



FLDDSO Wings A & B Renovation Design-Build Services

Request for Proposal RFP #7596

December 1, 2023

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Section 1 - General Information

1.1 Introduction to The Office for People With Developmental Disabilities (OPWDD)

The New York State Office for People With Developmental Disabilities (OPWDD) is responsible for coordinating services for New Yorkers with developmental disabilities, including intellectual disabilities, cerebral palsy, Down syndrome, autism spectrum disorders, Prader-Willi syndrome and other neurological impairments. It provides services directly and through a network of approximately 500 nonprofit service providing agencies, with about 80 percent of services provided by the private nonprofits and 20 percent provided by State-run services.

1.2 Introduction to The Finger Lakes Developmental Disabilities Service Office (FLDDSO)

The Finger Lakes Developmental Disabilities Service Office (FLDDSO), located at 620 Westfall Road, Rochester, NY, 14620 offers services that support OPWDD and/or their service providers. The goal of said services is to assist members with the following: ability to live in their home of choice; finding employment and other meaningful activities; building relationships in the community; and improving overall health and wellness.

1.3 Introduction to Dormitory Authority of the State of New York

The Authority 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 wide variety of public purposes. Under the Act, the Authority 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.

1.4 DASNY’s 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.

Section 2 – Engagement Information

2.1 General Intent

DASNY seeks proposals from qualified design-build entities, or a collaboration of entities, capable of providing design, construction, and other identified services necessary to renovate Wings A & B (more commonly referred to as “Moon Street Wings”) of the Finger Lakes Developmental Disabilities Service Office.

The Bridging Documents and the General Requirements (collectively the “Concept Documents”), the Contract for Design-Build Work, and this RFP, generally define the scope and intent of the work and services necessary to complete the Project. This RFP including, without limitation, the Concept Documents and the Contract shall serve as the basis for (i) the Lump Sum Price to be submitted by each Proposer, and (ii) the final design and construction to be undertaken by the selected Proposer. DASNY may, from time to time, issue addenda to this RFP including, without limitation, addenda to the Concept Documents.

The Design-Build Teams responding to the RFP will be expected to develop a design plan sufficient to address site, budgetary, and schedule parameters provided for in this RFP. A stipend in the amount of \$40,000 will be paid to those responsive Proposers who are unsuccessful in obtaining contract award.

The Substantial Completion date this Project is February 6, 2026. Liquidated damages will be assessed in the amount of \$5,000 per day for each and every calendar day that the Design/Build firm fails to achieve Substantial Completion beyond February 6, 2026. Liquidated damages shall increase to \$10,000 per day for each and every calendar day that the Design/Build firm fails to complete the Project (including all punch list corrective work) beyond March 6, 2026.

2.2 Project Scope of Services

The Design-Build Team shall provide complete design and construction services including, but not limited to, the following:

- a. Design and renovation of an inpatient OPWDD facility. The work area includes one (1) programming unit and three (3) inpatient units.
- b. Complete and comprehensive design services, including architectural and engineering services, including all hazardous materials surveying, testing, and reporting.
- c. Meet scheduling requirements and update progress.
- d. All additional requirements, including the detailed Scope of Services, will be outlined in the Concept Documents, attached hereto.

The selected Proposers will work directly with DASNY, OPWDD, and its representatives to provide full design and construction services.

The selected Proposers will provide dedicated principal(s) for the resulting engagement(s), who will be the primary point(s) of contact.

2.3 Work

- a. The selected Proposer shall provide all work, services and materials necessary to design and construct the Project as contemplated by this RFP (the “Work”), which Work shall include, without limitation, the following: all design and engineering services; all demolition, excavation, site remediation, and construction services; all supervision, administration and coordination services; the provision of all drawings, specifications, labor, materials, equipment, supplies, tools, machinery, utilities, fabrication, transportation, insurance, bonds, licenses, tests, inspections, surveys, studies, and other items that are necessary or appropriate for the final and complete design, construction, installation, furnishing and equipping of the Project; and all additional, collateral and incidental work and services required for completion of the Project as set forth in the Contract. A more definitive description of the Work to be provided by the selected Proposer is set forth in the form of the Design-Build Contract attached herein.
- b. Notwithstanding the foregoing, the following activities will be the responsibility of DASNY: Project funding, issuing the building permit, and negotiating the appropriate PLA, based on a form of PLA provided by DASNY. Further information surrounding the requirements of a PLA is provided in Section 2.8 below. with the Rochester Building and Construction Trades Council for the Work performed by labor on the Project and subsequently submit that PLA to DASNY for review and approval. Design-Builder and all applicable subcontractors shall comply with the approved PLA in accordance with the terms and conditions as further set forth in the attached Sample Contract.
- c. The selected Proposer will be obligated to cooperate with DASNY and OPWDD with respect to the responsibilities of DASNY and OPWDD, including the ongoing operations of the Finger Lakes Developmental Disabilities Service Office.
- d. The selected Proposer will be obligated to determine the existing conditions information required for completion of the Project. All Work must be performed with that degree of skill, care and diligence normally demonstrated by a professional performing work and services of a comparable scope, purpose and magnitude. The selected Proposer will be an independent contractor, and not an agent or employee of DASNY.

2.4 Qualifications and Certifications

Proposers responding to this RFP must meet the following requirements either directly or as part of the proposed Team:

- a. Experience within the past ten (10) years utilizing design-build in connection with design and construction of residential and/or commercial space, with preference given to those Proposers with experience in designing and constructing mental hygiene facilities, CMS-certified facilities and/or other secured facilities.
- b. Demonstrated experience providing the services described in this RFP and the Sample Design-Build Contract.
- c. Knowledge of applicable codes, rules, and regulations, including but not limited to NFPA 101 Life Safety Code, NFPA 99 Health Care Facilities Code, NYCRR Title 14 Chapter XIV, and other life/safety codes.
- d. Licensed Professional Engineer with current NYS Registration shall perform all services constituting the practice of engineering in New York State.

- e. Licensed Architect with NYS Registration shall perform all services constituting the practice of architecture in New York State.
- f. Ability to subcontract to sub-consultants, sub-contractors, suppliers, and vendors as necessary.
- g. Experience in developing and maintaining schedules for projects similar in size, scope, and complexity.
- h. Experience providing required services at various phases of the project including planning, design, procurement, construction, and post-construction.
- i. A Builder with an Experience Modification Rate of less than 1.0.
- j. Provide a licensed, qualified and experienced architect/engineer as part of the Proposer's team, whether as a member of the legal entity comprising the Proposer or as a Subcontractor (as defined in the attached General Conditions for Construction) of the Proposer, and (ii) that a qualified and experienced general contractor will be part of the Proposer's team, whether as a member of the legal entity comprising the Proposer or as a Subcontractor of the Proposer.

2.5 Project Design

- a. **Requirements for Base Project Design.** Each Proposer must provide DASNY with a Base Project Design that fully satisfies the requirements outlined in this RFP and the Concept Documents.
- b. **Option To Submit Alternate Project Design(s).** In addition to its Base Project Design, a Proposer is requested to submit one or more Alternate Project Designs that meet or exceed the requirements of the Concept Documents, modify certain design elements of the Proposer's Base Project Design, or add a new element that was not included in the Proposer's Base Project Design ("Alternate Project Design(s)"), while still maintaining the general design criteria, scope, and intent set forth in this RFP and the Concept Documents. For example, a proposer may choose to submit an Alternate Project Design with the intention of maximizing sight lines without compromising program space. In the event the Base Project Design exceeds the project budget, Proposers are strongly encouraged to submit Alternate Project Design(s) that bring the Project in line with the Client's budget. In the event that the Base Project Design is in line with the project budget, Proposers are encouraged to submit Alternate Project Design(s) that may result in cost savings, acceleration of the project schedule, and/or provide other long-term benefits to DASNY/OPWDD.
- c. **Requirements for Alternate Project Design(s).** All Alternate Project Designs must, at a minimum, satisfy the general intent set forth in this RFP and the Concept Documents. However, Alternate Project Designs that meet the general intent of the Concept Documents may include elements that deviate from the Concept Documents, but must be described in detail as indicated in Section 3, Tab 7. Any Alternate Project Design must be accompanied by alternate design-option elements with line-by-line breakdowns.
- d. **Submitting Alternate Project Design(s).** Alternate Project Designs shall consist of, at a minimum, a brief written statement of how the Alternate Project Design differs from the Proposer's Base Project Design, and a completed Alternate Lump Sum Project Pricing Form as found in Schedule 2 of Attachment 10 of this RFP. The line items in Alternate Lump Sum Project Pricing Form shall be filled in only to the extent that the information provided for a given line item differs from the information provided for that same line item found in the Proposer's Lump Sum Project Pricing Form as found in Schedule 1 of Attachment 10. A Proposer may add information or line items to the Alternate Lump Sum Project Pricing

to reflect, as necessary, any additions or modifications proposed by the Alternate Project Design. Sketches, drawings, schematics, and other materials may also be submitted with any Alternate Project Design.

- e. **Adopting Alternate Project Design(s).** DASNY reserves the right to amend this RFP by adopting an Alternate Project Design suggested by a Proposer, to require that one or more Proposers respond to the adopted Alternate Project Design, and to use the adopted Alternate Project Design in the design and construction of the Project, even if the Proposer who proposed that Alternate Design is not the selected Proposer. Notwithstanding the foregoing, DASNY will adopt and use only that portion of an unsuccessful Proposer's Alternate Project Design that is not subject to a copyright or other intellectual property right of such Proposer.
- f. **Incorporation of Alternate Project Design(s).** DASNY has the right to incorporate into the executed Contract any or all Alternate Project Design(s) submitted by the selected Proposer.

2.6 Design Review

The Design-Build Team will be required to adhere to the DASNY Design Review Process as outlined in DASNY's [Design Professional's Submission Requirements](#).

2.7 The Contract

- a. Attached to this RFP as Attachment 1 is the form of the Contract for Design-Build Work DASNY proposes to be executed between the selected Proposer and DASNY. As part of its Proposal, each Proposer must identify all questions, comments, requests, exceptions, or objections (collectively, "objections"), if any, that it may have to this Contract for DASNY's review and consideration. Any such objections must be set forth in writing and should be as detailed and specific as possible. 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 by issuance of an Addendum.
- b. The selected Proposer must enter into the Contract with DASNY in substantially the same form and substance as Attachments 1 and 2, 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.
- c. DASNY reserves the right to negotiate terms and conditions at all times prior to the 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, individually or collectively, relating to the proposed terms of the Contract or the substance of any Proposal submitted in response to this RFP.

2.8 Project Labor Agreement (PLA)

Pursuant to the Infrastructure Investment Act, authorized projects with a total construction cost of not less than twenty-five million dollars (\$25,000,000) undertaken by DASNY solely in connection with the provisions of the Act shall only be undertaken pursuant to a PLA in accordance with section 222 of the New York State Labor Law.

Should the construction cost for this project exceed the threshold identified in the Act, an executed PLA will be required prior to contract execution.

DASNY previously conducted a feasibility analysis to determine the feasibility of implementing a Project Labor Agreement (PLA) for this Project and found that a PLA would enhance the construction of the Project from a time, quality and cost standpoint and would satisfy the requirements for use of a PLA contained in New York State Labor Law section 222.

2.9 Project Budget and Lump Sum Price for Proposals

- a. The not to exceed budget for this Project as described in this RFP including all design-build costs is twenty-seven million (\$27,000,000) dollars. This includes any and all Work included in the Proposal submitted and subject to the Contract with DASNY.
- b. Any Technical Design submitted that exceeds the established Not-to-Exceed (NTE) budget must include clear and applicable strategies to bring the project within the NTE budget.
- c. Lump Sum Price for Base Project Designs. Each Proposal shall include a lump sum cost for the performance and completion of the Work (the "Lump Sum Price"). The proposed Lump Sum Price submitted by each Proposer must be on the basis of the requirements of this RFP, including the Concept Documents, and not on the basis of any Alternate Project Designs, and shall be identified and set forth in the Lump Sum Project Pricing Form found in Schedule 1 of the Lump Sum Price Proposal to this RFP. Each Proposer shall acknowledge and agree that any cost impact resulting from an Alternate Project Design must be identified separately from the proposed Lump Sum Price for the Work based on the Project Design.
- d. Lump Sum Price for Alternate Project Designs. Each Proposer must submit a separate, independent Lump Sum Price for its Work with respect to any submitted Alternate Project Design, and in accordance with the submission requirements set forth in Section 2.5(d) above, in the event that DASNY selects the Proposer's Alternate Project Design, if any. Such Lump Sum Price shall be identified and set forth by the Proposer on the Alternate Lump Sum Project Pricing Form found in Schedule 2 of the Lump Sum Price Proposal to this RFP. Should the cost of an Alternate Project Design be in excess of the Project Budget, Proposers must provide alternate design-option elements, with line by line breakdowns, that would bring the Project back in line with the budget.

2.10 Project Permitting & Applicable Codes, Rules & Regulations

- a. The Construction Permitting Agency for this project (for purposes of the building permit) will be DASNY.
- b. The project shall comply with all applicable codes, rules, and regulations. It is the Design-Build Contractor's responsibility to ensure compliance. In addition to those codes, rules and regulations

determined to be applicable, the Design-Build Contractor shall also comply with the following: the latest NYS Building Code, the latest Energy Code, Executive Order 88, USGBC LEED Rating System, NYS DEC storm water, air and petroleum bulk storage regulations, NYSEERDA requirements and NYS Green Building Construction Act.

2.11 Project Management Software

Primavera P6™ (current version), or other similar software approved by DASNY, may be utilized as the scheduling tool, and PMWeb Inc. will be utilized as the project management program 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). Firms responding to this RFP shall engage these systems for all project deliverables. Should any of the above-mentioned software systems be replaced during the term of this engagement, the Firm shall utilize the replacement Project Management Software system for all project deliverables at no additional cost to the Owner.

2.12 Key Events and Dates

<u>Event</u>	<u>Date</u>
Issuance of RFP	12/01/2023
Pre-Proposal Meeting & Site Walkthrough	12/15/2023
Individual Meeting (Week of)	01/08/2024
Deadline for RFP Questions*	01/15/2024 (3:00 PM)
Post Responses to RFP Questions*	01/19/2024
Proposal Due Date	01/29/2024 (3:00 PM)
Interviews (No Earlier Than)	03/04/2024
Notice of Tentative Selection (No Earlier Than)	03/11/2024
Issuance of Contract* (No Earlier Than)	05/06/2024

The Contracts included in this procurement are subject to the approval of the NYS Office of the State Comptroller (“OSC”).

A Pre-Proposal Meeting will be held at the FLDDSO Monroe Development Center, Main Administration Entrance, Executive Directors Conference Room, located at 620 Westfall Road, Rochester, NY, 14620 on December 15, 2023, at 11:30 am. See attached Westfall Campus Map for reference. Please note this is a secured facility. Pre-proposal meeting attendees will be required to provide government issued identification at the security desk located inside the Main Administration Entrance. The facility’s safety officer will direct pre-proposal meeting attendees to the Executive Directors Conference Room. The pre-proposal meeting will start promptly at 11:30 am; please arrive sufficiently in advance. The purpose of the Pre-Proposal Meeting is to describe the project, goals and to answer any questions presented by the Design-Build Teams. Representatives of DASNY and OPWDD will be available to answer questions regarding this RFP. Immediately following the meeting, a tour of the site will be conducted.

Proposers are to RSVP to the Pre-Proposal Meeting by email to the Designated Representative at upstaterfpcoordinator@dasny.org and provide the names, titles, and contact information of each meeting attendee no later than December 11, 2023.

All questions during the Q&A period should be submitted via email to upstaterfpcoordinator@dasny.org.

2.13 Inquiries

All inquiries concerning this RFP or any other aspects of this procurement must be emailed to: UpstateRFPCoordinator@dasny.org during the Q&A period identified. Verbal and telephonic inquiries are prohibited. In order to provide DASNY with sufficient time to reply, questions must be received no later than 3:00 pm on the deadline for RFP Questions. 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.

2.14 Individual Meetings

Following the Pre-Proposal Meeting and prior to the Proposal Due date, each Proposer may be requested to participate in a meeting with the Owner, the Client and its representatives or consultants (Individual Meetings) for the sole purpose of assessing the Proposer's understanding relative to the Project budget and schedule. No information that the Proposer deems proprietary to the Proposer's business will be discussed during these meetings. Any information obtained through these meetings that results in revisions to any aspect of the Project will be set forth in an addendum to the RFP.

Proposers should note that any comments provided by or on behalf of DASNY during the Individual Meeting will not in any way bind DASNY and will not be deemed or considered to be an indication of any preference to DASNY. Proposers shall not rely upon anything said or indicated at an Individual Meeting except as set forth in an addendum to the RFP.

The Owner anticipates holding one (optional) Individual Meeting with each Proposer, prior to the Proposal Due Date. Following the release of the RFP, the Owner will consult with each Proposer to confirm specific dates for Individual Meetings. The Owner may, in its discretion, limit the number of participants at any one meeting. Participation in Individual Meetings is anticipated to be virtual.

Firms interested in participating in an Individual Meeting should notify the Designated Representative at upstaterfpcoordinator@dasny.org with the names, titles, and email address of each individual that will be attending the Individual Meeting on or before December 22nd, 2023. Proposers should include all available dates and times to meet during the week of the Individual meetings as outlined in Section 2.12 above.

Section 3 - Content of Technical Proposal

3.1 Information to be Provided by Proposers

The following is a list of information required to be provided by the Proposer. All RFP responses must be provided in the same order in which requested with cover pages that correspond with each of the numbered tabs below. The technical proposal must contain sufficient information to assure OPWDD and DASNY of its accuracy.

Tab 1. Cover Letter

Include a cover letter with the following items:

- a. Your firm's name, address, and telephone number. Please provide the total distance in miles that your firm's main office is from the site.
- b. The name, title, telephone number, and email address of the individual for the Proposer who will serve as DASNY's primary contact concerning this RFP.

- c. The name, title, telephone number, and email address of the individual for the Proposer who will be DASNY's primary contact throughout the life of the contract, should your firm be selected.
- d. The name, title, telephone number, and email address of the individual for the Proposer who is authorized to bind your firm contractually (if different from the individual identified in response to bullet c), should your firm be selected.
- e. The primary contact's name, title, telephone number, and email address for each sub-consultant who will perform work under this contract, should your firm be selected.
- f. A statement to the effect that the Proposer is willing to perform all services identified in Section 2.1 above and will abide by the terms of the RFP, including all attachments.
- g. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. 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. Organization and Proposed Team Structure

Provide the following information related to the Proposer:

- a. An overview of the Proposer's organization and management structure and an explanation of the means by which the structure will afford DASNY with optimal levels of project management, accountability and compliance with the terms of the Contract.
- b. A chart describing the organizational structure of the Proposer and the intended roles and responsibilities of each member/consultant/contractor.
- c. Submit an estimated monthly staffing plan covering the life of the Project that shows evidence of a sufficient number of professional and other personnel engaged to perform the Work. Each Proposer must identify all key personnel who will be assigned to the Project, along with the percentage of time working on the project, demonstrate that each person has the experience and strengths to successfully complete the Project, and identify the intended functions and responsibilities of such key personnel.

Tab 3. Experience and Past Performance

Demonstrate the Proposer and Team's project experience by providing the following:

- a. Resumes of Proposer' and sub-consultants' and sub-contractors key personnel demonstrating each person's experience and ability to provide the required services to DASNY, demonstrating experience with design build projects, mental hygiene facilities, CMS certified health care facilities and/or other secured facilities that would demonstrate proposed staff's experience with NFPA 99 Health Care Facilities Code, NFPA 101 Life Safety Code, NYCRR Title 14 Chapter XIV, and/or other life safety codes.
- b. Five (5) project examples, from within the past ten (10) years, illustrating the Proposer's experience providing similar services. Proposer should include projects within the past ten (10) years where the proposed team has worked together. DASNY shall consider the Proposer's ability, experience and past

performance with design-build delivery systems and in providing, managing and controlling the development, design, engineering and construction services required to complete a project of a scope budget, and complexity similar to the Project. This includes, but is not limited to, Proposer's project management and organizational experience on large scale public and private development projects, experience working in mental hygiene facilities, and experience with NFPA 101 Life Safety Code, NFPA 99 Health Care Facilities Code, NYCRR Title 14 Chapter XIV, and/or other life safety codes. Work on these projects must demonstrate (i) management of design, engineering, and construction services, (ii) success in the areas of cost control, on-time completion, safety, and quality of work, and (iii) ability and experience in providing coordination of design and construction services with public agencies, utilities, separate contractors, and other outside parties.

Project examples must include, and DASNY will consider, at a minimum, the following with respect to experience and past performance:

- i. Project name, address, and Owner.
- ii. The design consultant of record (if other than the Proposer).
- iii. Overall project value.
- iv. The construction start and completion dates.
- v. The value of the work designed and built by the Proposer.
- vi. The timeframe in which the work of the Proposer was performed.
- vii. A summary of the services provided by the Proposer.
- viii. Explanation of challenging, complex, or unique aspects of the projects in relation to the services provided; and how the Proposer resolved said aspects.
- ix. Identification of whether the team or any member thereof has served as the prime or subcontractor/subconsultant on the project.
- x. Identification of team members involved and their role on the project.
- xi. Description of the relationship with the project team.
- xii. 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.

Note: Where specific details requested above are protected by a Non-Disclosure Agreement, provide as much information as possible and note "confidential information" where applicable.

- c. A minimum of three (3) additional professional references excluding DASNY employees with their name, title, e-mail, and phone number and a summary of the services provided.

Tab 4. Project Schedule

Provide a detailed schedule, approach to maintaining the schedule for this project, and example project schedules:

- a. Provide a proposed Project milestone CPM schedule (with a minimum of 75 identified activities) for completion of the Project, which such Project schedule must identify major design and construction milestones, sequencing of major tasks, substantial and final completion dates, the amount of “schedule float,” appropriate contingencies for all delays that can be anticipated, and consideration for long lead time items. The Project schedule must comply with the scheduling requirements of the Contract Documents and shall also incorporate adequate time for DASNY to review, comment on, and approve all design documents, and for the selected Proposer to make required revisions. The Project schedule shall also include, but not be limited to, the following:
 - i. Demonstration of how substantial completion will be achieved no later than February 6, 2026 and how project completion will be achieved no later than March 6, 2026.
 - ii. A description of the method used to develop and maintain the schedule, including identifying the name of the scheduling consultant(s) to be used, if any.
 - iii. Submittal schedule for long lead items and a description of the job site scheduling system to be used on the Project.
- b. Provide a detailed narrative that addresses each of the following topics under its own heading:
 - i. A projected list of long-lead items and how the Proposer plans to adapt the schedule to accommodate the current understanding of said items.
 - ii. The Proposer’s intent to staff as necessary to accommodate DASNY’s contractually required substantial completion date.
 - iii. The potential for phasing as a way to address potential of expedited occupancy needs.
 - iv. How the Proposer will address unknown conditions or adjustment to delivery of items relative to projected lead times in order to resolve within the schedule.
 - v. The Proposer’s intent regarding float.
 - vi. The Proposer’s approach and procedures for project tracking and reporting, including scheduling and accounting, providing examples of a progress report including schedule tracking, cost control and reporting, and how the cost model estimates track to the accounting and invoicing.
- c. Provide three (3) example schedules from projects in progress or completed within the past 5 (five) years illustrating the appropriate sequencing and detail associated with providing the required services.

Tab 5. Work Plans

Provide a description of how your firm will monitor the allotment and performance of work in order to achieve an efficient administration of the project, including the following information:

- a. Proposer's plan for establishing, monitoring, and maintaining control of Project costs and Project completion schedules.
- b. Proposer's plan for providing, managing, and controlling the required design, engineering and construction services.
- c. Proposer's plan for obtaining any required licenses, permits, inspections and approvals, and coordinating provision of the Work with public agencies, utilities, separate contractors and other outside parties to the extent required by this Project.
- d. Proposer's Project safety and security program.
- e. Proposer's Project quality assurance program.
- f. Proposer's Experience Modification Rate (EMR).
- g. Proposer's Construction Staging Plan: Clearly describe material and equipment staging and access, fence lines, lay down space, security, parking, trailers, temporary toilets, location of cranes, dust and mud control, stormwater management, and plans to prevent conflict with operations of existing adjacent facilities. Plan scale shall be no smaller than 1 inch:30 feet.
- h. Proposer's analysis of potential problems/challenges and anticipated plan of action to mitigate them.
- i. Proposer's analysis of local construction market conditions, including labor and construction material procurement/scheduling and its impact on the Project.
- j. The risk mitigation/management tools the Proposer plans to use, and the process for which issues are expedited towards a successful resolution.
- k. The potential for using 3D scanning/BIM modeling aspects as considerations toward expediting on-site review and progression of work.
- l. The budget control measures the Proposer anticipates employing to ensure that the Project remains within the established Project Budget.
- m. The Proposer's intent to foster a highly collaborative and effective project team and provide a pathway to cost efficient and timely design and construction, including the Proposer's approach to value engineering, expedited construction, and regulatory approval.
- n. A breakdown indicating which portions of the Work the Design-Build Team expects to self-perform and which portions of the Work that are expected to be performed by subcontractors. For all Work expected to be performed by subcontractors, provide the Design-Build Team's approach to obtaining subcontracting work.

Tab 6. Legal Structure

Disclose information regarding the legal structure of the Design-Build entity by providing the following:

- a. Business entities proposing to provide professional architectural services must have Licensed Architect(s) that are registered to provide architectural services in New York State from the State Education Department. Provide license numbers or copies of current New York State Registration certificates, as appropriate, to perform the Work.
- b. 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 in your response if proposing engineering services.
- c. If applicable, each Proposer shall also submit the following:
 - i. If a closely held corporation (i.e., not publicly traded), a copy of its shareholders agreement.
 - ii. If a limited liability company, a copy of its operating agreement.
 - iii. If a partnership, a copy of its partnership agreement.
 - iv. If a joint venture, a copy of its joint venture agreement.

Tab 7. Design Concept

The Design-Build Contractor shall provide a certified statement that its Base Project Design Proposal is 100% in compliance with the Concept Documents. Any Alternate Project Design Proposals must clearly identify any and all deviations, modifications, or additions to the Concept Documents by separate narrative. The narrative must describe the elements of the proposed Alternate Project Design(s) and the associated cost considerations. DASNY will consider the following with respect to the Design Concept for each Base and Alternate Project Design Proposal submitted.

The Proposer shall provide the following:

- a. A summary narrative describing the proposed renovation approach, priorities, and project goals. Include descriptions of all major building components and mechanical, electrical, plumbing, fire protection, and security systems to be incorporated into the Project.
- b. A list of applicable codes and standards.
- c. Floor plans at minimum 1/8 inch scale.
- d. Roof plans at minimum 1/8 inch scale.
- e. Reflected ceiling plans at 1/8 inch scale, indicating ceiling heights and materials.
- f. Life-safety plans at 1/8 inch scale, including fire-rated separations and required emergency exits.
- g. Sections at minimum 1/8 inch scale including major cuts in two directions with basic vertical dimensions.

- h. Conceptual mechanical, plumbing, electrical, fire safety, and security plans at minimum 1/8 inch scale, indicating proposed systems. Provide a plan for distribution of ductwork, piping and conduit. Show major equipment drawn to scale.
- i. A finish schedule for all typical spaces.
- j. Outline Specifications that include, but are not limited to, the following: specifications and drawings to detail the proposed design and construction of the Project, provide as much information as necessary to describe the proposed building systems and materials to demonstrate conformance with the Concept Documents.
- k. Design themes and quality of finishes including overall design, floor and wall coverings, color scheme, signage, and fixtures.
- l. 3D concept renderings demonstrating sight lines from central observation area to living spaces.
- m. A description of the proposed approach to sustainable design and how it will be incorporated into this Project.
- n. A description and a plan drawing of the overall landscaping design.
- o. Proposer's intent to provide a residential feel to the overall project.
- p. Any other items that need to be included in order to demonstrate conformance to the Concept Documents.

Tab 8. 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 9. 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 10. Contract Objections

As set forth in Section 2.7, above, each Proposer must identify, in writing and with as much detail and specificity as possible, all questions, comment requests, exceptions or objections, if any, that the Proposer may have to the Contract for DASNY's review and consideration. Failure to submit such questions, comment requests, or exceptions prior to award of the selected Proposer will constitute a waiver of those issues by the Proposer.

Section 4 - Content of Financial 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. The financial 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 contact name, title, telephone number, and email address for the Proposer 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 name, title, telephone number, and email address of the individual within your firm who is authorized to bind your firm contractually (if different from the individual identified in response to bullet b), should your firm be selected.
- d. A statement to the effect that the Lump Sum Price Proposal quoted is an irrevocable offer good for 120 days.
- e. A statement identifying any concerns and/or obstacles to delivering the Project within the Project Budget identified in the RFP.
- f. The cover letter must be signed by the individual(s) authorized to contractually bind the Proposer. DASNY reserves the right to reject a cost proposal that contains an unsigned cover letter.

Tab 2. Completed Lump Sum Project Pricing Form and Alternate Lump Sum Project Pricing Form(s), if any:

- a. A fully completed Lump Sum Base Project Pricing Form (Schedule 1 of the Lump Sum Pricing Proposal, Attachment 10) indicating the proposed Lump Sum Price for the Project and the breakdown of the overall Cost of the Work.
- b. A fully completed Alternate Lump Sum Project Pricing Form (Schedule 2 of the Lump Sum Price Proposal, Attachment 10) for each Alternate Project Design. The proposed Lump Sum Price for the Project based upon the Alternate Project Design must be identified on the Alternate Lump Sum Project

Pricing Form. All Alternate Project Designs must be submitted in compliance with the terms of Section 2.5.

Tab 3. Financial Strength

DASNY will consider the following with respect to each Proposal submitted:

- a. Complete the attached Financial Viability Risk Assessment form for a three (3) year period. The form shall serve as a guide to assess the Design-Build Contractor's ability to meet its financial obligations under the Contract. DASNY reserves the right to request additional financial information from the Design-Build Team and its principal subconsultants and subcontractors.
- b. Evidence of current and past financial strength and capabilities of the Proposer including, without limitation, references from banking institutions and accounting firms.
- c. Disclosure of any litigation, arbitration or similar proceeding currently pending, or pending at any time during the past five (5) years, against the Proposer and/or its subconsultants or subcontractors with claims exceeding \$100,000.
- d. If the Proposer is a closely-held corporation, limited liability company, partnership or joint venture, the Proposer must provide the foregoing information regarding Financial Strength not only for the Proposer itself but also for each of its shareholders, members, partners or joint venturers, as the case may be.
- e. Provide the Proposer's bond capacity (single and aggregate).

Tab 4. Design and Consultant Fee Breakdown

Provide a breakdown of your design and consultant fees, including specialty services, to be listed by design and construction phases.

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 13 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 an Accounts Payable voucher confirming your firm's registration with DOS is in progress.

- e. 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).
 - iv. Acknowledging the Proposer’s intent to comply with the Performance & Payment Bonding requirements included in this RFP as an attachment.
 - v. Indicating the Proposer is able to comply with the insurance requirements as listed in the attached Sample Insurance Certificate and Requirements.

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; and (2) to identify the complying Teams 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.

DASNY desires to select the best qualified Proposer that, in DASNY’s sole opinion, will best be able to provide the Work required. DASNY reserves the right to reject any or all Proposals for any reason, including non-conformance with the RFP requirements or Proposals received after the RFP due date and time. DASNY will evaluate each Proposal using the evaluation criteria to determine which Proposer provides the best overall value and interest to DASNY and the public. No Proposer or third party shall be entitled to any written justification or administrative or other appeal as to DASNY’s rejection or acceptance of Proposals.

Throughout the Evaluation Period, each Proposer must furnish additional information, make presentations and attend meetings as requested by DASNY. DASNY reserves the right, in its sole and absolute discretion, to engage in discussions with any or all of the Proposers, collectively or individually, to discuss this RFP, the Contract, their respective Proposals, any modifications or clarifications to their Proposals, or any other matters related to this RFP or the Project.

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.

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

DASNY will undertake a thorough evaluation and review of Proposals submitted in response to and in compliance with this RFP. Please be aware that this evaluation and review process may take as many as one hundred twenty (120) calendar days or more after the date Proposals are due (the "Evaluation Period"). During the Evaluation Period, DASNY may, in its sole and absolute discretion:

- a. Request one or more Proposers to make presentations and/or demonstrations as to its or their Proposals and to attend meetings with DASNY and/or DASNY's Board of Directors.
- b. Request additional information or documentation from one or more Proposers in order to establish, verify, and/or confirm (a) each such Proposer's experience competence, and/or ability to complete the Project, and/or (b) any other matter addressed in such Proposer's Proposal.
- c. Request one or more Proposers to submit Proposals in relation to any Alternate Project Designs submitted by other Proposers.
- d. Request one or more Proposers to submit new, modified, or additional Alternate Project Designs.
- e. Request one or more Proposers to submit a more detailed breakdown of the Lump Sum Project Pricing Form or the Alternate Lump Sum Project Pricing Form.
- f. Request one or more Proposers to submit a more detailed and comprehensive Project Schedule.
- g. By addenda, extend the Evaluation Period, but in no event beyond the date which is one hundred eighty (180) days after the date Proposals are due. Any extension of the Evaluation Period beyond such one hundred eightieth (180th) day may only be accomplished by written agreement of DASNY and Proposers whose Proposals remain effective as of the date of any such agreement.
- h. Solicit best and final offers from one or more Proposers.
- i. Reject any or all Proposals.
- j. Designate the selected Proposer and execute a Contract with such Proposer.

6.3 Criteria for Selection

Each Proposal will be evaluated for competency, completeness and responsiveness based on the Proposer's expertise, the technical and financial qualifications of the Proposer, the responsibility of the Proposer, and the other evaluation criteria established by this RFP, including the ability to meet or exceed the criteria set forth below. This will be a best value selection taking into consideration both the Lump Sum Price Proposal and the Technical Proposal in making the award for this Project. The Proposal that is in the overall best interests of DASNY and/or the public, as determined by DASNY in its sole and absolute discretion, will be selected.

With respect to items a-g, listed below, DASNY shall consider the following evaluation criteria in accordance with their assigned scoring weight.

- a. **Organization and Proposed Team Structure (5%).** The organizational aspects of the Proposer will be reviewed by DASNY, which shall consider the following:

- i. Organizational and management structure of the Proposer's organization, and Proposer's explanation of the means by which the structure will afford DASNY with optimal levels of project management, accountability and compliance with the terms of the Contract and New York State law governing the provision of design-build services.
 - ii. Proposer's proposed organizational chart describing the Proposer's organizational structure, and the lines of authority and communication.
 - iii. A sufficient number of professional and other personnel to perform the Work. Identified key personnel assigned have demonstrated experience and strengths to successfully complete the Work.
- b. **Relevant Experience and Past Performance (20%).** The Proposer's resumes and previous relevant experience providing services of similar scope and complexity to the Work required as described in this RFP. DASNY will specifically evaluate the following:
 - i. The Proposer's ability, experience and past performance with design-build delivery systems and providing and managing design and construction services required to complete a project of similar size, scope and complexity, with an emphasis on projects involving mental hygiene facilities, CMS certified healthcare facilities and/or other secured facilities that would demonstrate the Proposer's experience with NFPA 99 Health Care Facilities Code, NFPA 101 Life Safety Code, NYCRR Title 14 Chapter XIV, and/or other life safety codes. This includes, but is not limited to, Proposer's project management and organizational experience on large scale public and private development projects. Work on these projects must demonstrate (i) management of design, engineering and construction services, (ii) success in the areas of cost control, on-time completion, safety, and quality of work, and (iii) ability and experience in providing coordination of design and construction services with public agencies, utilities, separate contractors and other outside parties. Consideration will be given where the proposed team has worked together on past projects.
 - ii. Proposer's past participation, and an integral role, in projects with a total construction cost exceeding \$25,000,000.
- c. **Project Schedule (10%).** The reasonableness and feasibility of the Project Schedule submitted by the Proposer.
- d. **Work Plans (10%).** The Work Plan of the Proposer will also be reviewed by DASNY.
 - i. Proposer's plan for establishing, monitoring, and maintaining control of Project costs and Project completion schedules.
 - ii. Proposer's plan for providing, managing, and controlling the required design, architectural, engineering, and construction services.
 - iii. Proposer's plan for obtaining any required licenses, permits, inspections and approvals, and coordination provision of the Work with public agencies, utilities, separate contractors, and other outside parties.
 - iv. Proposer's Project safety and security program.

- v. Proposer's Project quality assurance program.
 - vi. Proposer's Construction Staging Plan - Clearly describe material and equipment staging and access, fence lines, lay down space, security, parking, trailers, temporary toilets, location of cranes, dust and mud control, stormwater management, and plans to prevent conflict with operations of existing adjacent facilities. Plan scale shall be no smaller than 1 inch:30 feet.
 - vii. Proposer's analysis of potential problems/challenges and anticipated plan of action to mitigate them.
 - viii. Proposer's analysis of local construction market conditions, including labor and construction material procurement/scheduling and its impact on the Project.
 - ix. The risk mitigation/management tools the Proposer plans to use, and the process for which issues are expedited toward a successful resolution.
 - x. The potential for using 3D Scanning/BIM Modeling aspects as considerations toward expediting on-site review and progression of work.
 - xi. The budget control measures the Proposer anticipates employing to ensure that the project remains within the established Project Budget.
 - xii. The Proposer's intent to foster a highly collaborative and effective project team and provide a pathway to cost-efficient and timely design and construction, including the Proposer's approach to value engineering, expedited construction, and regulatory approval.
 - xiii. A breakdown indicating which portions of the Work the Design-Build Team expects to self-perform and which portions of the Work that are expected to be performed by subcontractors. For all Work expected to be performed by subcontractors, provide the Design-Build Team's approach to obtaining subcontracting work.
- e. **Design Concept and Lump Sum Price Proposal (25%).** With respect to the Design Concept or any Alternate Project Design and the Lump Sum Price Proposal, DASNY will consider the following:
- i. **Design Concept.** With respect to the Project Design or any Alternate Project Design(s), DASNY will consider the following:
 - The extent to which the Project Design and/or Alternate Project Design(s) satisfy the Concept Documents for the Project.
 - The extent to which the Project Design and/or Alternate Project Design(s) relates to the overall character of the existing buildings on the FLDDSO campus.
 - Proposer's intent to provide a residential feel to the overall Project.
 - The durability and functionality of the proposed construction type and detailing.
 - The overall creativity and usability of the Project Design and/or Alternate Project Design(s).

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- The extent to which the outline specifications demonstrate conformance to the Concept Documents.
 - The extent to which the Proposal achieves the sustainability goals of the Project.
 - The overall quality of the landscaping package and site design.
- ii. **Lump Sum Price Proposal.** DASNY will consider the following with respect to each Proposal submitted:
- The quality, reasonableness and amount of the Lump Sum proposed by the Proposer and as depicted in the Lump Sum Project Pricing Form (Schedule 1 of Attachment 10).
 - The quality, reasonableness, and amount of the Lump Sum proposed by the Proposer with respect to its Alternate Project Design(s) and as depicted in the Alternate Lump Sum Project Pricing Form (Schedule 2 of Attachment 10).
 - Any other economic and other benefits to DASNY and the public of the submitted Proposal(s).
- f. **MWBE and SDVOB Utilization and Diversity Requirements (20%).** DASNY will consider the following with respect to each Proposal submitted:
- i. Diversity Questionnaire and Utilization Plan
- g. **Form of Contract (10%).** The nature, extent and commercial reasonableness of the Proposer's objection or exceptions, if any, to the form of Contract.

While items h through k listed below will not be scored as part of the evaluation criteria, DASNY reserves the right to not select any Proposal that either (1) fails to fully disclose all requested information; or (2) discloses information that would cause DASNY to determine that the Proposer should not be selected.

- h. **Responsibility of the Proposer.** DASNY will consider the following with respect to each Proposal submitted:
- i. Proposer's responsiveness and commercial reasonableness to the overall submission requirements of the RFP and responsiveness from the Evaluation Committee and/or Designated Representative during the RFP process.
 - ii. Proposer's overall responsibility and/or integrity, including but not limited to the completeness of all responses on the Proposer's Vendor Responsibility.
- i. **Insurance Compliance and Monitoring.** DASNY will consider the following with respect to each Proposal submitted.
- i. The Proposer's ability to comply with the insurance requirements outlined in Section 4, Tab 3 of this RFP and as set forth in Article 15 of General Conditions for Construction attached hereto as Attachment 2.

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- j. **Financial Strength.** DASNY will consider the following with respect to each Proposal submitted:
- i. Financial Viability Risk Assessment form of the Proposer for the last three (3) years, such as balance sheets, and profit and loss statements.
 - ii. Evidence of current and past financial strength and capabilities of the Proposer including, without limitation, references from banking institutions and accounting firms.
 - iii. Disclosure of any litigation, arbitration or similar proceeding currently pending, or pending at any time during the past five (5) years, against the Proposer and/or its Team Members with claims exceeding \$100,000.
 - iv. The Proposer's bond capacity (single and aggregate).
- k. **Experience Modification Rate.** DASNY will consider the following with respect to each Proposal submitted:
- i. Proposer's Experience Modification Rate.

DASNY may also consider the past performance of the selected Proposer and its subcontractors, subconsultants, individuals or entities as applicable on other contracts with DASNY or other entities in terms of quality of work and compliance with performance schedules. DASNY may solicit from departments of the State or City, other government agencies or any other available sources, relevant information concerning the selected Proposer's record of past performance.

By submitting its response to this RFP, each Proposer acknowledges and agrees that it is not entitled, nor is DASNY obligated, to provide any written justification of DASNY's evaluation or qualification of a Proposer pursuant to the process described above.

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. No additional information other than the information included in the Respondents response to the RFP, or subsequent information requested by DASNY, will be discussed. Upon the conclusion of interviews, the Evaluation Committee will finalize their evaluation.

6.5 Final Evaluation

Upon conclusion of the evaluation process, the highest scoring firm(s) will be selected by DASNY for contract execution.

Section 7 - Submission of Proposals**7.1 Submission of Technical, Financial, and Administrative 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#7596 – FLDDSO - Design-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# 7596 – FLDDSO – Design-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# 7596 – FLDDSO – Design-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# 7596 – FLDDSO – Design-Build – Tech - Enter your Firm’s Name
 - Click “Upload” or drag and drop
 - ii. Financial Proposal:
 - Save file as: RFP# 7596 – FLDDSO – Design-Build – Financial - Enter your Firm’s Name

- Click “Upload” or drag and drop
- iii. Administrative Proposal:
- Save file as: RFP# 7596 – FLDDSO – Design-Build – Admin - Enter your Firm’s Name -VRQ
 - Click “Upload” or drag and drop
 - Save file as: RFP# 7596 – FLDDSO – Design-Build – Admin - Enter your Firm’s Name – Omnibus
 - Click “Upload” or drag and drop
 - Save file as: RFP# 7596 – FLDDSO – Design-Build – Admin - Enter your Firm’s Name - W9
 - Click “Upload” or drag and drop
 - Save file as: RFP# 7596 – FLDDSO – Design-Build – Admin - Enter your Firm’s Name – DOS
 - Click “Upload” or drag and drop
 - Save file as: RFP# 7596 – FLDDSO – Design-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# 7596 – FLDDSO – Design-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:

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. No Proposer is entitled to rely upon any oral interpretation by DASNY or its Consultant(s) or their respective representatives or employees concerning the meaning of this RFP.
- g. DASNY may, from time to time, issue one or more written addenda to this RFP on the SharePoint site noted above and the DASNY website and notify all prospective Proposers who have provided DASNY with valid contact information. Failure of any Proposer to receive any addenda issued by DASNY shall not relieve the Proposer from any obligation, requirement, or other matters addressed therein. Each Proposer must acknowledge in its Proposal receipt of each addendum that has been issued by DASNY. If no addenda have been received, then the Proposal shall so acknowledge.
- h. 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 Concept Documents 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 Lump Sum Price Proposal from Proposers selected as finalists.
- h. To accept a proposal for the engagement containing other than the lowest Lump Sum Price 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.

8.4 DASNY's Right to Cancel, Reject or Reissue the RFP

- a. DASNY reserves the right to reject or cancel any or all Proposals, reject any portion(s) of a Proposal, reissue the RFP with or without modification, specify approximate quantities in the Concept Documents, and negotiate all Proposal elements.
- b. DASNY desires to select the Proposer who, in DASNY's opinion, will be best able to complete the final design and construction of the Project within an acceptable and reasonable cost and schedule. In evaluating each Proposal, DASNY will consider the criteria identified in Sections 6.3 of this RFP and will make its final decision on the basis of which, on balance, is in the overall best interest of DASNY and/or the public. No proposer or third party shall be entitled to any written justification or administrative or other appeal as to DASNY's rejection or acceptance of Proposals.

- c. Following submittal of a Proposal, Proposer may not change the composition or ownership of its legal entity, its designated Architect/Engineer, or its designated Contractor without the prior written approval of DASNY.

8.5 Cost/Ownership of Proposals

- a. DASNY owns all Proposals. Proposals will not be returned to Proposers. All costs and expenses incurred by each Proposer in preparing, developing, and/or submitting its Proposal(s), including preparing any designs, drawings or specifications in response to this RFP, and negotiating the Contract with DASNY, shall be borne by the Proposer alone, regardless of whether or not such Proposer is the selected Proposer. In confirmation and furtherance thereof, DASNY shall not be responsible for, nor pay or reimburse any such cost to Proposer(s) for any such costs or expenses other than the stipend provided to responsive Proposers not selected through this RFP.
- b. DASNY shall retain full title to and ownership of all Proposals. Unsuccessful Proposers shall retain the copyright and other intellectual property rights, if any to the unique design elements of the Proposals; provided, however, DASNY has a no-cost, unlimited license to use and reproduce any design or other elements of an unsuccessful Proposal, and do so in connection with the design, construction, and operation of the Project.
- c. All RFP documents are and shall remain the property of DASNY including, without limitation, the Concept Documents. Proposers are instructed to use the Concept Documents in the preparation of their Proposals and, if awarded the Contract by DASNY, to use such Concept Documents in the implementation of the final design of the Project. No other use of the Concept Documents, or any part thereof, by any of the Proposers is authorized or permitted.

8.6 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).

The selected Proposer must enter into the Contract with DASNY in substantially the same form and substance as Attachment 1 to this RFP, 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 selected 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, individually or collectively, relating to the proposed terms of the Contract or the substance of any Proposal.

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 – Bid Security

In the amount of one percent (1%) of the Lump Sum Price Proposal, each Proposal must be accompanied by a certified check of the Proposer made payable to the Dormitory Authority of the State of New York, or completing the Bid Bond Form, included in this RFP as an attachment, duly executed by the Proposer as principal, and having as surety thereon a surety authorized to do business in New York State and otherwise satisfactory to DASNY. The Proposer's failure to provide bid security as prescribed, may result in rejection of the Proposal. Bid bonds submitted as bid security shall contain an original signature of both the Proposer and the surety providing the bid bond in the space provided on the Bid Bond Form.

Any certified checks submitted as bid security shall be returned to the unsuccessful Proposers after DASNY and the selected Proposer have executed the Contract.

Bid Bonds of all but the selected Proposer executing the Contract shall be destroyed by the Owner after DASNY and the selected Proposer have executed the Contract.

Section 12 - Insurance

The successful proposer will be required to comply with the Insurance requirements located in Article 15 of the attached General Conditions for Construction.

Section 13 – 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 14 - 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.