



**Directors and Officers  
& Professional Liability Insurance  
Brokerage Services**

**Request for Proposal**

**Date: February 15, 2024**

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Attachments:

- 1) Scope of Services
- 2) Sample Contract
- 3) Omnibus Certification
- 4) W-9 Form
- 5) Sample Insurance Certificate & Requirements
- 6) Vendor Responsibility Instructions
- 7) Diversity Questionnaire
- 8) Utilization Plan

**Section 1 – General Information:**

**1.1 Introduction to DASNY**

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

**1.2 Purpose**

DASNY seeks proposals from insurance brokers who will be responsible for marketing, policy/claims administration and related services associated with DASNY’s Directors’ & Officers’/Employment Practices/Employed Lawyers’ Liability and Professional Liability insurance programs. The current Directors’ & Officers’/Employment Practices/Employed Lawyers’ Liability coverage expires May 1, 2024. DASNY is interested in replacing that coverage, exploring the need for adding Professional Liability coverage, and learning about alternative market approaches that will provide comprehensive and cost-efficient insurance protection for DASNY’s exposures. DASNY is also interested in learning about coverage enhancements available to address current and future risks covered by or impacting on this program.

**1.3 Key Events and Dates**

<b>Event</b>	<b>Date</b>
Issuance of RFP	February 12, 2024
Deadline for RFP Questions	February 21, 2024 by 3:00 PM
Post Responses to RFP Questions	February 23, 2024
Proposal Due Date	March 8, 2024 by 2:00 PM
Interviews, if requested at DASNY’s discretion	March 15, 2024
Notice of Award (not earlier than)	March 12, 2024

**1.4 Inquiries**

All inquiries concerning this RFP or any other aspects of this procurement must be emailed to: [tgraffeo@dasny.org](mailto:tgraffeo@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](http://www.dasny.org) on the Post Responses to RFP Questions date.

## **Section 2 - Engagement Information:**

### **2.1 Scope of Services**

The scope of services to be provided for this engagement is included within Attachment 1. of this RFP.

### **2.2 Term of Engagement**

Five (5) year term commencing May 1, 2024 with up to two (2) six (6) month time extensions.

### **2.3 Minimum Qualifications**

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

- Broker must understand and have a demonstrated ability to place insurance coverage for an organization that spans market segments. DASNY is an organization that spans the construction, finance, non-profit and public entity sectors, and will require policies to cover its multi-faceted operations.
- Broker must have access to insurance markets world-wide, including admitted and Excess & Surplus lines carriers.
- Broker must have sufficient expertise and leverage in the markets to identify compatible insurance carriers and secure sufficient marketing consideration to obtain a number of competitive renewal/placement quotes.
- Valid and current New York State Property & Casualty Insurance Broker's license;
- Minimum of 2 years of brokerage experience marketing, binding and supporting D&O and Professional Liability insurance programs for clients with 350+ employees in a union environment or operations that do not fit a single industry description;
- Ability to access insurance markets rated "A-" or better by A.M. Best with capacity sufficient to meet a \$50 Million program limit;
- Experience within the past five year with at least three clients similar to DASNY in size and risk exposure, performing risk identification and coverage limits/loss/pricing analyses;
- Employ key staff assigned to this project who possess thorough knowledge of their area(s) of expertise and a minimum of 5 years working experience marketing/negotiating insurance coverage or 7 years claims experience, as applicable to their respective key staff assignments. Experience adjusting/administering D&O and Professional Liability claims is preferred.

**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 DASNY of its accuracy.

**Failure to meet or to provide the required information in this Section 3 may result in a proposal being rejected and a consultant disqualified from further consideration.**

**Tab 1. Cover Letter**

Include a cover letter with the following items:

- a. The name, title, telephone number, and email address of the individual within your organization who will serve as DASNY's primary contact concerning this RFP.
- b. The name, title, telephone number, and email address of the individual within your organization who will be DASNY's primary contact throughout the life of the engagement, should your organization be selected.
- c. The name, title, telephone number, and email address of the individual within your organization who is authorized to bind your organization contractually (if different from the individual identified in response to bullet b), should your organization be selected.
- d. The primary contact's name, title, telephone number, and email address for each partner outside of your organization (if applicable) who will perform work under this engagement.
- e. A statement to the effect that your organization is willing to perform all services identified in Section 2.1 above and will abide by the terms of the RFP, including all attachments.
- f. A statement that your organization understands selection does not guarantee that any services will be requested from your organization.
- g. The cover letter must be signed by the individual(s) authorized to bind your organization 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 Key Personnel**

Provide a description of your firm/team's organization. Include the names and resumes of key staff assigned to this project who possess thorough knowledge in the area(s) of marketing/negotiating insurance coverage or claims experience.

- a. A description of your organization and the role of each team member. Include a detailed description of any partnering arrangements with other organizations, if applicable, including the nature of the partnering arrangement, the division of work between the organizations and key personnel, and how the key personnel of each organization will interact.
- b. Resumes of all key personnel assigned to provide services for this engagement demonstrating each person's credentials, experience, and ability to provide services to DASNY, with a particular emphasis on Brokerage Services for Directors' and Officers'/Employment Practices/Employed Lawyers' Liability and Professional Liability insurance.

**Tab 3. Engagement Experience**

Provide a description of your firm/team's brokerage experience marketing, placing, and supporting D&O/EPL/EL Liability and Professional Liability insurance programs for operations that do not fit a single industry description. Describe how those clients' programs are similar to DASNY's in terms of size and risk exposure and specifically what services were/are provided. Include the names, titles and phone numbers of at least three references, excluding DASNY employees, and a summary of the services provided.

**Tab 4. Engagement Approach**

Provide a detailed description of your firm's approach to providing D&O/EPL and Professional Liability claims adjusting/administration and support services, or assisting in accessing services, that directly resulted in the acceptance of a previously denied claim, a revised interpretation of policy terms/conditions that resulted in increased/broader coverage for a claim, or an increase in the settled value of a claim by 20% or more.

**Tab 5.**

Provide a description of your firm/team's, ability to access insurance markets rated "A- " or better by A.M. Best with capacity sufficient to meet a \$50 Million program limit.

**Tab 6.**

Provide a sample of a risk identification and coverage/limits/loss/pricing analyses for a client with risks similar to DASNY's D&O/EPL risks and recommend insurance products of appropriate structure and size to cover the associated financial exposure.

**Tab 7.**

Additional Information - The proposer must also provide statements regarding the following: a. 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; b. 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; c. 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; and d. Disclose any potential conflicts of interest (refer to the "Code of Business Ethics – Certification" attached as part of the Omnibus Certification)

**Tab 8. License/Certification Requirements**

Provide the following information as it relates to your organization and/or partners, if applicable, and the associated key personnel:

- A copy of Valid and current New York State Property & Casualty Insurance Broker's license;

**Tab 9. M/WBE and SDVOB History, Approach, and Utilization**

DASNY is committed to diversity and equal employment opportunities among its contractors, consultants and vendors. It is the policy of DASNY to maximize opportunities for the participation of Minority-Owned, Women-Owned (M/WBE), and Service-Disabled Veteran-Owned Businesses (SDVOB) firms as bidders, subcontractors and suppliers on projects. The selected Respondent shall use good faith effort to provide for meaningful participation by M/WBE and SDVOB firms in the work where feasible. Illustrate your firm's commitment to utilizing M/WBE and SDVOB's by providing the following:

- a. A description of how your firm approaches M/WBE and SDVOB utilization by providing a detailed narrative on how your firm utilizes M/WBE and SDVOB firms and any programs your firm has implemented to promote the use of M/WBE and SDVOB firms.
- b. A completed Utilization Plan, included in this RFP as an attachment, listing all proposed ESD Certified M/WBE sub-consultants, sub-contractors, and suppliers and Non-M/WBE sub-consultants, sub-contractors, 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 25% MWBE. The goals refer to the percentage of utilization of your M/WBE sub-consultants, sub-contractors, and suppliers.
- c. A completed Use of Service-Disabled Veteran-Owned Businesses Plan, included in this RFP as an attachment listing all proposed sub-consultants, sub-contractors, and suppliers including OGS Certified Service-Disabled Veteran-Owned Businesses (SDVOB) that are of equal quality to those that may be obtained from non-SDVOBs if selected for this contract. Certified SDVOBs can be identified at [Office of General Services \(ny.gov\)](https://www.gsis.ny.gov/). **No dollar amounts should be entered at this time.** With each project assignment, a new plan with dollar amounts will be required. The SDVOB goal for this contract is 3%. The goal refers to the percentage of utilization of your SDVOB sub-consultants, sub-contractors, and suppliers.

**Tab 10. Diversity, Inclusion, and Equal Opportunity**

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 your organization's commitment to diversity, inclusion, and equal opportunity as well as the diversity of your organization by providing the following:

- a. A narrative explaining the Proposer’s approach and commitment to diversity within the work environment.
- b. An overview of the Proposer’s current programs in diversity, inclusion, and equal opportunity.
- c. 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.
- d. By responding to this RFP, each Proposer acknowledges that:
  - i. The Proposer will not discriminate against any employee or applicant for employment because of race, creed, color, gender, religion, national origin, military status, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and will make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on contracts with DASNY.
  - ii. The Proposer will state in all solicitations or advertisements for employees that, in the performance of this contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, gender, religion, national origin, military status, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status.

**Section 4 – Content of 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. A Vendor Responsibility Questionnaire (“VRQ”) in accordance with Section 9 of this RFP. DASNY requires vendors to file the VRQ online via the New York State VendRep System (the “System”). Proposers must provide a copy of the certification page to DASNY. To enroll in and use the System, see the System Instructions at [http://www.osc.state.ny.us/vendrep/vendor\\_index.htm](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 organization's registration with DOS is in progress.
- e. A one-page profile of your organization. The profile should summarize the following: core competencies, number of employees, organization's office locations, and staff by office and discipline. The purpose of this vendor profile is to provide DASNY staff a clear and concise document to review the background of the organization.
- f. Identification of any questions, comments, and objections to the language within Attachment 6 of this RFP for DASNY's review and consideration.
- g. Provide a statement regarding the following:
  - i. The Proposer must agree to provide DASNY with pre- and post-audit access to documents, personnel, and other information necessary to conduct audits on request during the term of the Contract and for six years thereafter.
  - ii. The proposal submitted must contain a representation that the Proposer is willing and ready to provide any services requested or required in a timely manner.
  - iii. Disclose any potential conflicts of interest (refer to Exhibit A, "Code of Business Ethics - Certification" included in the attached DASNY Omnibus Certification).
  - iv. Indicating your organization is able to obtain the required insurances as listed in Attachment 1 and included in the attached Sample Insurance Certificate & Requirements.

### **Section 5 - Evaluation of Proposals:**

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

#### **5.1 Preliminary Review**

DASNY reserves the right to reject and return to the proposer all proposals received after the RFP due date and time. All proposals will be reviewed to determine if they contain all required submittals specified in Sections 3 and 4. Incomplete proposals may be rejected.

#### **5.2 Evaluation**

Proposals will undergo an evaluation process conducted by an Evaluation Committee selected by DASNY. The Evaluation Committee will evaluate the proposals based upon the criteria for selection set forth below. Proposers will be selected to meet the anticipated business needs of DASNY.

#### **5.3 Criteria for Selection**

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

#### 5.4 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 Committee an understanding of how specific services will be furnished. The proposed lead, as well all other key personnel proposed to provide the services must be present and participate in the interview. The interview will be evaluated on the basis of whether it substantiates the characteristics and attributes claimed by the proposer in its written response to this RFP and any other information requested by the Committee prior to the interview.

#### **Section 6 - Submission of Proposals:**

##### 6.1 Submission of Technical and Administrative Proposal

DASNY will be accepting electronic proposals only. Proposals should be mailed to uploaded to a One Drive. Email [tgraffeo@dasny.org](mailto:tgraffeo@dasny.org) to request access to the site. Proposals are due on or before 2:00 pm on the Proposal Due Date identified in Section 1 of this RFP. Follow the directions below to upload your proposal electronically. Any technical issues or questions should be directed to the Designated Representative for the procurement via email prior to the due date of the RFP. **It is strongly encouraged to request access to the site before the due date.** DASNY may not be able to assist proposers with troubleshooting errors if submissions are not made in a timely manner.

#### **Section 7 - Important Information Affecting Proposers:**

##### 7.1 Proposal Requirements

- a. All inquiries regarding this RFP should be addressed to the following Designated Representative:  
  
Theresa Graffeo, Purchasing Coordinator  
Email: [tgraffeo@dasny.org](mailto:tgraffeo@dasny.org)
- b. Proposers should note that all clarifications are to be resolved prior to the submission of a proposal. A list of all inquires received with relevant responses will be posted on DASNY's website, [www.dasny.org](http://www.dasny.org). Proposers responding to this RFP shall be solely responsible for checking the website throughout the RFP process for responses to questions, and no individualized notices shall be provided.
- c. A proposer may withdraw a proposal anytime prior to the final due date and time by written notification, signed by an authorized agent, to [tgraffeo@dasny.org](mailto:tgraffeo@dasny.org). 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 above. Notice of such error or omission should

be submitted prior to the final due date and time for submission of proposals. Modifications shall be made by addenda to this RFP. Such clarifications will be given by written notice to all parties who have received this RFP.

- e. If a proposer fails, prior to the final due date and time for submission of proposals, to notify DASNY of a known error or an error that reasonably should have been known, the proposer shall assume the risk of proposing. If awarded, the proposer shall not be entitled to additional compensation or time by reason of the error or its late correction.
- f. A proposer indicates its acceptance of the provisions and conditions enumerated in this RFP by submitting a proposal.

## **7.2 DASNY Requirements**

- a. By submitting a proposal, the proposer covenants that the proposer will not make any claims for or have any right to damages because of any misinterpretation or misunderstanding of the specifications or because of lack of information.
- b. DASNY shall not be liable for any cost incurred by the proposer in proposal preparation or in activities related to the review of this RFP or any interview costs.
- c. Other than the contact person identified above, or their designee(s), prospective proposers shall not approach DASNY employees during the period of this RFP process about any matters related to this RFP or any proposals submitted pursuant thereto.

## **7.3 DASNY Rights and Prerogatives**

DASNY reserves the right to exercise the following prerogatives:

- a. To accept or reject any or all proposals and amend, modify or withdraw this RFP.
- b. To correct any arithmetic errors in the proposals.
- c. To change the final due date and time for proposals.
- d. To accept or reject any of the proposer's employees or proposed sub-consultants assigned to provide services on a project assignment and to require their replacement at any time. The proposer shall obtain the written approval of DASNY of changes to the technical proposal after it is submitted, including any changes with respect to sub-consultants. DASNY shall have the right to reject any proposed change to the proposer's technical proposal.
- e. To waive or modify any irregularities in proposals received after prior notification to the proposer. This will in no way modify the RFP documents or excuse the proposer from full compliance with its requirements.
- f. To consider modifications to proposals at any time before the award is made, if such action is in the best interest of DASNY.
- g. To request a revised cost proposal from proposers selected as finalists.

- h. To accept a proposal for the engagement containing other than the lowest cost proposal.
- i. To interview proposers prior to selection.
- j. To reject any proposal containing false or misleading statements or that provides references that do not support an attribute or condition claimed by the proposer.
- k. To begin negotiations with the next most responsive proposer to this RFP should DASNY be unsuccessful in negotiating a Contract with the selected proposer within a reasonable time frame.
- l. To contract with more than one proposer.

#### **7.4 Contractual Requirements**

##### **1. Contract**

- a. By submitting a proposal, the successful proposer agrees to reference the RFP as part of the resulting Contract.
- b. DASNY may award a Contract for any or all parts of a proposal and may negotiate terms and conditions to meet client program requirements consistent with the RFP.
- c. Award of a Contract is subject to contract negotiation and approval of such contract by the appropriate DASNY authorities.

##### **2. Modification of Contract**

- a. Any modification to the original Contract signed between the successful proposer and DASNY will require the mutual consent of the successful proposer and DASNY.
- b. Any Contract or amendments thereto will be considered effective only after approval by the appropriate DASNY authorities.

##### **3. Interpretation**

- a. The Contract shall be construed and interpreted in accordance with the laws of New York State. New York State shall be the forum for disputes.

##### **4. Public Announcements**

- a. 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 8 – Negotiation:**

After completion of the selection process, DASNY will commence finalization of the Contract scope and fee negotiations with the selected proposer(s).

**Section 9 – Notification:**

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

**Section 10 – Insurance:**

The successful proposer will be required to comply with the Insurance requirements located in Attachment 6 of this RFP.

**Section 11 – 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](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](mailto: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 12 – 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 proposal contains any such trade secrets, other confidential or proprietary information or is otherwise exempt from disclosure pursuant to FOIL, you must submit a request to exclude such information from disclosure. Such request must be in writing, must detail the information that should be exempt from disclosure, and must state the reasons why such information should be excepted from disclosure. DASNY will not honor any attempt, by a proposer, to omit its entire proposal from disclosure.