



Term Project Labor Agreement (PLA) Feasibility and Analysis Services

Request for Proposal RFP #7598

Date: August 18, 2023

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Attachments:

- a. Sample Contract
- b. Sample Work Authorization
- c. DASNY Regional Map
- d. Diversity Questionnaire
- e. Classification and Rate Form
- f. DASNY Multiplier Form
- g. Omnibus Certification
- h. W-9 Form
- i. Sample Insurance Certificate & Requirements

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 consultants to provide Term PLA Feasibility Analysis Services. The objective of this procurement is to establish term contracts with consultants to provide the required services for multiple assignments, with a wide range of clients and facilities, for projects that vary in size, scope, and complexity. It is DASNY's intent to enter into term consulting contracts with multiple firms Statewide. Services will be requested and contracted on an as needed basis and the type and value of each project will vary. Assignments may be made on a geographic basis. Individual firms are not required to provide services Statewide to qualify for a contract. DASNY's goal is to provide sufficient coverage for clients located in all New York State regions. Consultants will be selected to maximize

coverage as required to meet the needs of our clients. In addition, it is DASNY’s intent to provide opportunities to Minority-Owned, Women-Owned, and Service-Disabled Veteran-Owned Businesses as well as to small and new firms as practicable. Selection as a consultant does not guarantee that future work will be awarded.

1.4 Key Events and Dates

<u>Event</u>	<u>Date</u>
Issuance of RFP	8/18/2023
Deadline for RFP Questions	8/29/2023 (3:00 PM)
Post Responses to RFP Questions	9/1/2023
Proposal Due Date	9/21/2023 (3:00 PM)
Interviews/Presentations (not earlier than)	10/16/2023
Notice of Award (not earlier than)	10/20/2023

1.5 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/hvwtz38eGJ> 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 RFP Questions date. A final record of the questions and associated responses will be posted to DASNY’s website, www.dasny.org on the Post Responses to RFP Questions date. Proposers responding to this RFP shall be solely responsible for checking the website throughout the RFP process for responses to questions, and no individualized notices shall be provided.

Section 2 - Engagement Requirements:

2.1 Contract Overview

The services to be performed under this Contract include but are not limited to the provision of economic feasibility analyses on the prospects of using a project labor agreement (PLA) for specified projects. Specific services that may be authorized by Work Authorizations under this Contract include but are not limited to:

- Construction and labor market analysis
- Evaluation of existing collective bargaining agreements
- Assessment of the expected economic benefits
- Overall conclusions and recommendations

2.2 Scope of Services

The scope of services to be provided for the contract is included within Appendix ‘A’ of the attached Sample Contract.

2.3 Project Engagement

Contracted firms may be engaged on projects based on their expertise, the project location, and firm's past performance, among other things. 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.

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.

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

- Experience with PLA feasibility and analysis services, specifically including successful completion of PLA studies on major construction projects.

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 with cover pages 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 name, title, telephone number, and email address of the individual within your firm who will be DASNY's primary contact throughout the life of the contract, should your firm be selected.
- c. The primary contact's name, title, telephone number, and email address for each sub-consultant (if applicable) who will perform work under this contract.

- d. The identities of the primary staff proposed to provide services relating to this RFP.
- e. A statement to the effect that your firm is willing to perform all services identified in Section 2.1 above and will abide by the terms of the RFP, including all attachments.
- f. A statement that the Proposer understands selection does not guarantee that any services will be requested from your firm.
- g. 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. Firm and Subconsultant(s) (if applicable)

Provide the following information related to your firm and subconsultants(s) (if applicable):

- a. An overview of your firm's organization including sub-consultants and subcontractors (if applicable) with a particular emphasis on PLA Feasibility Studies.
- b. A description of the intended roles and responsibilities of the key personnel assigned.
- c. Resumes of key personnel demonstrating each person's experience and ability to provide the required services to DASNY.
- d. Identification of past working experience of key personnel, including sub-consultants (if applicable).

Tab 3. Project Experience

Demonstrate your firm and Subconsultant(s) (if applicable) project experience by providing the following:

- a. A description of your firm's experience providing similar services including recent relevant project experience, within the last 10 years, to the public sector.
- b. Three (3) project examples, up to three (3) pages each, from within the past 10 years, illustrating experience providing PLA Feasibility Analysis services for projects with a wide variety of challenges and considerations.

Project examples must include the following information:

- i. Official project name and address;

- ii. Explanation of challenging, complex, or unique aspects of providing PLA Feasibility Analysis services for the particular project;
 - iii. A description of the recommendation provided by your firm and the factors that lead to this recommendation;
 - iv. Identification of key personnel involved and their role in providing services for the project;
 - v. The timeframe in which your firm's work was performed;
 - vi. Overall project monetary value;
 - vii. Name and contact information of owner; and
 - viii. Identification of a project contact with knowledge of the services provided by your firm (if different than owner) including their name, title, and phone number (no more than one DASNY employee).
- c. For two (2) of the three (3) project examples, provide a copy of the completed PLA Feasibility Study/Analysis.
- d. A minimum of three (3) additional references, including their name, title, and phone number (no more than one DASNY employee).

Tab 4. Approach (10 – Page Limit)

Describe your overall approach to providing the required services by providing the following:

- a. A detailed description of your firm's approach to providing the requested scope of services as outlined in the attached Sample Contract.
- b. A detailed description of the most important factors the Proposer considers when completing a PLA feasibility study/analysis.
- c. A description of the key personnel's commitment to staying up to date on market trends, the economic climate, industry conditions, labor/workforce, resources, etc.
- d. A description of the typical timeframe for completing the services requested by this RFP.

Tab 5. M/WBE and SDVOB Utilization

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. Although no M/WBE and SDVOB

goals have been established for this contract, the selected firms shall use good faith efforts to provide for meaningful participation by M/WBE and SDVOB firms in providing the scope of services where feasible.

Tab 6. Firm Diversity

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

Please disclose information regarding the diversity within your firm and of your team 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 with cover pages 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. The name, title, telephone number, and email address of the individual within your firm who will be DASNY's primary contact throughout the life of the contract, should your firm be selected.
- c. A statement to the effect that the price quoted is an irrevocable offer good for 120 days.
- d. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a cost proposal that contains an unsigned cover letter.

Tab 2. Overhead and Profit Multiplier

Provide documentation indicating your firm's Overhead and Profit Multiplier and that of your sub-consultants (if any) by using **one** of the following methods:

- a. Submit an approved Standard Cost Proposal Form or a previously approved multiplier from another State Agency within the last six months.
- 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 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. Provide a completed W-9 Form, included in this RFP as an attachment. If the proposer is a joint venture, provide a W-9 in the name of the joint venture and provide a copy of the executed joint venture agreement.
- d. Provide a statement indicating your firm is able to obtain the required insurances as listed in Article XI of the attached Sample Contract and included in the attached Sample Insurance Certificate & Requirements.
- 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 language within the attached Sample Contract for DASNY’s review and consideration.

Section 6 - Evaluation of Proposals:

The selection process will begin with the review and evaluation of each of the written proposals. The purpose of this evaluation process is twofold: (1) to examine the responses for compliance with this RFP; (2) to identify the complying firms that have the highest probability of satisfactorily performing the scope of services. The evaluation process will be conducted in a comprehensive and impartial manner. The evaluation will be conducted as set forth herein.

6.1 Preliminary Review

DASNY reserves the right to reject and return to the proposer all proposals received after the RFP due date and time. All proposals will be reviewed to determine if they contain all required submittals specified in Sections 3 and 4. 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 MWBE and SDVOB utilization and participation, and also provide opportunities to new firms that have not previously contracted with DASNY.

6.3 Criteria for Selection

The criteria for selection shall be the qualifications required by Section 2 and Section 3.

6.4 Interviews

DASNY reserves the right to determine whether interviews will be necessary. The purpose of the interview is to further document the proposer's ability to provide the required services and to impart to the Evaluation Committee an understanding of how specific services will be furnished. The proposed lead principal, as well as all other key personnel proposed to provide the services must be present and participate in the interview. The interview will be evaluated on the basis of whether it substantiates the characteristics and attributes claimed by the proposer in its written response to this RFP and any other information requested by the Evaluation Committee prior to the interview.

Section 7 - Submission of Proposals:

DASNY will be accepting electronic proposals only. Proposals will be accepted electronically on or before 3:00 pm on the Proposal Due Date identified in Section 1.4 of this RFP. 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 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 7598-Request Access-Firm Name."
 - i. Provide the name and email address of any 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.
- b. You will receive an email from UpstateRFPcoordinator@dasny.org with a link to a Microsoft SharePoint site: "Term Project Labor Agreement (PLA) Feasibility and Analysis Services RFP 7598."
 - i. 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 Term Project Labor Agreement (PLA) Feasibility and Analysis Services RFP 7598 “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: Technical Proposal-firm name
 - Click “Upload” or drag and drop
 - ii. Cost Proposal:
 - Save file as: Cost Proposal-firm name
 - Click “Upload” or drag and drop
 - iii. Administrative Proposal (provided as five (5) separate files):
 - Save first file as: VRQ-firm name
 - Click “Upload” or drag and drop
 - Save second file as: Omnibus-firm name
 - Click “Upload” or drag and drop
 - Save third file as W-9-firm name
 - Click “Upload” or drag and drop
 - Save fourth file as Firm Profile-firm name
 - Click “Upload” or drag and drop
 - Save fifth file as Contract Objections-firm name
 - 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 the file as “modified”.
 - ii. The submitted document will remain private and will not be visible to the other proposers throughout the procurement process.
- g. The Term Project Labor Agreement (PLA) Feasibility and Analysis Services RFP 7598 SharePoint 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 project before that time using the email address in Bullet a. 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 or any other aspects of this procurement should be submitted through the following link during the Q&A period identified:

<https://forms.office.com/r/hvwtz38eGJ>
- b. Proposers should note that all clarifications 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. 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.
- c. A proposer may withdraw a proposal anytime prior to the final due date and time by written notification, signed by an authorized agent, to the contact person identified in Section 7.1.1 above. The proposal may thereafter be resubmitted, but not after the final due date and time. Modifications offered in any other manner, oral or written, will not be considered.
- 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 7.1.1 above. Notice of such error or omission should be submitted prior to the final due date and time for submission of proposals. Modifications shall be made by addenda to this RFP. Such clarifications will be given by written notice to all parties who have received this RFP.
- 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 7.1.1 above, or their designee(s), prospective proposers shall not approach DASNY employees during the period of this RFP process about any matters related to this RFP or any proposals submitted pursuant thereto.

8.3 DASNY Rights and Prerogatives

DASNY reserves the right to exercise the following prerogatives:

- 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 the firm's employees or proposed sub-consultants assigned to provide services on this project and to require their replacement at any time. The proposer shall obtain the written approval of DASNY of changes to the technical proposal after it is submitted, including any changes with respect to sub-consultants. DASNY shall have the right to reject any proposed change to the proposer's technical proposal.
- 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 a 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 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 fee negotiations with the selected firm(s).

Section 10 – Notification:

Upon completion of the selection process, DASNY will notify all firms of its decision. Notification will be sent to the primary contact only. Shortly after notification the selected firm(s) will be posted on DASNY’s website.

Section 11 – Insurance

The successful proposer will be required to comply with the Insurance requirements located in Article XI of the attached Sample 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 an Attachment.

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.