



Construction Manager-Build Services

Request for Proposal RFP #7597

University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations at Dutch Quad Project# 374590

Date: July 3, 2023



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- c. General Conditions for Construction
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Section 1 - General Information

1.1 – Introduction to DASNY

The Dormitory Authority State of New York (“DASNY”) is a public benefit corporation of the State of New York empowered by Titles 4 and 4-B of the Public Authorities Law (the “Act”), to provide design and project management services, and to issue bonds, notes, and other obligations, for a 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 – Introduction to University at Albany

The University at Albany is a major public research university where over 17,000 undergraduate and graduate students collaborate with top-ranked faculty to conduct major research and scholarship in a wide range of disciplines.

It is critical for the renovation of the Ten Eyck, Bleeker and Van Cortlandt Halls Renovation projects to align with the University at Albany’s Vision, Values, and Priorities.

Vision:

To be the nation's leading diverse public research university - providing the leaders, the knowledge, and the innovations to create a better world.

Values:

Access: To enable individuals to pursue learning, research, and service regardless of economic, societal, or physical factors.

Integrity: To be committed to - and expect from all - honesty, transparency, and accountability.

Inclusive Excellence: To value diversity of all forms, academic freedom, and the rights, dignity, and perspectives of all individuals.

Common Good: To work collectively and collaboratively to benefit our communities - and create a sustainable way of life on earth.

Priorities:

Student Success is at the center of all we do;

Research drives our excellence;

Diversity and Inclusion are intrinsic to our success;
Internationalization increases our visibility and impact across the globe; and

Engagement and Service foster partnerships with reciprocal benefits.

1.3 - Project Background

Ten Eyck is an existing three-story building approximately 24,400 square feet (SF) located on the Dutch Quad. The residences were constructed in the late 1960's. The building structure is concrete with concrete columns and concrete floors. The original building enclosure consists of pre-cast concrete panels and aluminum window systems. The roof is a single ply membrane system pitched to roof drains. The building currently houses 47 double bedrooms, with a total of 94 beds, and a Resident Advisor (RA) apartment. The schematic design for the renovation of Ten Eyck Hall eliminates the RA apartment and integrates 37 double bedrooms and 14 single bedrooms, with a total of 88 beds. The renovation also includes the basement in which the spaces will be reconstructed for study rooms, a lounge area and mechanical/electrical/plumbing and data rooms

The project scope of work includes, but is not limited to asbestos abatement, selective demolition, concrete, masonry, metals, interior finishes, openings, specialties, equipment, furnishings, roofing, fire suppression, plumbing, HVAC, electrical, communication, fire alarm, and sitework.

1.4 – Purpose and Project Overview

DASNY seeks proposals from Construction Managers to provide professional construction management services during the design and construction of the University at Albany Ten Eyck Hall project using a Construction Manager-Build (“CM-Build”) project delivery method.

The project includes the renovation of Ten Eyck Hall into a modern welcoming residence hall located on the Dutch Quad at the University at Albany with an estimated construction value of \$8,900,000.00. The renovations will improve the livability of the residence hall facilities, comply with the current building codes, improve accessibility, and increase the number of single bedrooms. The University at Albany and DASNY have set a goal of attaining LEED V4 Silver certification by incorporating energy efficient and sustainable design concepts into the design of the project. This building, like the rest of the Uptown Campus, was designed in the unique International style architectural design of Edward Durell Stone.

The campus is also considering the need for construction management services to be provided for a renovation of a similar size and scope, at a future date, at Bleeker Hall following the completion of Ten Eyck Hall and at Van Cortlandt Hall following the completion of Bleeker Hall. The firm selected will receive a contract for the first phase (Ten Eyck Hall). The full terms and conditions of this RFP covers phase one work at the Ten Eyck Hall only. Phase two and three may be added with the terms and conditions mutually agreed upon. Should the client decide to proceed with phases two and three, it is anticipated that pre-construction services would commence during the post-construction of the previous phase to eliminate the need for re-mobilization.

A CM-Build project delivery method is similar to a Construction Manager-at-Risk project delivery method, in that the Construction Manager is involved during the design phase of the project, procures the construction phase trade contracts, and manages the construction phase of the project. However, in a CM-Build delivery method, a Guaranteed Maximum Price (“GMP”) is not provided prior to bidding the trade

packages, rather a Maximum Contract Price (“MCP”)¹ is established after the Construction Manager receives the trade bid packages. The CM-Build Contractor (hereinafter referred to as the “Construction Manager” or “CM”) is a Construction Manager who will contract with DASNY to submit an MCP.

Services will be performed in three phases and executed by separate contracts: one (1) Pre-Construction Contract and one (1) Construction Contract for each building renovation. Costs associated with General Conditions Work items will be included as part of the Construction Contract and will include but are not limited to the items listed in Appendix B of the attached sample Construction Contract. DASNY’s standard General Conditions for Construction will apply to all Construction Work.

DASNY may at any time give written notice to the CM terminating the Contract for Professional Services or suspending the project, in whole or in part, for the Owner’s convenience and without cause during any phase of the work. If DASNY terminates the contract for Professional Services or suspends the project, the CM shall immediately reduce its staff, services and outstanding commitments in order to minimize the cost of termination or suspension.

Pre-Construction phase services are anticipated to commence at or during the design phase of the project. The CM will be an integral member of the Project Team, consisting of representatives from DASNY, the University at Albany, the Design Professional, and other consultants, as required. DASNY will manage the Design Professional. Generally, it will be the responsibility of the CM to integrate the design and construction phases, utilizing their skills and knowledge of general contracting to develop schedules, prepare detailed project construction estimates, study labor conditions, and in any other way deemed necessary, to contribute to the development of the project during the Pre-Construction Phase. Upon selection of the CM by the Owner, the Pre-Construction phase contract will authorize the CM to provide Pre-Construction Phase services only, including without limitation the provision of an MCP for the final completion of the Project by the CM. Provisions may be made for early bid packages which are identified during the Pre-Construction contract should the need arise.

At the end of the Pre-Construction Phase, and in accordance with the terms and conditions of this RFP, the Owner will execute a Construction Contract. Construction phase services will include the award and management of numerous principal and specialty trade contracts (previously bid during the pre-construction phase) to provide the actual construction of the Project, as well as the award and management of general conditions work items (i.e., site security, temporary utilities, etc.). The Construction Contract will be based on the accepted MCP that was developed as part of the Pre-Construction Contract. During the Construction Phase, the CM will be responsible for affecting the construction of the project within the MCP by providing all necessary construction services through Trade Contractors selected as hereinafter provided.

The Construction Contract, for Ten Eyck Hall, will be awarded prior to access to the site and will be turned over for Work on June 1, 2024. The substantial completion date for this project is July 1, 2025. Liquidated damages will be assessed in the amount of \$11,000.00 per day for each and every calendar day that the CM fails to complete within this timeframe.

Should the University at Albany decide to proceed with design and construction of Bleeker Hall, the Construction Contract will be awarded prior to access to the site and will be turned over for Work on June 1, 2025. The substantial completion date for this project is July 1, 2026. Liquidated damages will be assessed in the amount of \$11,000.00 per day for each and every calendar day that the CM fails to complete within this timeframe.

¹ MAXIMUM CONTRACT PRICE (MCP) is the amount the Owner has agreed to pay the CM for the costs of the project subject to the terms of the Construction Phase Contract, including all construction costs, and all other projected costs including, the CM’s fees, the CM’s SCP contingency and the General Conditions Cost.

Should the University at Albany decide to proceed with design and construction of Van Cortlandt Hall, the Construction Contract will be awarded prior to access to the site and will be turned over for Work on June 1, 2026. The substantial completion date for this project is July 1, 2027. Liquidated damages will be assessed in the amount of \$11,000.00 per day for each and every calendar day that the CM fails to complete within this timeframe.

1.5 – Sustainability

DASNY Policy:

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.

SUNY’s Program Directive IB-2 Net Zero Carbon New Buildings and Deep Energy Retrofits of Existing Buildings:

In concert with the SUNY Chancellor’s call for renovation projects to advance SUNY’s energy and carbon reduction goals and NYS’s Climate Leadership and Community Protection Act (CLCPA), the Design team will need to comply with the requirements of the current version of Directive 1B-2 for Partial Building Renovations.

University at Albany Program Directive:

The University at Albany strives to operate in the most sustainable manner possible through a combination of energy efficiency and conservation projects, renewable energy technologies, green cleaning, and sustainable waste management.

The University at Albany signed the American College and University Presidents’ Climate Commitment (ACUPCC) in 2008. The University is committed to reducing its Greenhouse Gas (GHG) emissions by at least 20% from its 2005 levels by the year 2020. To achieve its GHG reduction goals, the University requires minimum energy and sustainability levels in all new construction, major renovation, and gut rehabilitation projects. Specific goals by building systems shall include minimum performance standards/requirements for roof, wall, windows, lighting power density, HVAC system efficiency, appliances, etc.

1.6 – The Contract

Attached to this RFP as Attachments (a.) and (b.) are the forms of the Contract² for Construction Manager-Build Work DASNY proposes to be executed between the selected Proposer and DASNY. It is the expectation that the attached forms of the Contract will be used, however, if the Proposer has any questions, comments, requests, exceptions, or objections (collectively, “objections”) to the Contract, they shall be set forth in writing, as outlined in Section 3, Tab 5 of the Proposal, for DASNY’s review and consideration. Any objections raised by a Proposer must be commercially reasonable. The nature of any such objections will be among the criteria used by DASNY in determining the selected Proposer. If DASNY believes, in its sole and absolute discretion, that any objections raised by a Proposer are commercially unreasonable, DASNY may reject such Proposer’s Proposal. Failure to submit such questions, comments, requests, or exceptions prior to selection of the selected Proposer will constitute a waiver of those issues by the Proposer. All provisions of the Contract that have not been objected to by a Proposer shall be deemed accepted and agreed to by such Proposer. DASNY may, at any time during the Evaluation Period and in its sole and absolute discretion, modify, amend, or change the terms and provisions of the Contract.

The selected Proposer must enter into the Contract with DASNY in substantially the same form and substance as Attachments (a.) and (b.), subject to any modifications that DASNY and the selected Proposer shall agree to in accordance with the terms of the Contract, within fourteen (14) days after receiving notice that it has been selected as the successful Proposer. DASNY, in its sole discretion, may extend this period an additional thirty (30) days. DASNY may select a different Proposer if the initially selected Proposer does not sign the Contract with DASNY by the end of the fourteen (14)-day or extended period.

DASNY reserves the right to negotiate terms and conditions at all times prior to execution of the Contract. Nothing limits DASNY’s right, before its selection of the selected Proposer, to engage in discussions or negotiations with any or all Proposers, relating to the proposed terms of the Contract or the substance of any Proposal submitted in response to this RFP.

1.7 – Key Events and Dates

<u>Event</u>	<u>Date</u>
Issuance of RFP	07/03/2023
Pre-Proposal Meeting/Site Visit*	07/12/2023 (10:00 AM)
Deadline for RFP Questions	07/19/2023 (3:00 PM)
Post Responses to RFP Questions	07/24/2023
Proposal Due Date	08/02/2023 (3:00 PM)
Interviews/Presentations (not earlier than)**	08/30/2023
Notice of Award (not earlier than)	09/01/2023

***A Pre-Proposal Meeting will be held at the University at Albany project trailer site behind Service Building A, on July 12, 2023, at 10:00 AM.** A campus map is included as an attachment to this RFP. Should there be any changes or updates to the pre-proposal meeting, firms will be notified via addendum.

The purpose of this meeting is to describe the project, goals and to answer any questions presented by the proposers. Representatives of DASNY and the University at Albany and will be available to answer

² The forms of Contract that are attached as part of this RFP are representative samples of the terms and conditions that the CM should expect to execute but are subject to change. In its sole and absolute discretion, DASNY may modify, amend, or change the terms and provisions of the Contracts as may be required.

questions regarding this RFP. Immediately following the Pre-Proposal Meeting, a tour of the site will be conducted.

Parking passes are required to park on campus. Firms may obtain a pass from the Parking & Mass Transit Services Building located on the corner of University Drive West and Tricentennial Drive East.

Firms are to RSVP to the pre-proposal meeting, by July 11, 2023, by email to the Designated Representative at UpstateRFPCoordinator@dasny.org by providing the name, title, and contact information of the meeting attendee(s). Should there be any changes or updates to the pre-proposal meeting, firms will be notified via addendum.

**Interviews/Presentations will be carried out virtually. More information regarding specific time and date of interview are to be provided at a later date.

1.8 – Inquiries

All inquiries concerning this RFP or any other aspects of this procurement must be submitted by email to UpstateRFPCoordinator@dasny.org 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 the deadline for questions. 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 as identified above. **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.**

1.9 – Preliminary Project Schedule

The preliminary project schedule is as follows:

- CM-Build Pre-Construction Contract Pre-Award Letter – 09/01/2023
- CM-Build – Letter of Intent and Pre-Construction Contract for Signature – 10/01/2023
- Construction Documents – 10/28/2023
- CM-Build – Construction Contract Pre-Award Letter – 01/16/2024
- CM-Build – Letter of Intent and Construction Contract for Signature – 02/20/2024*
- Substantial Completion Date – 07/01/2025*

*Construction dates are subject to change based on Owner’s requirements.

Section 2 - Engagement Requirements

2.1 – Scope of Services

Refer to Appendix A, “Scope of Services” listed within each of the attached DASNY Contracts (Pre-Construction Contract and Construction Contract) for the detailed scope of services.

2.2 – Qualifications and Certification Requirements

Firms responding to this RFP must meet the following:

- Have completed a minimum of five (5) projects of similar size, scope, and complexity within the past ten (10) years, including at least one (1) project providing Construction Manager-at-Risk, CM-Build or other Alternative Delivery project services on a college campus (multi-phase Project experience is preferred);
- Experience delivering projects within a tight construction schedule;
- Employ an experienced staff with thorough knowledge of their area(s) of expertise;
- Have a working knowledge of green building 3rd-party rating systems such as the United States Green Building Council (USGBC) LEED rating system or similar, specifically, for projects which have received LEED certification or comparable certification;
- Project estimating capabilities;
- An established and verified QA/QC Program; and
- An effective Safety Plan.

2.3 – Project Management Software

In accordance with the General Conditions for Construction and the General Requirements for Construction, Project Management Software such as Primavera P6[™], or PMWeb®, will be utilized as the management tools to plan, track, and record all project-related schedules, correspondence, submittals, transmittals, meeting minutes, requests for information, daily logs, project costs, change management, and reporting. In addition, DASNY at their option will deploy these systems from available web-based and/or Application Service Provider (ASP) system(s). At DASNY’s discretion, the selected team may be required to utilize other Project Management system(s) or other project-related software as needed. Firms responding to this RFP shall engage these systems, hereinafter referred to as “The Project Management System”, for all project deliverables. Should any of the abovementioned software systems be replaced during the term of this engagement, the Construction Manager shall utilize the replacement Project Management Software system for all project deliverables at no additional cost to the Owner.

Section 3 - Content of Technical Proposal

3.1 – Information to be provided by 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 tabs that correspond with each of the numbered tabs below. Your technical proposal must contain sufficient information to assure DASNY of its accuracy.

Tab 1. 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 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, Item 2.1 and will abide by the terms of the RFP, including all attachments.
- e. 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 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. Project Experience

Provide descriptive information demonstrating your firm's qualifications for completing this project and a statement as to why your firm should be selected. DASNY requests that each proposer provides information regarding the following:

- a. A description of your firm's organization and the resumes of partners, principals, associates, and other key staff proposed to provide services to DASNY, with particular emphasis on experience with alternative construction procurement methods and Construction Management experience.
- b. A description of your firm's experience providing similar services including recent (within the last 10 years), relevant project experience, for the public and private sector.
- c. Provide a minimum of five (5) recent, relevant project examples.

Project examples must include the following information:

- i. Official project name and address; Summary of the scope of services provided;
- ii. Explanation of challenging, complex, or unique aspects of the projects in relation to the services provided;
- iii. All team members both corporate and individual involved and their role in the project;
- iv. The timeframe in which your firm and/or subconsultant's work was performed;
- v. Overall project monetary value that includes initial budget and totals for change orders.
- vi. A breakdown of the value of services provided by your firm, subconsultant(s), and subcontractor(s);
- vii. Name and contract information of owner; and

- viii. Identification of a project contact with knowledge of the services provided by your team (if different than owner) excluding DASNY employees with their name, title, and phone number.
- d. Include the names, titles, and phone numbers of at least three (3) references, excluding DASNY employees and a summary of the services provided.

Tab 3. Project Approach

Provide a descriptive summary, developed in response to the RFP, as to your firm’s approach to the following items including, but not limited to, all information noted below:

- a. Overall Approach: Describe your firm’s approach to providing the requested scope of services.
- b. Coordination: Provide your firm’s approach to engaging with the Design Professional and maintaining a productive working relationship to ensure project success.
- c. Value Analysis: Describe the process by which your firm performs value analysis so as to achieve an appropriate balance between costs, aesthetics, sustainable design and function. Provide a sample value analysis report from one (1) of the projects listed under the Qualifications category (Section 3, Tab 2.b). In addition, provide a summary as to this value analysis effort inclusive of total number of items studied, total dollar value, total number of accepted items and total corresponding value of the accepted items.
- d. Constructability Issues: Identify four (4) constructability issues in regard to projects listed under the Qualifications category (Section 3, Tab 2.b) and provide a brief description of your firm’s approach to reviewing each.
- e. Cost Model/Estimates: Provide the cost model format used on one of the completed projects provided under the Qualifications category (Section 3, Tab 2.b) and describe how this cost model was developed and the timing of its updates during design and summarize how the final construction cost related to this cost model. Provide the cost model to be used on this project.
- f. Project Tracking/Reporting: Describe your firm’s approach and procedures for project tracking and reporting, including scheduling, accounting, three (3) daily report samples etc. Provide examples of a progress report including schedule tracking, cost control and reporting, and show how the cost model estimates track to the accounting and invoicing.
- g. Quality Assurance/Control Program: Describe how your firm implements quality assurance/control throughout construction. Provide samples/examples of your quality control program inclusive of applicable documentation.
- h. Safety Program: Describe your firm’s safety program as it pertains to your in-house safety resources, monitoring/enforcement to ensure OSHA compliance, violations, emergency response, evacuation plan and reporting. Provide examples from one of the completed projects under the Qualifications category (Section 3, Tab 2.b) of a safety plan that is customized for a specific project and specific activities on that project.
- i. Requests for Information (RFI) and Shop Drawings: Describe your firm’s approach to handling these documents to ensure accuracy and timeliness. Provide examples of applicable logs on a project noted in the Qualifications category (Section 3, Tab 2.b).

- j. Staffing Plan: Provide a staffing plan illustrating the staff intended for use during the Pre-Construction Phase and another staffing plan illustrating the staffing during the construction phase. Include a description of how your firm will assign and maintain core project team members throughout the life of this project.
- k. EMR Rating: Provide your Experience Modification Rate (EMR)-Workers Compensation Board claim rating.
- l. Subcontractor and Labor Market Analysis: provide a preliminary procurement plan outlining proposed bid packages and potential subcontractor bidders for each package. Provide input on availability of labor for the various trades for the duration of the project. Provide an example of (sub)contractor outreach performed by your firm to help support the competitive bidding process that includes a brief description of the outreach, the number of contractors solicited, the number of contractors who responded positively to the outreach, and the number of bids ultimately received.
- m. Schedule and Budget: Describe your firm’s approach to completing these projects on schedule and your procurement strategy and approach with the subcontractor community to result in a competitive and cost-effective outcome. Include a timeline and schedule for completion of all aspects of the engagement, including a preliminary project schedule.
- n. Sustainability: describe your approach on Projects using the various green building 3rd party rating systems or incorporating green building technologies into Projects.

Tab 4. 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 and Scope Verification Form, 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.

- c. DASNY has launched a new program for MWBE's/SDVOB's called the Capital Management Plan (CMP) which provides surety bonding, project specific capital access and back office support on DASNY construction projects statewide. This program will assist MWBEs/SDVOB's with successfully bidding as primes or subcontractors regardless of tier to DASNY, Design Build Teams, Construction Manager's, and General Contractor's on DASNY contracts. The proposer's response to the RFP shall discuss how bid packages will be designed or sized to provide bidding opportunities for MWBE/SDVOBS subcontractors/suppliers for this procurement opportunity.

Tab 5. 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.

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. Staffing Requirements and Costs

Provide estimated staffing requirements and costs associated with performing the identified Scopes of Service for Pre-Construction Phase and Construction Work Phase as follows:

- a. Pre-Construction Phase: Direct Salary Costs (hours and rates).
- b. Pre-Construction Phase: Fringe Benefits including a detailed breakdown of the components of your fringe benefit rate.
- c. Pre-Construction Phase: Overhead and Profit in accordance with (Section 4, Tab 3).
- d. Construction Phase: Field Staff Direct Salary Costs (hours and rates).
- e. Construction Phase: Field Staff Fringe Benefits including breakdown (if different from Section 4, Tab 2.b).
- f. Construction Phase: Fee Percentage in accordance with (Section 4, Tab 5).

Note: General Conditions Work Items shall be included as part of Construction Contract as per Appendix B of said Contract.

Tab 3. Overhead and Profit Multiplier

Provide documentation indicating your firm's Overhead and Profit Multiplier for the Pre-Construction Phase. The calculation should include all direct labor expenses, indirect and operating expenses, and proposed profit.

Tab 4. Classifications and Rates

Complete the attached Classification & Rate Form to support the unloaded salaries and rates of your employees detailed in Section 4, Tab 2.a and 2.d.

Tab 5. Construction Phase Fee Percentage

Provide a Construction Phase Fee Percentage for the management of the Construction Phase. The Fee Percentage shall be applied to the initial value of the Trade Contracts, Bonds, Sub-Guard Insurance, as approved by the OWNER (please review the contract terms and conditions of the Construction Phase Contract for additional information), to arrive at the CM's management fee for this project. The Fee Percentage includes all CM home office costs, including officers as well as home office and local office support staff, together with all CM overhead costs and profit. This Fee Percentage shall also include all required services of a home office Project Executive, by whatever name called. The fee includes the management of all General Conditions associated with the Project. No additional overhead or profit on direct labor for the Construction Phase will be paid beyond the Construction Phase Fee.

Tab 6. Required Insurance Statement

Provide a statement indicating your firm is able to obtain the required insurances as listed in Article 10 of the attached Sample Pre-Construction Contract, and Article 9 of the attached Sample Construction Phase Contract and the Sample Insurance Certificate & Requirements.

Tab 7. Cost for General Liability Insurance

Provide an estimated cost for General Liability Insurance coverage for the project.

Section 5 – Content of Administrative Proposal

The following is a list of required information that must be provided by the proposer. The information must contain sufficient detail 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 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. 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. 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. As set forth in Section 1.6, above, the Proposer shall identify, in writing, all questions, comments, requests, exceptions, or objections, if any, that the Proposer may have to this 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 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 – Evaluation

Proposals will undergo an evaluation process conducted by an 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 M/WBE and SDVOB utilization and participation, and also 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 criteria for selection shall be the qualifications and requirements listed in Sections 2 and 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 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.

Section 7 - Submission of Proposals

7.1 – Submission of Technical and Cost Proposal

DASNY will be accepting electronic proposals only. Proposals will be accepted electronically on or before 3:00 pm on the Proposal Due Date. Follow the directions below to upload your proposal electronically. Any technical issues or questions should be directed to the Designated Representative for this 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. Email UpstateRFPcoordinator@dasny.org with the subject line: “RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build-Request Access-Enter your Firm’s Name.”
 - i. Please provide the name and email address of any additional contact from your firm that may require access to submit the RFP responses through the SharePoint site.
 - ii. An expression of interest does not qualify as a request for access. Please ensure that your firm explicitly requests access using the described procedure.
 - iii. Please request access at a minimum of 48 hours in advance and ensure access to the site works correctly.
- b. You will receive an email from UpstateRFPcoordinator@dasny.org with a link to a Microsoft SharePoint site: “RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build.” Please confirm receipt of this email and ability to access the SharePoint site.
- c. 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 RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build “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.
- d. Upload all required documents in PDF Format.
- e. Please save each proposal as follows:
 - i. Technical Proposal:

- Save file as: RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build -Tech-Enter your Firm's Name
 - Click "Upload" or drag and drop
- ii. Cost Proposal:
- Save file as: RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build -Cost-Enter your Firm's Name
 - Click "Upload" or drag and drop
- iii. Administrative Proposal:
- Save file as: RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build -Admin-Enter your Firm's Name-VRQ
 - Click "Upload" or drag and drop

 - Save file as: RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build -Admin-Enter your Firm's Name-Omnibus
 - Click "Upload" or drag and drop

 - Save file as: RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build -Admin-Enter your Firm's Name-W9
 - Click "Upload" or drag and drop

 - Save file as: RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build -Admin-Enter your Firm's Name-DOS
 - Click "Upload" or drag and drop

 - Save file as: RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build -Admin-Enter your Firm's Name-Firm Profile
 - Click "Upload" or drag and drop

 - Save file as: RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build -Admin-Enter your Firm's Name-Contract Objections
 - Click "Upload" or drag and drop

 - Save file as: RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build -Admin-Enter your Firm's Name-Statement
 - Click "Upload" or drag and drop
- f. 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 it as "modified".

- ii. The submitted document will remain private and will not be visible to the other proposers throughout the procurement process.

- g. The RFP# 7597 - University at Albany Ten Eyck, Bleeker and Van Cortlandt Halls Renovations-CM Build site will close at 3:01 PM on the Proposal Due Date. 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

- a. All inquiries regarding this RFP shall be addressed to the following individual:

Designated Representative

E-mail: UpstateRFPCoordinator@dasny.org

- b. All questions shall be submitted in writing or by email, citing the particular proposal section and paragraph number. 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.
- c. 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 contact person identified in Section 8, Item 8.1 (a). 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.
- d. 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, Item 8.1(a) 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.
- e. 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.
- f. A Proposer indicates its acceptance of the provisions and conditions enumerated in this RFP by submitting a proposal.

8.2 – DASNY Requirements

- a. 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.

- b. 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.
- c. Other than the contact person identified in Section 8, Item 8.1(a), 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:

- a. To accept or reject any or all proposals and amend, modify or withdraw this RFP.
- b. To correct any arithmetic errors in the proposals.
- c. To change the final due date and time for proposals.
- d. To accept or reject any of your firm’s employees or proposed sub-contractors 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-contractors. DASNY shall have the right to reject any proposed change to the Proposer’s technical proposal.
- e. 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.
- f. To consider modifications to proposals at any time before the award is made, if such action is in the best interest of DASNY.
- g. To request a revised cost proposal from firms selected as finalists.
- h. To accept a proposal for the engagement containing other than the lowest cost proposal.
- i. To interview proposers prior to selection.
- j. 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.
- k. 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.
- l. To contract with more than one firm.

8.4 – Contractual Requirements

- a. Contract

- i. By submitting a proposal, the successful proposer agrees to reference the RFP as part of the resulting contract.
 - ii. 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.
 - iii. Award of a contract is subject to contract negotiation and approval of such contract by the appropriate DASNY authorities.
- b. Modification of Contract
- i. Any modification to the original contract signed between the successful proposer and DASNY will require the mutual consent of the successful Proposer and DASNY.
 - ii. Any contract or amendments thereto will be considered effective only after approval and execution by the appropriate DASNY authorities.
- c. Interpretation
- i. 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.
- d. Public Announcements
- i. 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 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 10 of the attached Sample Pre-Construction Contract, and Article 9 of the attached Sample Construction Phase Contract.

Section 12 – Vendor Integrity 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 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.

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.