

ADDENDUM No. 04

Date: 02/20/2024

DORMITORY AUTHORITY - STATE OF NEW YORK
Finger Lakes DDSO
Wings A & B Renovation
(Design-Build)
RFP 7596

This **ADDENDUM** is hereby included in and made part of the Contract whether or not attached thereto. All requirements of the original Request for Proposal (RFP) shall remain in force except as noted by this **ADDENDUM No. 04**. The purpose of Addendum No. 4 is to replace Attachment 1 Sample Design-Build Contract, Attachment 2 General Conditions for Construction, and revise the language in those Sections that reference General Conditions for Construction and replace with General Conditions of the Work, as further outlined below:

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Section 2 – Engagement Information

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 Work~~) 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.

Section 6 – Evaluation of Proposals

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).
 - 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 of the Work~~ attached hereto as Attachment 2.
- 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.

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 of the Work~~.

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