



# **State Environmental Quality Review (SEQR) Consulting Services**

## **Request for Proposal RFP# 7610**

**March 11, 2025**

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## **Section 1 - General Information:**

### **1.1 Introduction to DASNY**

The Dormitory Authority State of New York (DASNY) is a public benefit corporation of the State of New York empowered by Titles 4 and 4-B of the Public Authorities Law (the “Act”), to provide design and project management services 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 qualified firms that can provide State Environmental Quality Review (SEQR) Consulting Services for its various clients throughout New York State. The objective of this procurement is to establish term contracts with firms to provide required services for multiple assignments, with a wide range of clients and facilities, for projects that vary in size, scope, and complexity.

It is DASNY’s intent to select and contract with multiple firms Statewide from this solicitation. Firms can propose services based on the following regions: Downstate, Upstate, Western, and/or Statewide. However, the final number of firms selected will be at DASNY’s sole discretion based on the review of the proposals received. Services will be requested and authorized on an as-needed basis and the type and value of each project will vary. The following Services are described below in Section 2 and additionally identified in Appendix A of the attached Sample Contract.

Under the supervision of DASNY’s Office of Environmental Affairs (OEA), the selected consultants would provide the requisite compliance with the *State Environmental Quality Review Act (SEQRA)*, which contains the requirements for the *SEQR* process, the *New York State Historic Preservation Act of 1980 (SHPA)*, especially the implementing regulations of Section 14.09 of the *Parks, Recreation and Historic Preservation Law (PRHPL)*, and the *State Smart Growth Public Infrastructure Policy Act (“SSGPIPA”)* procedures.

In addition to the above, compliance with New York City (NYC) requirements, for example the City Environmental Quality Review (CEQR), Uniform Land Use Review Procedure (ULURP), etc., would be required as needed for NYC based projects.

DASNY’s goal with this procurement is to provide sufficient coverage for clients located in all New York State regions. Individual firms are not required to provide services Statewide to qualify for a contract. Selection as a consultant does not guarantee that future work will be awarded. Consultants will be selected to ensure that DASNY can provide adequate coverage of services and that the needs of our clients are met.

In addition, it is DASNY's intent to provide opportunities to Minority-Owned, Women-Owned, and Service-Disabled Veteran-Owned Businesses as well as to small and new firms as practicable.

At this phase of the selection process, firms are requested to provide a concise response to the RFP indicating relevant experience specific to buildings and facilities within New York State.

### **1.3 Key Events and Dates**

Provided below is a schedule of milestones for this RFP. DASNY reserves the right to change any or all of these dates it deems necessary or convenient in its sole discretion. In the event of a change, such modifications will be posted on DASNY's website at [www.dasny.org](http://www.dasny.org). **Firms shall be solely responsible for periodically checking the website throughout the RFP process for such changes or updates, and no individualized notices shall be provided.**

<u>Event</u>	<u>Date</u>
Issuance of RFP	03/11/2025
Deadline for RFP Questions*	03/20/2025 (3:00 PM)
Post Responses to RFP Questions*	03/26/2025
Proposal Due Date	04/04/2025 (3:00 PM)
Interviews/Presentations (not earlier than)	05/13/2025 & 05/14/2025
Notice of Award (not earlier than)	05/22/2025

\*All inquiries concerning this RFP or any other aspects of this procurement must be submitted through email to [UpstateRFPCoordinator@dasny.org](mailto:UpstateRFPCoordinator@dasny.org) during the Q&A period identified. Verbal and telephone inquiries are prohibited. In order to provide DASNY sufficient time to reply, questions must be received no later than 3:00 PM on the Deadline for RFP Questions date as indicated above. 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 deadline date for Responses to RFP Questions as indicated above. Firms responding to this RFP shall be solely responsible for checking the website throughout the RFP process for responses to questions and no individualized notices shall be provided.

## **Section 2 – Engagement Requirements:**

### **2.1 Scope of Services**

The scope of services to be provided for this Proposal is included within Appendix A of the attached Sample Contract.

DASNY will provide a specific scope of services for each project assignment issued under this contract and, depending on the nature of the assignment, some portions of the Professional's Required Services may be modified to reflect the level of service more accurately required.

The selected consultants will be authorized to proceed with each assignment as issued under a specific Work Authorization. The type and complexity of projects authorized under each Work Authorization will vary.

## **2.2 Project Engagement**

Contracted consultants may be engaged on projects based on their area of expertise, project location, and consultant's past performance, among other things. The type of services may vary for each work assignment. Typically, DASNY's clients will identify a project and DASNY would select a consultant from the available listing of consultants. DASNY will provide a specific scope of services for each project assignment issued under this contract and, depending on the nature of the assignment, some portions of the Professional's Required Services may be modified to reflect the level of service more accurately required.

After DASNY, the client, and the selected consultant concur on the scope, schedule, and fee of the services to be provided, a project specific Work Authorization will be issued to the consultant to provide the services as agreed upon. The type and complexity of projects authorized under each Work Authorization will vary.

## **2.3 Term of Engagement**

The term of the contract shall be four (4) years with an automatic two (2) year extension, provided neither party gives written notice of non-renewal. Written notice of non-renewal must be provided thirty (30) days prior to the annual extension pursuant to any provision herein. Services extending beyond the contract expiration date are expected to continue to move forward until completion as long as services were authorized under an original work authorization prior to contract expiration.

The Owner may, at its sole discretion, further extend the term of this Term Contract for Professional Services and issue Work Authorizations. The Professional shall continue to render services for each Work Authorization issued, within the term of this Term Contract for Professional Services and any extension(s), until the completion of said Work Authorizations unless the Owner provides written notice otherwise.

## **2.4 Qualifications and Certification Requirements**

The selected consultants must have demonstrated experience providing State Environmental Quality Review (SEQR) Consulting Services as set forth in Appendix A of the attached Sample Contract.

Proposals will be evaluated based upon the firm's Qualifications in the following areas:

1. Experience with the procedures of the *State Environmental Quality Review (SEQR)*;
2. Experience with the requirements of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and with the United States Department of the Interior Federal Historic Preservation Review;

3. Specific experience of the firm in providing environmental consulting and / or environmental management services, preferably experience with Authority and / or Public-Sector (State/Federal);
4. Specific experience of individual staff designated for this engagement;
5. Firm's quality assurance / quality control program;
6. Experience and qualifications of any specialty subconsultants proposed (i.e., Archaeology, Traffic, etc.);
7. Employ experienced staff with thorough knowledge of their area(s) of expertise;
8. Ability to deliver environmental consulting services within New York State and as indicated using the DASNY Regional Map in Section 3.1 Tab 1 c.;
9. Experience in the procedures and preparation of Environmental Impact Statements (EIS) and other technical assessments;
10. For Firms proposing to conduct services in New York City, the following is a requirement: Familiarity with New York City's *CEQR Environmental Assessment Statement (EAS)* in lieu of a *NYSDEC Environmental Assessment Form (EAF)* for certain New York City projects using the CEQR technical analyses (per the CEQR Technical Manual [December 2021 and any subsequent revisions]);
11. For Firms proposing to conduct services in New York City, the following is a requirement: Familiarity with Uniform Land Use Review Procedure (ULURP), would be required as needed for New York City (NYC) based projects.
12. Experience with the *National Environmental Policy Act (NEPA)* and other federal/state regulations (e.g., State and Federal wetland regulations, greenhouse gas emissions, etc.); and
13. Experience with Federal, State, and other local environmental review agencies.

Proposals will be evaluated based upon the firm's Certifications required in the following areas:

1. Must possess a Certificate of Authorization from the State Education Department to provide architectural/engineering services in New York State (NYS);
2. Licensed/Professional Architects/Engineers Registered in NYS; and
3. Accredited American Institute of Certified Planners (A.I.C.P.).

### **Section 3 - Contents of Technical Proposal:**

#### **3.1 Information to be Provided by Firms**

The following is a list of information that must be provided by the Firm. Provide your response in the same order in which it is requested using numbered tabs that correspond with each of the numbered tabs below. Your technical proposal must contain sufficient information to assure DASNY of its accuracy.

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

**Tab 1.** Include a **cover letter** with the following items:

- a. The name, title, telephone number, and email address of the individual within your firm who will be DASNY's primary contact concerning this RFP.
- b. A list of the firm's location(s) throughout New York State and what region they reside in per the DASNY Regional Map.
- c. Using the DASNY Regional Map (attachment), indicate the region(s) your firm is proposing services within:
  - a. Downstate – Regions 1-3,
  - b. Upstate – Regions 4-8,
  - c. Western – Regions 9-10, and/or
  - d. Statewide – Regions 1-10.
- d. The primary contact's name, title, telephone number, and email address for each subconsultant who will perform work under this contract.
- e. A statement to the effect that your firm is willing to perform all services identified in Appendix A of the Sample Contract and will abide by the terms of the RFP, including all attachments.
- f. A statement that the firm understands selection does not guarantee that any services will be requested from your firm.
- g. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a technical proposal that contains an unsigned cover letter. Anyone signing the proposal as an agent shall file with it, legal evidence of his or her authority to execute such proposal.

**Tab 2. Firm and Proposed Team**

Provide the following information related to your firm and proposed team:

- a. The identities of the primary staff proposed to provide services relating to this RFP.
- b. An organizational chart describing the organizational structure of the proposed firm and subconsultant team members and their intended roles and responsibilities.
- c. Resumes of firm and subconsultants' key personnel assigned to the project demonstrating each person's experience and ability to provide the requested services.
- d. A description of your firm and subconsultant team's previous experience working together as a team on projects of similar size, scope and complexity.

**Tab 3. Project Experience**

Demonstrate your firm and team's project experience by providing the following:

- a. Provide a description of your firm's experience providing similar services including, from within the past 7 years, relevant project experience, to the public and private sector.
- b. Provide a list of environmental assessment capabilities your firm is proposing to provide including the various disciplines (air, noise, traffic, land use, archaeology, wetland delineation, etc.).
- c. Identify your firm's experience with the different laws and policies listed above in Section 2.2.
- d. Provide a description of how your firm will monitor and implement the allotment and performance of work to achieve coverage in the proposed geographic areas.
- e. Five (5) project examples, from within the past 7 years, illustrating the team's experience providing services for a wide variety of project types and for a variety of project phases.

Project examples must include the following information:

- Official project name and address;
- Summary of the scope of services provided;
- Explanation of successful, challenging, complex, or unique aspects of the projects in relation to the services provided;



- Identification of whether your firm served as the prime or subconsultant on the project;
- Identification of team members involved and their role on the project;
- Description of the relationship with the project team;
- The timeframe in which your firm's work was performed;
- Overall project monetary value;
- Value of services provided by your firm, subconsultant(s), and subcontractor(s);
- Name and contact information of owner; and
- 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.

**Tab 4. Firm and Proposed Team Approach**

Describe your firm and team's approach to providing the required services by providing the following:

- a. A detailed description of your firm's approach to providing the requested scope of services. Describe how your firm will monitor the allotment and performance of work to achieve an efficient administration of the project.
- b. A detailed statement as to how your firm would provide a cost-effective plan to our clients based on the requested services.
- c. A detailed description of your firm and subconsultant's approach to collaborating with the project team to ensure a streamlined and well-coordinated project.

**Tab 5. MWBE and SDVOB Utilization**

This procurement is conducted in accordance with New York State Executive Law Article 15A and Article 3 of the New York State Veteran Services Law. It is the policy of DASNY to maximize opportunities for the participation of New York State Empire State Development (ESD) and Office of General Services (OGS) MWBE/SDVOBs as proposers, 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 (MWBE), 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 MWBE and SDVOB firms in the work where feasible. Illustrate your firm's commitment to utilizing MWBE and SDVOB's by providing the following:

- a. A description of how your firm approaches MWBE and SDVOB utilization by providing a detailed narrative on how your firm utilizes MWBE and SDVOB firms and any programs your firm has implemented to promote the use of MWBE and SDVOB firms.
- b. A completed Utilization Plan, included in this RFP as an attachment, listing all proposed ESD Certified MWBE sub-consultants, sub-contractors, and suppliers and Non-MWBE 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 and 12% WBE. The goals refer to the percentage of utilization of your MWBE subconsultants, 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 subconsultants, subcontractors, 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.ny.gov/office-general-services). **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 6%. The goal refers to the percentage of utilization of your SDVOB subconsultants, subcontractors, and suppliers.

#### **Tab 6. Firm Diversity**

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. This questionnaire elicits information about each responding firm to verify that its work environment demonstrates a strong commitment to diversity.
- c. By responding to this RFP, each firm acknowledges that:
  - The Firm will submit their equal employment opportunity policy statement to DASNY.
  - The Firm will not discriminate against any employee or applicant for employment because of race, creed, color, sex, religion, national origin, military status, sexual orientation, 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.

- The Firm 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, sex, religion, national origin, military status, sexual orientation, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status.

**Tab 7. Additional Information**

The firm must also provide electronic copies or license numbers regarding the following certifications:

1. Certificate of Authorization from the State Education Department to provide architectural/engineering services in NYS.
2. NYS Licensed/Professional Architect/Engineer.
3. Accredited American Institute of Certified Planners (A.I.C.P.).

**Section 4 - Contents of Cost Proposal:**

**4.1 Information to be Provided by Firms**

The following is a list of required information that must be provided by the firm. Provide your response in the same order in which it is requested with cover pages that correspond with each of the numbered tabs below. Your cost proposal must contain sufficient information to assure DASNY of its accuracy.

**Tab 1. Cover Letter**

Include a **cover letter** with the following items:

- a. The name, title, telephone number, and email address of the individual within your firm who will be DASNY's primary contact concerning this RFP.
- b. A statement to the effect that the price quoted is an irrevocable offer good for 120 days.
- c. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a cost proposal that contains an unsigned cover letter.

**Tab 2. Overhead and Profit Multiplier**

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

- a. Submit a DASNY approved Standard Cost Proposal Form or a previously approved multiplier from another State Agency.
- b. Submit a request for a multiplier 2.5 or less on your firm's letterhead.
- c. Submit the DASNY Multiplier Form with a current financial statement for a multiplier greater than 2.5, included as an attachment in this RFP.
- d. Submit an approved FARs audited financial statement from your firm's most recent year-end.

**Tab 3. Classifications and Rates**

Complete the attached Classification & Rate Form to support the unloaded salaries and rates of your employees under this contract.

**Section 5 – Contents of Administrative Proposal:**

The following is a list of required information that must be provided by the firm **as separate, individual electronic files within the Administrative Proposal**. The forms must contain sufficient information to assure DASNY of its accuracy.

- a. Firms shall submit a Vendor Responsibility Questionnaire ("VRQ") in accordance with Section 10.1 Vendor Responsibility of this RFP. DASNY requires vendors to file the VRQ online via the New York State VendRep System (the "System"). Firms 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. Provide a completed W-9 Form, included in this RFP as an attachment. If the Firm is a joint venture, provide a W-9 in the name of the joint venture and provide a copy of the executed joint venture agreement.
- d. Provide a one-page profile of your firm. The firm profile should summarize the following: core competencies, number of employees, firm's office locations, and staff by office and discipline. The purpose of this vendor profile is to provide DASNY staff a clear and concise document to review the background of the firm.

- e. Identify any questions, comments, and objections to the Scope of Services, outlined in Appendix A, and contract language of the attached Sample Contract for DASNY's review and consideration.
- f. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements and Article XI of the Sample Contract.

The firm must also provide written statements regarding the following:

- a. The firm 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 firm's submission must contain a representation that the firm is willing and ready to provide any services requested or required in a timely manner.
- c. Disclose any potential conflicts of interest, refer to Exhibit A, "Code of Business Ethics - Certification" included in the attached DASNY Omnibus Certification.

## **Section 6 – Evaluation of Proposals:**

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

### **6.1 Preliminary Review**

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

### **6.2 Evaluation**

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

### 6.3 Criteria for Selection

The criteria for selection shall be based on the following qualifications, as identified in Sections 2 and 3:

Qualification	Maximum Points	Section
Firm and Proposed Team	20	Section 3 Tab 2
Project Experience	25	Section 3 Tab 3
Firm and Proposed Team Approach	30	Section 3 Tab 4
MWBE and SDVOB Utilization	10	Section 3 Tab 5
Firm Diversity	10	Section 3 Tab 6
Certificates or License Numbers Provided	5	Section 3 Tab 7

### 6.4 Interviews

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

### 6.5 Final Evaluation

Upon conclusion of the evaluation process, the highest scoring firm(s) will be selected by the Committee.

### 6.6 Recommendation and Approval

The Committee will make a recommendation for tentative Contract Award. Upon approval by DASNY, a formal notification of tentative Contract Award will be issued.

## **Section 7 - Submission of Proposals:**

### 7.1 Submission of Technical and Cost Proposal

DASNY will be accepting electronic proposals only. Proposals will be accepted electronically until 3:00 pm on the Proposal Due Date as indicated in Section 1.3 of this RFP.

#### **To Submit Electronically:**

Follow the directions below to upload your proposal electronically. Any technical issues or questions should be directed to the Designated Representative for the Project via email prior to the due date of the RFP. **It is strongly encouraged to request access to the site**

**a minimum of 48 hours before the due date.** DASNY may not be able to assist firms with troubleshooting errors if submissions are not made in a timely manner.

**To Request Access to the Site:**

1. Email [UpstateRFPCoordinator@dasny.org](mailto:UpstateRFPCoordinator@dasny.org) with the subject line: “RFP 7610 State Environmental Quality Review (SEQR) Consulting Services Request Access-Enter Firm Name Here.”
2. You will receive an email from the Designated Representative with a link to a Microsoft SharePoint site: “RFP 7610 State Environmental Quality Review (SEQR) Consulting Services.”
3. Click on the link. If you have an existing Microsoft account, you will be asked to login and then you will be routed directly to the RFP 7610 State Environmental Quality Review (SEQR) Consulting Services “Documents” page.
  - a. If you do not have a Microsoft account, you will need to register for a Microsoft account before you can access the link.
4. Upload all required documents in PDF Format. Please save each proposal as follows to the applicable subfolder:
  - a. Technical Proposal:
    - i. Save file as: RFP 7610-Tech-“enter your firm’s name here”
    - ii. Click “upload” or drag and drop
  - b. Cost Proposal:
    - i. Save file as: RFP 7610-Cost-“enter your firm’s name here.”
    - ii. Click “upload” or drag and drop
  - c. Administrative Proposal:
    - i. Save file as: RFP 7610-Admin-“enter your firm’s name here.”
    - ii. Click “upload” or drag and drop
5. Once your documents are uploaded, DO NOT OPEN. The document submitted must be your final submission and cannot be modified.
  - a. If you open your documents after they are submitted, the system will show it as “modified.”
  - b. The submitted document will remain private and will not be visible to the other firms throughout the procurement process.

6. The State Environmental Quality Review (SEQR) Consulting Services RFP site will close at 3:01 PM on the Proposal Due Date as indicated in Section 1.3 of this RFP. Any questions or issues on submitting must be addressed to the Designated Representative for the Project before that time. Please ensure you give yourself enough time for uploading all files.

## **Section 8 - Important Information Affecting Firms:**

### **8.1 Proposal Requirements**

1. All inquiries regarding this RFP should be addressed to the following individual:

Christine Steffen  
Designated Representative  
Email: [UpstateRFPCoordinator@dasny.org](mailto:UpstateRFPCoordinator@dasny.org)

2. A firm 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 8.1.1 above. The proposal may thereafter be resubmitted, but not after the final due date and time. Modifications offered in any other manner, oral or written, will not be considered.
3. If a firm discovers an ambiguity, conflict, discrepancy, omission or other error in this RFP, the firm should immediately notify the contact person identified in Section 8.1.1 above. Notice of such error or omission should be submitted prior to the final due date and time for submission of proposals. Modifications shall be made by addenda to this RFP. Such clarifications will be given by written notice to all parties who have received this RFP.
4. If a firm 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 firm shall assume the risk of proposing. If awarded the contract, the Consultant shall not be entitled to additional compensation or time by reason of the error or its late correction.
5. A firm indicates its acceptance of the provisions and conditions enumerated in this RFP by submitting a proposal.

### **8.2 DASNY Requirements**

1. By submitting a proposal, the firm covenants that the firm 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.
2. DASNY shall not be liable for any cost incurred by the firm in proposal preparation or in activities related to the review of this RFP or any interview costs.



3. Other than the contact person identified in Section 8.1.1 above, or their designee(s), prospective firm 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:

1. To accept or reject any or all proposals and amend, modify or withdraw this RFP.
2. To correct any arithmetic errors in the proposals.
3. To change the final due date and time for proposals.
4. To accept or reject any of the firm's employees or proposed sub-consultants assigned to provide services on this project and to require their replacement at any time. The firm shall obtain the written approval of DASNY of changes to the technical proposal after it is submitted, including any changes with respect to subconsultants. DASNY shall have the right to reject any proposed change to the firm's technical proposal.
5. To waive or modify any irregularities in proposals received after prior notification to the firm. This will in no way modify the RFP documents or excuse the firm from full compliance with its requirements.
6. To consider modifications to proposals at any time before the award is made, if such action is in the best interest of DASNY.
7. To request a revised cost proposal from firms selected as finalists.
8. To accept a proposal for the engagement containing other than the lowest cost proposal.
9. To interview firms prior to selection.
10. To reject any proposal containing false or misleading statements or that provides references that do not support an attribute or condition claimed by the firm.
11. To begin negotiations with the next most responsive firm to this RFP should DASNY be unsuccessful in negotiating a contract with the selected firm within a reasonable timeframe.
12. To contract with more than one firm.

## **8.4 Contractual Requirements**

### **1. Contract**

- a. By submitting a proposal, the successful firm agrees to reference the RFP as part of the resulting contract.
- d. 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.
- 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 Consultant and DASNY will require the mutual consent of the successful Consultant and DASNY.
- b. Any contract or amendments thereto will be considered effective only after approval by the appropriate DASNY authorities.

### **3. Interpretation**

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**

Upon selection of the successful Consultant and contract execution, public announcements or news releases pertaining to the contract shall not be made without prior written consent of DASNY.

## **Section 9 Insurance:**

The successful Consultant will be required to comply with the Insurance requirements located in Article XI of the attached Sample Contract.

## **Section 10 Vendor Integrity and Executive Order 16:**

### **10.1 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. Consultants 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>. Consultants 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).

## **10.2 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 Consultant is required to certify that the Consultant 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 11 – Negotiation:**

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 12 – 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 13 - Freedom of Information Law and Public Disclosure:**

This RFP and all information submitted in response to this RFP constitute “records” subject to disclosure pursuant to the New York State's Freedom of Information Law (Public Officers Law, Article 6, § 84-90, the “FOIL Law” or “FOIL”). FOIL reaffirms the public’s right to know how government operates and requires that DASNY make its records available for public inspection or copying, except to the extent that records or portions thereof fall within one or more grounds for denial set forth in the §87(2) of the FOIL Law.

Should you feel your firm’s proposal contains any such trade secrets, other confidential or proprietary information or is otherwise exempt from disclosure pursuant to FOIL, you must submit a request to exclude such information from disclosure. Such request must be in writing, must detail the information

that should be exempt from disclosure, and must state the reasons why such information should be excepted from disclosure. DASNY will not honor any attempt, by a firm, to omit its entire proposal from disclosure.

**Section 14 - New York State Department of Labor (NYSDOL) Contractor Registry:**

All contractors and subcontractors submitting bids or performing construction work on public work projects or private projects covered by [Article 8 of the Labor Law](#) are required to register with the New York State Department of Labor (NYSDOL) under [Labor Law Section 220-i](#). The law defines a “contractor” as any entity entering into a contract to perform construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, or custom fabrication. The law defines “subcontractor” as any entity subcontracting with a contractor to perform construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, or custom fabrication, which is subject to Article 8 of the Labor Law. Contractors are responsible for verifying that any subcontractors they work with are registered. Contractors need to register before submitting any new bids or commencing new work on a covered. Subcontractors need to register before commencing new work on a covered. **Any bid received that fails to provide the New York State Department of Labor (DOL) registration number on the form of bid as required shall be rejected as non-responsive. For additional information regarding the Registry or to register, please visit:** <https://dol.ny.gov/contractor-and-subcontractor-landing>.