsultants staff (e.g. Registered Architects, Professional Engineers, Asbestos Inspector, Asbestos Project Designer, Asbestos Project Monitor, Asbestos Air Sampling Technician, NYC DEP Investigator and NYS DOL Mold Assessor License, LBP designer, LBP Risk Assessor/Inspector, HAZWOPER certification, Current DOT hazardous waste manifest training, EPA RCRA Training Certification, etc.).

**Tab 3. Project Experience**

Demonstrate your firm and team's project experience by providing the following:

- a. Provide a description of your firm's experience as well as subconsultant's experience, providing similar asbestos and/or environmental consulting services.
- b. Provide five (5) recent project examples, within the last 10 years, that demonstrate proficiency with both NYS DOL and NYC DEP asbestos regulations. If only proposing services for upstate projects, then proficiency with NYC DEP asbestos regulations is not necessary. Include the following for each:
  - Official project name;
  - Overall project value;
  - The value of work completed by your firm;
  - The timeframe in which the work was performed; and
  - The owner's name, title, address and phone number
- c. Include the names, titles and phone numbers of at least three (3) references for firm and each subconsultant, excluding DASNY employees and a summary of the services provided.

**Tab 4. Firm/Team Approach**

Describe your firm and team's approach to providing the required services by providing the following:

- a. A detailed description of your firm's approach to providing and managing required services, including the use of subconsultants, and the ability to provide the requested services in a timely manner. Provide a description of how your firm will implement and monitor the allotment and performance of work in order to achieve coverage in the proposed geographic areas.
- b. A detailed statement as to how your firm would provide cost effectiveness to our clients if your firm was asked to provide services for a project located outside of your region and/or outside of where your firm's office(s) are located.
- c. Provide a list of counties your firm is proposing to provide services for. For each region proposed (e.g. WNY, CNY, Northern NY, Southern Tier, Downstate, etc.), include the following:
  1. Project organizational chart of employees by discipline including sub-consultants;
  2. List of specific personal current licenses/certifications;
  3. List of Designers and years' experience in abatement/remedial design;
  4. List of Project Managers and years' experience in asbestos surveys, abatement project monitoring and asbestos air sampling, environmental survey, investigation, remediation and reporting phases; and
  5. List of Equipment available to support the required operations.
- d. Names of each laboratory to be utilized for asbestos and environmental analytical services. Provide confirmation that each laboratory has at least two (2) years' experience in providing these services and are currently accredited by the New York State Department of Health – Environmental Laboratory Approval Program (ELAP) specifically for the analytical services being used. Please provide a narrative of each laboratory's experience providing similar services with an emphasis on experience with DASNY and/or similar clients. Provide the locations of the laboratories compared to the geographical area your firm anticipates providing coverage for.
- e. Provide the Table of Contents for your firm's Standard Operating Procedures (SOP). Include a one-page summary that addresses all aspects of investigations, surveys, inspections and monitoring services which are conducted on-site. DASNY reserves the right to request a full copy of your Quality Control Program or SOP at any time.

**Tab 5. M/WBE and SDVOB Utilization**

DASNY is committed to diversity and equal employment opportunities among its contractors, consultants, and vendors. This procurement is conducted in accordance with Article 15-A and 17-B of the Executive Laws. It is the policy of DASNY to maximize opportunities for the participation of

Minority-Owned, Women-Owned (M/WBE), and Service-Disabled Veteran-Owned Businesses (SDVOB) firms as bidders, subcontractors and suppliers on projects. Please provide the following:

- a. A description of how the Respondent anticipates approaching M/WBE and SDVOB utilization and any programs your firm has implemented to promote the use of M/WBE and SDVOB firms.
- b. A completed Utilization Plan, included in this RFP as an attachment, listing all proposed ESD Certified M/WBE sub-consultants, sub-contractors, and suppliers, OGS Certified Service-Disabled Veteran-Owned Businesses (SDVOB) sub-consultants, sub-contractors, and suppliers, and Non-M/WBE sub-consultants, sub-contractors, and suppliers you “may” use if selected for this contract. No dollar amounts should be entered at this time. With each project assignment, a new plan with dollar amounts will be required. The goals for this contract are 5% MBE, 5% WBE, and 3% SDVOB. The goals refer to the percentage of utilization of your M/WBE and SDVOB sub-consultants, sub-contractors, and suppliers.

**Tab 6. Firm Diversity**

It is the goal of DASNY to utilize qualified vendors that have a demonstrated history of hiring, training, developing, promoting, and retaining minority and women staff. Please provide the following:

- a. A narrative explaining the Respondent’s approach and commitment to diversity within the work environment and an overview of the Respondent’s current programs in diversity/inclusion.
- b. A copy of the Respondent’s equal employment opportunity policy statement.
- c. A completed Diversity Questionnaire included in this RFP as an attachment. This Diversity Questionnaire shall be completed and submitted by the prime as well as sub-consultants. This questionnaire elicits information about each responding firm to verify that its work environment and team makeup specific to this opportunity demonstrates a strong commitment to diversity.

By responding to this RFP, each Respondent acknowledges that:

- The Proposer will not discriminate against any employee or applicant for employment because of race, creed, color, sex, religion, national origin, military status, sexual orientation, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and will make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on contracts with DASNY.



- The Proposer will state in all solicitations or advertisements for employees that, in the performance of this Contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, sex, religion, national origin, military status, sexual orientation, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status.

**Tab 7. 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 (refer to the “Code of Business Ethics - Certification” attached).

**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. 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. 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. Overhead and Profit Multiplier**

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 an approved Standard Cost Proposal Form or a previously approved multiplier from 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 greater than 2.5.
- d. Submit an approved FARs audited financial statement from your firm's most recent year-end.

**Tab 3. Analytical Chart**

Provide a completed analytical chart for each laboratory to be utilized, including in-house laboratories. Test / equipment description, method of the testing, turnaround time and cost are to be included for each type of analysis proposed. A blank analytical chart is included in this RFP as an attachment and will be reviewed and approved by DASNY, as applicable. (Attachment k)

**Tab 4. Classifications and Rates**

Complete the attached Classification & Rate Form to support the unloaded salaries and rates of your employees under this contract. If submitting an approved Standard Cost Proposal Form a Classification & Rate Form is not required.

**Tab 5. Insurance Requirements**

Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements and Article 8 in the attached Sample Contract.

**Section 5 – Content of Administrative Proposal:**

The following is a list of required information that must be provided by the proposer **as separate, individual electronic files**. The forms must contain sufficient information to assure DASNY of its accuracy.

- a. Proposers shall submit a Vendor Responsibility Questionnaire (“VRQ”) in accordance with Section 12 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](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>.
- 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 one-page profile of your firm. The firm profile should summarize the following: core competencies, number of employees, firm's office locations, and staff by office and discipline. The purpose of this vendor profile is to provide DASNY staff a clear and concise document to review the background of the firm.
- e. Identify any questions, comments, and objections to the Scope of Services outlined in Appendix A of the attached Sample Contract, for DASNY's review and consideration.

### **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, 4 and 5. Incomplete proposals may be rejected.

#### **6.2 Preliminary Evaluation**

Proposals will undergo a preliminary evaluation process conducted by a committee ("Evaluation Committee") selected by DASNY. The Evaluation 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 Evaluation 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 Evaluation Committee prior to the interview.

## **6.5 Final Evaluation**

Upon conclusion of the evaluation process, the highest scoring firm(s) will be selected by the Evaluation Committee.

## **6.6 Recommendation and Approval**

The Evaluation Committee will make a recommendation for tentative Contract award. Upon approval by DASNY, a formal notification of tentative Contract award will be issued.

## **Section 7 - Submission of Proposals:**

### **7.1 Submission of Technical, Cost, and Administrative Proposal**

DASNY will be accepting electronic proposals only. Proposals will be accepted electronically on or before 3:00 pm on February 1<sup>st</sup>, 2022. Follow the directions below to upload your proposal electronically. Any **technical** issues should be directed to the Designated Representative for the procurement via email (Allison Puzier, [DownstateRFPcoordinator@dasny.org](mailto:DownstateRFPcoordinator@dasny.org)) prior to the due date of the RFP. **It is strongly encouraged to request access to the site a minimum of 48 hours 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. Please navigate to the following link to request access to RFP 7587 – Asbestos and Environmental Term Consulting Services SharePoint Site: <https://forms.office.com/r/6rCZtSuXma>
  - a. Provide the requested information through the form including firm name, contact name, contact email, and additional contacts (if any) from your firm that may require access to submit the RFP responses through the SharePoint site.
  - b. Please request access at a minimum of 48 hours in advance and ensure access to the site works correctly.
  - c. Please note that an expression of interest does not qualify as a request for access. Please ensure that your firm explicitly requests access using the described procedure.
2. You will receive an email from SharePoint with a link to the Microsoft SharePoint Site: “RFP 7587– Asbestos and Environmental Term Consulting Services”. You will also receive an email from [DownstateRFPcoordinator@dasny.org](mailto:DownstateRFPcoordinator@dasny.org) requesting receipt confirmation of Microsoft SharePoint’s email.
  - a. Please confirm receipt of this email and ability to access the SharePoint site.
3. Click on the link.

- a. If you have an existing Microsoft account, you will be asked to login and then you will be routed directly to the Asbestos and Environmental Term Consulting Services RFP 7587 “Documents” page.
  - b. If you do not have a Microsoft account, you will need to register for a Microsoft account before you can access the link.
4. Upload the following documents to the folder titled “Proposal Submissions”:
- a. Technical Proposal
  - b. Cost Proposal
  - c. Administrative Proposal (provided as five (5) separate files)
    - i. Vendor Responsibility Certification
    - ii. Omnibus Certification
    - iii. W-9
    - iv. Firm Profile
    - v. Contract Objections

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

- a. Technical Proposal:
    - i. Save file as: Technical Proposal-firm name
    - ii. Click “Upload” or drag and drop
  - b. Cost Proposal:
    - i. Save file as: Cost Proposal-firm name
    - ii. Click “Upload” or drag and drop
  - c. Administrative Proposal (provided as five (5) separate files):
    - i. Save first file as: VRQ-firm name
    - ii. Click “Upload” or drag and drop
    - iii. Save second file as: Omnibus-firm name
    - iv. Click “Upload” or drag and drop
    - v. Save third file as W-9-firm name
    - vi. Click “Upload” or drag and drop
    - vii. Save fourth file as Firm Profile
    - viii. Click “Upload” or drag and drop
    - ix. Save Fifth file as Contract Objections
    - x. 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 the file as “modified”.

- b. The submitted document will remain private and will not be visible to the other proposers throughout the procurement process.
6. The Asbestos and Environmental Term Consulting Services RFP 7587 SharePoint site will close at 3:01 PM on February 1<sup>st</sup>, 2022. Any technical issues on submitting must be addressed to the Designated Representative for the project before that time using the email address in Bullet 2. Please provide enough time to upload all required files.

## **Section 8 - Important Information Affecting Proposers:**

### **8.1 Proposal Requirements**

1. All inquiries regarding this RFP should be submitted through the following link:

<https://forms.office.com/r/qPekYhi7gF>

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](http://www.dasny.org).

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 8.1.1 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 8.1.1 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 8.1.1 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.

### **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 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.

## 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 – Negotiation:**

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

### **Section 10 – 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 11 – Insurance:**

The successful proposer will be required to comply with the Insurance requirements located in Article 8 of the attached Sample Contract.



**Section 12 – Vendor Integrity and Executive Order 16:**

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](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](mailto:ciohelpdesk@osc.state.ny.us).

Executive Order 16

On March 17, 2022, Governor Kathy Hochul issued Executive Order No. 16 (EO 16), which states: “All Affected State Entities are directed to refrain from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia.” Pursuant to EO 16, the Proposer is required to certify that the Proposer is not an ‘entity conducting business operations in Russia.’ Please confirm by completing and signing the Omnibus Certification included in this RFP as Attachment b. The complete text of EO 16 can be found [here](#).

**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.