



Architectural and Engineering Term Consultants

Request for Proposal RFP #7592

Date: December 21, 2022

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Attachments:

- a. Sample Contract (to be issued via Addendum)
- b. Sample Work Authorization
- c. Firm Coverage Checklist
- d. DASNY Regional Map
- e. MWBE and SDVOB Utilization Plan
- f. Diversity Questionnaire
- g. Sample Insurance Certificate & Requirements
- h. DASNY Multiplier Form
- i. Classification and Rate Form
- j. Omnibus Certification
- k. W-9 Form

Section 1 – General Information:

1.1 Introduction to DASNY

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

1.2 DASNY Policy on Sustainability

DASNY is committed to upholding the laws and executive actions that govern sustainability, resiliency, and energy efficiency throughout New York State. Regardless of size or complexity, DASNY requires the integration of sustainable and resilient design and construction principles and practices into every project including, but not limited to: integrated design principles, energy use optimization, net zero energy, stormwater management, renewable energy integration, waste reduction, decarbonization, electrification, water conservation, enhancement of indoor air quality, greenhouse gas emissions reductions, embodied carbon reduction, procurement of green products and materials, and resiliency/adaptation to climate change.

In support of local and statewide sustainability, resiliency, and energy efficiency laws and executive actions, the Proposer, shall establish clear initiatives for every Project, provide the necessary resources to ensure achievement of established initiatives, and produce documentation demonstrating that all set initiatives have been met. For projects requiring third-party certification (LEED, Living Building Challenge, Green Globes, etc.), all design documentation shall be submitted to the appropriate governing body (Green Business Certification Inc., International Living Future Institute, Green Building Initiative, etc.) for review.

1.3 Purpose

DASNY seeks proposals from qualified architects and engineers to provide a variety of architectural and engineering services for its various clients throughout New York State. The objective of this procurement is to establish term contracts with consultants to provide required services for multiple assignments, with a wide range of clients and facilities, for projects that vary in size, scope, and complexity. As included in the Sample Contract, these clients include, but are not limited to:

- State University of New York (SUNY)
- City University of New York (CUNY)
- NYC Health and Hospital Corporation (HHC)
- NYC Housing Authority (NYCHA)
- NYS Department of Health (DOH)
- NYS Office of Alcohol and Substance Abuse Services (OASAS)
- NYS Office of Court Administration (OCA)
- NYS Office of Mental Health (OMH)

- NYS Office for Persons with Developmental Disabilities (OPWDD)
- New York State Housing Trust Fund Corporation (HTFC)
- New York State Office of Cannabis Management (OCM)

It is DASNY's intent to select and contract with multiple firms Statewide from this solicitation. However, the final number of firms selected will be at DASNY's sole discretion based on the review of the proposals received. Services will be requested and authorized on an as-needed basis and the type and value of each project will vary. Services may include full design and construction phase services or may be limited to studies, investigations, feasibility studies, or condition assessments. DASNY's goal is to provide sufficient coverage for clients located in all New York State regions. Individual firms are not required to provide services Statewide to qualify for a contract. Selection as a consultant does not guarantee that future work will be awarded. Consultants will be selected to ensure that DASNY can provide adequate coverage of services and disciplines and that the diverse needs of our clients are met. 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.

1.4 Firm Overview

DASNY intends to select and contract with a comprehensive list of firms to provide services as a prime consultant while covering a variety of disciplines and firm types. Disciplines and firm types may include, but are not limited to:

- Architecture (inclusive of small firm architects*)
- Bridging Consulting
- Expediting
- Exterior Envelope Consulting
- Engineering
- Forensic Engineering
- Geotechnical Engineering
- Historical Preservation Consulting
- IT/Security/Telecomm
- Landscape Architecture
- Master Planning
- MEP / FP / FA Engineering
- Programming
- Site/Civil Engineering
- Structural Engineering
- Vertical Transport Consulting

*Small firm architects shall be defined as those that provide complete architectural design services, have ten (10) or less employees including all owners and principals and employ at least one licensed architect registered to do business in New York State.

1.5 Key Events and Dates

Provided below is a schedule of milestones for this RFP. DASNY reserves the right to change any or all of these dates as it deems necessary or convenient in its discretion. In the event of a change, such modifications will be posted on the DASNY website at www.dasny.org by issue of an addendum.

<u>Event</u>	<u>Date</u>
RFP Release	12/21/2022
Deadline for RFP Questions	01/09/2023 (3:00 PM)
Post Responses to RFP Questions	01/16/2023
Proposal Due Date	01/27/2023 (3:00 PM)
Notice of Award (not earlier than)	3/30/2023

1.6 Inquiries

All inquiries concerning this RFP or any other aspects of this procurement must be submitted through the following website <https://forms.office.com/r/nk7jCwPup7> 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 9, 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 on January 16, 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 Information:

2.1 Contract Overview

Services to be performed under this Contract include but are not limited to the provision of professional design and construction phase services related to architecture, engineering, and sustainable design. Specific services that may be authorized by Work Authorizations under this Contract include but are not limited to:

- Full design and construction phase services;
- Programming, studies, investigations, feasibility studies, and condition assessments;
- Bridging documents;
- Building envelope and roofing design;
- Curtain wall design;
- Fenestration design and testing;
- Geotechnical engineering services;
- Forensic engineering services;
- Elevator and escalator design services;
- Interior renovation design; and
- Code compliance services.

2.2 Scope of Services

A detailed scope of services is included in Chapter 2 of the attached Sample Contract.

2.3 Project Engagements

Contracted firms may be engaged on projects based on their area of expertise, project location, and firm's past performance, among other things. The type and complexity of the services will vary for each work assignment. Typically, DASNY's clients will identify a project and DASNY and the client will work together to select a firm from the available listing of firms.

The current construction value of each assigned project shall not exceed \$25 million or where no construction value has been identified, the fee shall not exceed \$1 million for a study. DASNY reserves the right to modify these thresholds.

Upon reviewing the list of available firms, DASNY may solicit project specific proposals. After DASNY, the client, and the selected firm concur on the scope, schedule, and fee of the services to be provided, a project specific Work Authorization will be issued to the firm to provide the services as agreed upon. A Sample Work Authorization is attached to this RFP for reference.

In general, work authorizations will be issued to consultants for architectural and engineering services associated with projects with a construction value of \$10 million or less and [DASNY's Fee Schedule](#) shall be the primary method of determining the firm's fee. A negotiated fee may be used for projects with a construction value greater than \$10 million. For projects with anticipated construction values exceeding \$10 million, a minimum of three (3) term contract holders will be invited to respond to an RFP and participate in a qualifications-based selection process.

2.4 Term of Engagement

The term of the contract shall be four (4) years with an automatic two (2) year extension provided neither party gives written notice of non-renewal. Services extending beyond the contract expiration date are expected to continue to move forward until completion as long as services were authorized under an original work authorization prior to contract expiration.

2.5 Minimum Qualifications

- Licensed Professional Engineer with current NYS Registration; and
- Licensed Architect with current NYS Registration.

2.6 Preferred Qualifications

- Demonstrated experience, and proven track record, providing architectural and engineering services for projects with needs comparable to those of DASNY's clients;
- Demonstrated history of completing required services for projects of varying scale, type, and complexity;
- Experienced staff with thorough knowledge of their area of expertise;
- Experienced subconsultants with thorough knowledge of their area of expertise in providing architectural and/or engineering services;
- Experience providing services applicable to the region(s) you have identified being able to provide services with a focus on the region you are proposing to be selected for (upstate/western or downstate).
- Experience providing required services for different types of clients including mental health, hospital, legal, educational, and cultural settings;
- Working knowledge of building codes, familiarity with facilitating project;

- Filing and/or obtaining approvals with authorities having jurisdiction;
- Experience coordinating with project management staff and/or Construction Managers;
- Demonstrated ability to subcontract to subconsultants and direct, coordinate, and manage the work of subconsultants, as necessary;
- Experience with projects utilizing sustainability best practices and/or LEED Certification;
- Established track record satisfying M/WBE and OGS Certified Service-Disabled Veteran-Owned Businesses (SDVOB) participation goals;
- Experience with projects utilizing Building Information Modeling Software (BIM);
- Established and well documented QA/QC Program; and
- Experienced subconsultants, including specialty subconsultants, with thorough knowledge of their area of expertise and a proven track record in providing architectural and/or engineering services;

Section 3 - Content of Technical Proposal:

3.1 Information to be Provided by Proposers

The following is a list of required information that must be provided by the proposer. Provide your response in the same order in which it is requested using numbered side tabs that correspond with each of the numbered tabs below. Your technical proposal must contain sufficient information to assure DASNY of its accuracy.

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 be DASNY's primary contact concerning this RFP.
- b. The primary contact's name, title, telephone number, and email address for each subconsultant who will perform work under this contract.
- c. The name and job titles 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 as outlined in Chapter 2 of the attached Sample Contract and will abide by the terms of the RFP, including all attachments.
- e. Your firm's main office and other office locations.

- f. A completed copy of the Firm Coverage Checklist included as an attachment to this RFP. This checklist elicits the following information from the proposing firms. Firms that do not identify the specific panel they would like to be considered for will be placed in the most applicable panel based on the primary services and disciplines they provide and the firm's main office location.
 - i. Identification of the specific services and disciplines your firm is able to provide as described in Sections 2.1 and 2.2;
 - ii. Identification of the specific services and disciplines your subconsultant is able to provide as described in Sections 2.1 and Chapter 2 of the Sample Contract;
 - iii. Identification of whether your firm is a new firm that has not previously contracted with DASNY;
 - iv. Identification of whether you are a small firm architect;
 - v. The panel your firm would like to be considered for; and
 - vi. The geographical areas in which your firm is willing and able to perform the required services. See DASNY Regional Map provided as an attachment to this RFP.
- g. A statement confirming the proposer is willing and ready to provide any services requested or required in a timely manner.
- h. A statement that the Proposer understands selection does not guarantee that any services will be requested from your firm.
- i. 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. If the proposer is a joint venture, the proposal shall be signed by the joint venture. Anyone signing the proposal as an agent shall file with it, legal evidence of his or her authority to execute such proposal.

Tab 2. Firm and Proposed Team

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

- a. An overview of your firm's organization and team makeup including key subconsultants and subcontractors (if applicable) outlining each firm's general qualifications and area of expertise.
- b. An organizational chart describing the organizational structure of the proposed team and their intended roles and responsibilities.
- c. Resumes of Proposers', subconsultants', and subcontractors' (if applicable) key personnel assigned to this engagement demonstrating each person's experience and ability to provide services to DASNY.
- d. A description of your firm and team's experience providing services for term contracts.

- e. A description of your firm and team's unique experience providing services applicable to the region you have selected to be considered.
- f. A description of your firm's past experience working as a team with your proposed subconsultants and subcontractors.
- g. 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 if proposing to provide engineering services.

Tab 3. Project Experience

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

- a. A description of your firm's experience providing similar services including recent relevant project experience, to public, municipal, and/or comparable private sector clients.
- b. Project examples, from within the past ten (10) years illustrating the team's experience providing services for a wide variety of project types and for a variety of project phases. Provide no more than five (5) project examples from the prime firm and no more than ten (10) project examples from your proposed team of subconsultants.

Project examples must include the following information:

- Official project name and address;
- Summary of the scope of services provided;
- Identification of whether your firm served as the prime firm or subconsultant on the project;
- Identification of team members involved and their role on the project;
- Description of the relationship with the project team;
- The timeframe in which your firm's work was performed;
- Overall project monetary value;
- Value of services provided by your firm, subconsultant(s), and subcontractor(s);
- Name and contact information of owner including phone number and email address; and
- Identification of a project contact with knowledge of the services provided by your firm (if different than owner) excluding DASNY employees with their name, title, and phone number.

- c. A narrative of challenging or complex aspects, including but not limited to space constraints, infrastructure, regulatory compliance, and security, of one of the project examples in relation to the services your firm and/or team provided and how your firm and/or team addressed the challenge/complexity.
- d. A minimum of three (3) additional references excluding DASNY employees with their name, title, email address, and phone number.

Tab 4. Sustainability

In July 2019, New York passed the Climate Leadership and Community Protection Act (CLCPA), which represents the most ambitious and comprehensive climate and clean energy legislation in the country. The Climate Act's nation-leading climate and energy goals set the stage for a sweeping set of measures to reduce New York's carbon footprint and improve the resiliency of communities across the State. In addition, in an effort to reduce the carbon emissions from buildings, the City of New York enacted (LL97) in 2019 as part of the Climate Mobilization Act, while more recently Governor Hochul signed Executive Order #22 (EO22) directing State Agencies to adopt a sustainability and decarbonization program. Demonstrate your firm and team's knowledge and experience with sustainability by providing the following:

- a. A brief overview of the CLCPA, LL97 and EO22 focusing on the operational goals and targets that affected entities must meet to reduce greenhouse gas emissions and reduce waste disposal.
- b. Identification of methodologies and technologies that should be considered in architectural and engineering designs for both rehabilitation and new construction projects to achieve the requirements outlined in state and local laws and executive actions related to sustainability, resiliency, and energy efficiency.
- c. A description of your firm and subconsultant team's experience with designing for energy efficiency and sustainability, including any third-party certified buildings.
- d. A description of your firm's experience and familiarity with federal, state, and utility-based energy efficiency financial incentive programs.

Tab 5. Operational Approach

Describe your firm and team's operational approach by providing the following:

- a. A detailed description of your firm's approach to providing the requested scope of services on an as-needed basis. Explain how your firm and/or team would manage and respond to future or anticipated work with little notice.
- b. A description of your firm's approach to oversight, coordination, and compliance and how this approach contributes to a well-coordinated and quality work product and efficient administration of the projects assigned.
- c. A description of your firm's QA/QC program including established procedures and guidelines.
- d. A detailed statement as to how your firm would efficiently provide services for a project located outside of your region and/or outside of where your firm's office(s) are located.

Tab 6. M/WBE and SDVOB Utilization

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 MWBE/SDVOBs as bidders, subcontractors, subconsultants, and suppliers on projects.

DASNY is committed to diversity and equal employment opportunities among its contractors, consultants, and vendors. 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. The selected Proposer shall use good faith effort to provide for meaningful participation by M/WBE and SDVOB firms in the work where feasible.

Illustrate your firm's commitment to utilizing M/WBE and SDVOB's by providing the following:

- a. A description of how your firm approaches M/WBE and SDVOB utilization by providing a detailed narrative on how your firm utilizes M/WBE and SDVOB firms 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 subconsultants, subcontractors, and suppliers, OGS Certified Service-Disabled Veteran-Owned Businesses (SDVOB) subconsultants, subcontractors, and suppliers, and Non-M/WBE subconsultants, subcontractors, 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 18% MBE, 12% WBE, and 6% SDVOB. The goals refer to the percentage of utilization of your M/WBE and SDVOB subconsultants, subcontractors, and suppliers.

Tab 7. 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 disclose information regarding the diversity within your firm by providing the following:

- a. A narrative explaining the Proposer's approach and commitment to diversity within the work environment and an overview of the Proposer's current programs in diversity/inclusion.
- b. A completed Diversity Questionnaire included in this RFP as an attachment, which elicits information about the Proposer's total work force, broken down by specific ethnic background and gender, and a staffing plan of the anticipated work force to be utilized on this engagement with DASNY. As indicated on the Diversity Questionnaire, the Proposer must also include information on its current programs in diversity/inclusion. This questionnaire elicits information about each responding Proposer to verify that its work environment and team makeup specific to this opportunity demonstrates a strong commitment to diversity.
- c. By responding to this RFP, each Proposer acknowledges that:
 - i. The Proposer will not discriminate against any employee or applicant for employment because of race, creed, color, gender, religion, national origin, military status, 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.

- ii. 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, gender, religion, national origin, military status, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status.

Tab 8. Insurance Requirements

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

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; and
- 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 subconsultants (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. 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.

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 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://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. Proof of registration to do business in New York State with New York State Department of State (DOS) or a copy of the application filing and Accounts Payable voucher confirming your firm's registration with DOS is in progress.
- e. 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.
- f. Identify any questions, comments, and objections to the Scope of Services outlined in Chapter 2 of the attached Sample Contract, for DASNY's review and consideration.
- g. Provide a statement regarding the following:
 - i. 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.
 - ii. 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.
 - iii. Disclose any potential conflicts of interest (refer to Exhibit A, “Code of Business Ethics - Certification” included in the attached DASNY Omnibus Certification).

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 Proposers 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 Evaluation

Proposals will undergo a preliminary evaluation process conducted by a 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, further DASNY's mission to increase MWBE and SDVOB utilization and participation and provide opportunities to new firms that have not previously contracted with DASNY.

6.3 Criteria for Selection

This will be a qualification-based selection taking into consideration only the information provided in the Technical Proposal. Each Proposal will be evaluated for competency, completeness and responsiveness based on the Proposer's expertise, technical qualifications, and RFP response in relation to the evaluation criteria established by this RFP.

The Evaluation Committee shall consider the following evaluation criteria:

- a. Firm Qualifications
- b. Team Structure
- c. Key Staff Experience
- d. Project Examples
- e. Operational Approach
- f. MWBE and SDVOB Utilization Plan
- g. Firm and Team Diversity
- h. Overall Responsiveness to RFP

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 Proposers able to provide the required services and meet the business needs of DASNY will be selected by the Evaluation Committee.

6.6 Recommendation and Approval

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

Section 7 – Submission of Proposals:

DASNY will be accepting electronic proposals only. Proposals will be accepted electronically on or before 3:00 pm on January 27, 2023. Follow the directions below to upload your proposal electronically. Any technical issues or questions should be directed to the Designated Representative for the procurement via email prior to the due date of the RFP. **It is strongly encouraged to request access to the site 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.

- a. Please navigate to the following link to request access to RFP 7592 SharePoint Site:
<https://forms.office.com/r/RpPi21cbpn>
 - i. 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.
 - ii. Please request access at a minimum of 48 hours in advance and ensure access to the site works correctly.
 - iii. 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.

You will receive an email from SharePoint with a link to the Microsoft SharePoint site: "Statewide AE RFP." You will also receive an email from the Designated Representative, Maria McNeil at UpstateRFPCoordinator@dasny.org to confirm receipt of the SharePoint email and the ability to access the SharePoint site.

- b. Click on the link within the SharePoint Email.
 - i. If you have an existing Microsoft account, you will be asked to login and then you will be routed directly to the Statewide AE RFP "Documents" page.

- ii. If you do not have a Microsoft account, you will need to register for a Microsoft account before you can access the link.
- c. Upload all required documents in PDF Format to the folder library of the appropriate panel you wish to propose to. There are four (4) libraries identified as “Downstate Architects”, “Downstate Engineers”, “Upstate Architects”, and “Upstate Engineers.
- d. Within each of the four (4) libraries are three (3) folders for each type of proposal. Please save each proposal as follows to the applicable subfolder:
 - i. Technical Proposal
 - i. Save file as: Technical Proposal-firm name
 - ii. Click “Upload” or drag and drop
 - ii. Cost Proposal
 - i. Save file as: Cost Proposal-firm name
 - ii. Click “Upload” or drag and drop
 - iii. Administrative Proposal
 - i. Save file as: Administrative Proposal-firm name
 - ii. Click “Upload” or drag and drop
- e. Once your documents are uploaded, DO NOT OPEN. The document submitted must be your final submission and cannot be modified.
 - i. If you open your documents after they are submitted, the system will show the file as “modified”.
 - ii. The submitted document will remain in a pending status so they will remain private and will not be visible to the other proposers throughout the procurement process.
- f. The Statewide AE RFP SharePoint site will close at 3:01 PM on January 27, 2023. Any questions or issues on submitting must be addressed to the Designated Representative for the procurement prior to the expiration of the site. 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/nk7jCwPup7>

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 inquiries received with relevant responses will be posted on DASNY’s website, www.dasny.org.

2. A proposer may withdraw a proposal any time prior to the final due date and time by written notification, signed by an authorized agent, to the Designated Representative identified in Section 7 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 designated representative identified in Section 7 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 designated representative identified in Section 7 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 Proposer's employees or proposed subconsultants 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 subconsultants. 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 Proposers 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; and
12. To contract with more than one Proposer.

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; and
- 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; and
- 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 Proposer(s).

Section 10 – Notification:

Upon completion of the selection process, DASNY will notify all Proposers of its decision. Notification will be sent to the primary contact only. Shortly after notification the selected Proposer(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 Chapter 3, Article 8 of the attached Sample Contract.

Section 12 – Vendor Responsibility and Executive Order 16

Vendor Responsibility

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.

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 Professional is required to certify that the Professional is not an ‘entity conducting business operations in Russia.’ Please confirm by completing and signing the Omnibus Certification included in this RFP as an Attachment. 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 Proposer, to omit its entire proposal from disclosure.