



# **Alternative Delivery Empanelment**

## **Request For Proposal RFP #7609**

**May 1, 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. The entities for which DASNY provides financing, construction or other services are referred to as clients in this Request for Proposal (RFP).

### **1.2 Overview**

DASNY seeks to procure Financial, Technical Advisory and Legal Consulting services to advise DASNY in the development and execution of alternative delivery business strategies to meet growing client demand for market leading construction and financing solutions including, but not limited to, assessing the viability and commercial value of utilizing project structures such as Public-Private Partnerships (P3) and assisting with the design and implementation, on an as-needed basis, of internal processes, project evaluations, and protocols to assess and manage the value/risk of each project undertaken using alternative delivery methods. Firms qualified to provide the various services set forth below that are selected by DASNY to serve on its panel of alternative delivery consultants will, when retained, deliver their services in a manner that is in the best interest of DASNY and its clients.

For these purposes, DASNY intends to empanel qualified firms to perform in the following consultative services categories:

- Financial/Analytical Consultative Services
- Technical Advisory Consultative Services
- Legal Consultative Services

Firms that have relevant experience and expertise providing the above services may seek to qualify for empanelment in one or more of the professional consulting services categories. The expectation is that the firms selected will be engaged by DASNY for the benefit of DASNY and its clients, as further detailed in Section 2 – Engagement Requirements below.

### **1.3 Empanelment**

Responses submitted in connection with this RFP will enable DASNY to determine, in accordance with its Procurement Guidelines, internal evaluation procedures and consideration of the requirements described in Section 2 – Engagement Requirements and in Section 5 – Content of Technical Proposal, which firms are best qualified to assist in the development and transactional needs of alternative delivery project opportunities, and be placed on the empanelment list. Firms that have relevant experience and expertise in providing the above services may seek to qualify for empanelment. DASNY intends to empanel multiple firms in each of the categories for a period of four (4) years to provide the services listed above. Selection to the empanelment list does not guarantee the consultant

any work, the award of any future assignment or that it will be selected to receive a Project Specific RFP during the period of empanelment. DASNY reserves the right to terminate the empanelment list early and may place additional Consultants on the list at any time.

#### 1.4 Project-Specific RFP

On any project, DASNY and its client may work together to select a consultant from amongst the available empaneled consultants. DASNY has the discretion to issue a Project-Specific RFP to the most qualified Consultant(s) on the empanelment list. The Consultants selected to receive the Project-Specific RFP will be provided the opportunity to develop and submit a Project-Specific Proposal, which will be reviewed and evaluated in accordance with DASNY's internal evaluation procedures. Following receipt of all Project-Specific Proposals, DASNY will award the Contract to the Consultant it determines to be most qualified. Specific project or assignment related services will be requested and contracted on an as-needed basis and the type and value of each assignment will vary.

Note that cost proposals are not required at this time due to the nature of this empanelment. If the empaneled Consultant is selected for a Project-Specific RFP, a Cost Proposal will be required within your firm's proposal for the Project-Specific RFP. Although a Cost Proposal submitted for a Project-Specific RFP will not be considered for selection in a qualifications-based procurement, any selection made in a qualifications-based procurement for a Project-Specific RFP remains subject to DASNY and the selected bidder reaching agreement on costs and other terms of the engagement.

#### 1.5 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	05/01/2025
Deadline for RFP Questions*	05/08/2025 (3:00 PM, EST)
Post Responses to RFP Questions*	05/16/2025 (3:00 PM, EST)
Proposal Due Date	06/05/2025 (3:00 PM, EST)
Notice of Empanelment (No Earlier Than)	06/30/2025

\*Questions concerning this RFP or any other aspects of this procurement must be submitted through email to the Designated Representative 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.

## **Section 2 –Engagement Requirements**

### **2.1 Qualifications and Certification Requirements**

The following are general qualifications and certification requirements for this RFP:

- Relevant U.S. experience providing similar services to other public organizations with a particular emphasis on social infrastructure development and/or P3 projects.
- Experienced U.S. staff with thorough knowledge of their area(s) of expertise.
- Ability to provide license numbers or copies of registration certificates, as appropriate.
- Ability to show evidence that the firm is registered to do business in the State of New York with the New York State Department of State.
- Ability to subcontract services in the U.S., if required, for any engagement.
- Ability to show evidence of Professional Liability, General Liability, Disability and Workers' Compensation Insurances upon issuance of a contract, if selected and required.
- Ability to show commitment to diversity.

### **2.2 Panel-Specific Qualifications and Certification Requirements**

The following qualifications and certification requirements correspond to each of the panel-specific services within this Request for Proposal (RFP):

- Appendix A: Financial/Analytical Consultative Services
- Appendix B: Technical Advisory Consultative Services
- Appendix C: Legal Consultative Services

### **2.3 General Scope of Services**

Following the empanelment process described above, DASNY may issue Project-Specific RFPs to consultants from the empaneled list, as opportunities arise. The consultant's relationship with DASNY will generally be that of advisor and the scope of services may include, but not be limited to, the following:

- Work closely with DASNY to gain an understanding of DASNY's client needs and program requirements;
- Provide general consultative services related to alternative delivery transactions (such as projects authorized through the Infrastructure Investment Act), including but not limited to:
  - Design-Build;
  - Design-Build-Operate-Maintain;
  - Design-Build-Finance;
  - Design-Build-Finance-Operate/Maintain;
  - Full Concession/Development Rights;
  - Public-Private Partnerships (P3);
  - Energy Services Contracts pursuant to Article 9 of the NYS Energy Law.
- Undertake knowledge transfer to DASNY staff;
- Provide advice for integration of alternative delivery methods with existing DASNY service delivery models;

- As appropriate coordinate and cooperate with firms contracted by DASNY on matters that may include, but not limited, to:
  - Development of project concept, programming and objectives;
  - Technical assistance with visioning and scope development of project;
  - Associated concept design and construction estimating of program for planning purposes;
  - Preparation of financial analyses and recommendations of project delivery alternatives;
  - Assistance in the development of project performance expectations;
  - Assessment of the interest of potential providers of goods and services required in the development of an alternative delivery project;
  - Development and evaluation of Request for Qualification (RFQ) submissions and/or Request for Proposals (RFP);
  - Calibration of alternative delivery payment mechanisms;
  - Preparation of draft and final versions of project agreement;
  - Review/editing of technical provisions/attachments to ensure consistency with project agreements;
  - Preparation of written and oral evaluations that include ability of potential delivery entities to perform, including risk analysis and financial analysis;
  - Participation in competitive dialogue meetings with each future proposer;
  - Participation in negotiations and achievement of financial/commercial close; and
  - Any other related alternative delivery service not specified above which will assist DASNY's and its clients in the delivery of social infrastructure projects.

## **2.4 Panel-Specific Scope of Services**

The following panel-specific scope of services are described in their corresponding appendix:

- Appendix A: Financial/Analytical Consultative Services
- Appendix B: Technical Advisory Consultative Services
- Appendix C: Legal Consultative Services

## **Section 3 – Exclusivity**

Inclusion on this empanelment does not prohibit a Consultant from working for potential proposers on projects involving DASNY or its clients; provided, however, that the firm's provision of legal services to a potential proposer remains subject to review by DASNY Counsel's Office in accordance with the New York Rules of Professional Conduct (22 NYCRR Part 1200). However, empaneled Consultants and their affiliates that enter into a contract with DASNY for a particular project will be restricted from working for or with any potential proposer on that project, unless otherwise agreed to by DASNY.

## **Section 4 – Equal Opportunity**

### **4.1 Workforce**

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. By responding to this RFP the firm acknowledges the following:

1. 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 workforce on contracts with DASNY.

2. The Firm will state in all solicitations or advertisements for employees that, in the performance of this empanelment, 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.

The Firm will submit to DASNY:

- The Firm will submit their equal employment opportunity policy statement to DASNY.
- The Firm should also include information on its current programs in diversity and inclusion.
- A completed Diversity Questionnaire (Attachment A) that includes a staffing plan of the anticipated workforce to be utilized on the engagement with DASNY, information on the Firm's total workforce, broken down by specific ethnic background and gender.

#### **4.2 M/WBE and SDVOB Participation:**

DASNY is committed to diversity and equal employment opportunities among its contractors and consultants. This procurement is conducted in accordance with Article 15-A of the Executive Law and Section 3 of the Veteran Services Law governing the participation of Minority/Women-Owned Business Enterprises (M/WBE) and Service-Disabled Veteran Owned Businesses (SDVOB). It is the policy of DASNY to maximize opportunities for the participation of M/WBE/SDVOBs as proposers, subcontractors, subconsultants, and suppliers on projects. M/WBE and SDVOB goals refer to the percentage of utilization of M/WBE and SDVOB subconsultants, subcontractors, and suppliers that are used for the duration of the assigned project. The goals are measured on the final value of the contract.

There are no goals related to the empanelment of firms for this RFP, therefore no M/WBE/SDVOB Utilization Plans are required at this time. However, aspirational goals for each project generally require 30% M/WBE and 6% SDVOB participation but may be adjusted or waived on a project-by-project basis according to market analysis conducted by DASNY's Opportunity Programs Group.

By submitting this proposal, the firm acknowledges that any Project-Specific RFP that should arise from this empanelment may be subject to specific M/WBE and SDVOB goals. A firm that is awarded an assigned project may be required to meet the aspirational goals of 30% M/WBE and 6% SDVOB participation. Accordingly, new M/WBE/SDVOB Utilization Plans containing all subcontractor details may be required on all project assignments unless waived by DASNY's Opportunity Programs Group.

### **Section 5 - Content of Technical Proposal**

#### **5.1 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 using numbered side tabs that correspond with each of the numbered tabs below. Your firm's technical proposal must contain sufficient information to assure DASNY of its accuracy.

- Tab 1. Include a **cover letter**, limited to no more than three (3) pages, with the following items:
- a. The name, title, telephone number, and email address of the individual within your firm who will be DASNY's primary contact concerning this RFP.
  - b. The primary contact's name, title, telephone number, and email address for each subconsultant who will perform work under this contract.
  - c. The identities of the primary staff proposed to provide services relating to this RFP.
  - d. A statement describing which service(s) identified in Section 1.2 – Overview that your firm is submitting a proposal for. If proposing for more than one consultative service category, please indicate, in order of preference, the services of which the firm chooses to serve.
  - e. A statement that your firm understands empanelment as a Consultant does not guarantee that any services will be requested from your firm.
  - f. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a technical proposal that contains an unsigned cover letter. If the proposer is a joint venture, the proposal shall be signed by the joint venture. Anyone signing the proposal as an agent shall file with it, legal evidence of his or her authority to execute such proposal.
  - g. Evidence that your firm meets each of the Qualifications and Certification Requirements as outlined in Section 2 - Engagement Requirements of this RFP.
  - h. Evidence that your firm meets each of the Panel-Specific Qualifications and Certification Requirements in their respective Appendix of this RFP for all panels your firm wishes to be considered for empanelment.
- Tab 2. Provide a description of your firm's organization, team makeup including subconsultants and the resumes of partners, principals, associates and other key staff proposed to provide services to DASNY. This tab should be limited to no more than three (3) pages, not including resumes.
- Tab 3. Provide a detailed summary of the manner by which the Firm meets the specific qualifications set forth in Section 2 – Engagement Requirements and the applicable Appendix or Appendices for the panel(s) it seeks empanelment on. Provide a list of three (3) specific projects and transactions your firm participated in within the last seven (7) years and the project value. Include the names, titles, and phone numbers of at least three (3) references relating to these projects, excluding DASNY employees and a summary of the services provided. This tab should be limited to no more than nine (9) pages.
- Tab 4. Provide a detailed description of your firm's approach to providing the requested scope of services for the projects referenced in Section 5 – Content of Technical Proposal - Tab 3, including the specific role your firm played in the successful delivery of a P3 or other Alternative Delivery project. Indicate any areas in which you believe your firm has special expertise. This tab should be limited to no more than eight (8) pages.
- Tab 5. Describe your firm's approach in assisting project owners to derive the maximum value from project opportunities. Include specific examples of where your firm represented the project owner in negotiations with development teams or delivery consortiums, to ensure the owner received the maximum achievable savings compared to traditional delivery methods. This tab should be limited to no more than five (5) pages.
- Tab 6. Provide license numbers or copies of registration certificates, as appropriate.

- Tab 7. Provide the following as it relates to Section 4.1 – Equal Opportunity – Workforce of this RFP:
1. Your Firm’s Equal Opportunity Employment Policy, and
  2. Any related programs for diversity and inclusion,
  3. Provide a completed Diversity Questionnaire, included in this RFP as Attachment A.
- Tab 8. Provide an acknowledgement as it relates to Section 4.2 – Equal Opportunity - M/WBE and SDVOB Participation that your firm will be able to meet the following:
1. Your firm will be able to meet the aspirational goals of M/WBE and SDVOB participation, as applicable, for an awarded assigned project, and
  2. Your firm will be able to submit a Utilization Plan containing all subcontractor details as required by a future Project-Specific RFP relating to this empanelment.

**Section 6 – 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.

- Tab 1. Provide a completed W-9 Form, included in this RFP as an attachment. If the proposer is a joint venture, provide a W-9 in the name of the joint venture and provide a copy of the executed joint venture agreement.
- Tab 2. Provide a statement that you are able to meet the insurance requirements for any assigned future project.
- Tab 3. 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 (6) 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. Disclose any potential conflicts of interest. Refer to the Code of Business Ethics – Certification attachment.

**Section 7 – Selection and 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.

### 7.1 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 information specified in Sections 5 and 6. Incomplete proposals may be rejected.

### 7.2 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, and to aid DASNY’s mission to increase M/WBE and SDVOB utilization and participation.

### 7.3 Criteria for Selection

The criteria for selection are as follows:

Qualification	Does Firm Meet Qualification?	Section
Proposed Team & Key Staff Experience	Yes / No	Section 2.1
Firm’s Project Experience	Yes / No	Section 2.3 & 2.4
Firm and Proposed Team Approach	Yes / No	Section 2.3 & 2.4
Firm Diversity & M/WBE/SDVOB Aspirational Goals	Yes / No	Section 4.1 & 4.2

### 7.4 Interviews

DASNY reserves the right to determine whether interviews will be necessary and for which firms. 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 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 used to evaluate the proposer 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 8 - Submission of Proposals:**

### **8.1 Submission of Technical Proposal**

Please submit the technical proposal electronically, following the directions below, on or before 3:00PM on June 5, 2025. Proposals received after the due date will be rejected and returned.

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 before the due date.

1. Email [DownstateRFPcoordinator@dasny.org](mailto:DownstateRFPcoordinator@dasny.org) with the subject line: “RFP 7609 - Alternative Delivery Empanelment-Request-Access-Firm Name
  - a. An expression of interest does not qualify as a request for access. Please ensure that your firm explicitly requests access using the described procedure.

- b. Please request access at a minimum of 24 hours in advance and ensure access to the site works correctly.
2. You will receive an email from the [DownstateRFPCoordinator@dasny.org](mailto:DownstateRFPCoordinator@dasny.org) with a link to a Microsoft SharePoint site: “RFP 7609 - Alternative Delivery Empanelment”
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 7609 - Alternative Delivery Empanelment “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. You will be required to upload the Technical Proposal.
  - a. Please save this document in PDF format and labeled as “RFP 7609 - Alternative Delivery Empanelment-Tech-firm name.
  - b. 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 proposers throughout the procurement process.
6. The RFP 7609 - Alternative Delivery Empanelment site will close at 3:01 PM on June 5, 2025. Any questions or issues on submitting must be addressed to the Designated Representative for the Project before that time using the email address provided in Bullet 1. Please ensure that you give yourself enough time for uploading all files.

**Section 9 - Important Information Affecting Proposers:**

**9.1 Proposer Information**

1. DASNY’s Designated Representative for the Project, including the procurement is:

Christine Steffen, Procurement Administrator  
Attention: DASNY Alternative Delivery Empanelment  
E-mail: [DownstateRFPCoordinator@dasny.org](mailto:DownstateRFPCoordinator@dasny.org)

2. All questions must be submitted in writing to the Designated Representative 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 substantive inquires received with relevant responses will be posted on DASNY’s website, [www.dasny.org](http://www.dasny.org).

3. 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 8.1.1 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.
4. If a proposer discovers an ambiguity, conflict, discrepancy, omission or other error in this RFP, the proposer should immediately notify the designated representative 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.
5. 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.
6. A proposer indicates its acceptance of the provisions and conditions enumerated in this RFP by submitting a proposal.

## **9.2 DASNY Requirements**

1. 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.
2. 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.
3. Other than the designated representative identified in Section 9.1.1 above, or their designee(s), prospective proposers shall not approach DASNY employees during the period of this RFP process about any matters related to this RFP or any proposals submitted pursuant thereto.

## **9.3 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 assigned to provide services on this project and to require their replacement at any time.
5. 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.
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, if applicable.
8. To accept a proposal for the engagement containing other than the lowest cost proposal, if applicable.
9. To interview proposers 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 proposer.

11. 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.
12. To empanel and subsequently contract with more than one firm.

#### **9.4 Contractual Requirements**

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

- a. By submitting a proposal, the successful proposer agrees to reference the RFP as part of any resulting contract.
- b. DASNY may award a contract for any or all parts of a proposal and may negotiate contract terms and conditions to meet agency 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(s) and DASNY will require the mutual consent of the successful proposer(s) and DASNY.
- b. Any contract or amendments thereto will be considered effective only after approval by the appropriate DASNY and governmental authorities, if any.

##### **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 proposer and contract execution, public announcements or news releases pertaining to the contract shall not be made without prior written consent of DASNY.

#### **Section 10 – Vendor Integrity**

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 [https://www.osc.state.ny.us/vendrep/vendor\\_index.htm](https://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).

**Section 11 – Negotiation**

After completion of the empanelment process and upon selection for a specific project assignment, DASNY will commence finalization of the scope of services required and fee negotiations with the selected firm(s) for such assignment.

**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**

The 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.

# Appendix A

## Financial Consultative Services

### Panel-Specific Qualifications and Certification Requirements:

DASNY seeks appropriately qualified firms to provide overall financial consulting and advisory services for DASNY's alternative delivery contracting vehicles, including but not limited to:

- Design-Build;
- Design-Build-Operate-Maintain;
- Design-Build-Finance;
- Design-Build-Finance-Operate/Maintain;
- Full Concessions/Development Rights
- Public-Private Partnerships (P3)
- Energy Services Contracts pursuant to Article 9 of the NYS Energy Law

A proposer seeking empanelment as a provider of Financial Consultative Services shall have the following qualifications:

- 10 years' experience providing financial services, including services provided to governmental and not-for-profit entities.
- 5 years' experience providing specialized financial services similar in scope and quality to the panel-specific scope of services set forth below.
- Team composition: availability of a dedicated team of financial experts with relevant experience, including a lead financial expert to serve as the primary point of contact.

### Panel-Specific Scope of Services:

A proposer seeking empanelment as a provider of Financial Consultative Services is expected to perform a scope of services including but not limited to the following:

- Market Sounding:
  - Provide examples where the firm identified a list of local, regional and national developers, contractors and/or architects familiar with various project types and determined their interest in responding to a solicitation.
- Demand Analysis:
  - Discuss the methods used by the firm to analyze the demand for various project types.
- Project Revenue Analysis:
  - Discuss how the firm determines the types of revenues required including user fees and availability payments and the sufficiency of such revenues for various project types.

- Delivery Model Identification:
  - Discuss how the firm identifies the type of delivery model appropriate to various project types.
- Financing Structure:
  - Discuss various financing structures and the factors for consideration for each such financing structure.
  - Recommendation of financial structure(s), considering debt and equity sources from capital markets and public funding vehicles;
- Risk Allocation:
  - Discuss risk allocation in connection with governance, design/delivery and operations/maintenance of various project types.
- Procurement Process:
  - Discuss the procurement process to be utilized for the various parties necessary to effectuate various project types.
- Training and Education:
  - Conduct training for DASNY staff on financial aspects of alternative delivery methods.
  - Undertake knowledge transfer to DASNY staff.
- Any other related alternative delivery service not specified above that will assist DASNY and its clients in the delivery of alternative delivery contract vehicles and projects.

# Appendix B

## Technical Advisory Consultative Services

### Panel-Specific Qualifications and Certification Requirements:

DASNY seeks appropriately qualified firms to provide overall technical advisory consulting services for DASNY's alternative delivery contracting vehicles, including but not limited to:

- Master Planning
- Design-Build;
- Design-Build-Operate-Maintain;
- Design-Build-Finance;
- Design-Build-Finance-Operate/Maintain;
- Full Concessions/Development Rights;
- Public-Private Partnerships (P3);
- Energy Services Contracts pursuant to Article 9 of the NYS Energy Law

A proposer seeking empanelment as a provider of Technical Advisory Consultative Services shall have the following qualifications:

- 10 years' experience providing technical advisory services, including services provided to governmental and not-for-profit entities.
- 5 years' experience providing specialized technical advisory services, similar in scope and quality to the panel-specific scope of services set forth below.
- Team composition: availability of a dedicated team of technical advisory experts with relevant experience, including a lead expert to serve as the primary point of contact.

### Panel-Specific Scope of Services:

A proposer seeking empanelment as a provider of Technical Advisory Consultative Services is expected to perform a scope of services including but not limited to the following:

- Initial Concepts:
  - Provide examples where the firm identified a list of local, regional and national developers, contractors and/or architects familiar with various project types and determined their interest in responding to a solicitation.
- Demand Analysis/Programming of Proposed Project:
  - Discuss the methods used by the firm to analyze the demand for various project types. Includes visioning with end use and proposals for engagement process.
- Scope, Schedule and Budget of Potential Project
  - Help feed information to the project team relating to the timing and estimate of the project for revenue analysis as part of feasibility and planning purposes.

- Delivery Model Identification:
  - Discuss how the firm identifies the type of delivery model appropriate to various project types. This includes strategy around timing, funding and creativity of project.
- Risk Allocation:
  - Discuss risk allocation in connection with governance, design/delivery and operations/maintenance of various project types.
- Procurement Process:
  - Discuss the procurement process to be utilized for the various parties necessary to effectuate various project types.
- Training and Education:
  - Conduct training for DASNY staff on financial aspects of alternative delivery methods.
- Undertake knowledge transfer to DASNY staff.
  - Any other related alternative delivery service not specified above that will assist DASNY and its clients in the delivery of alternative delivery contract vehicles and projects.

# Appendix C

## Legal Consultative Services

### Panel-Specific Qualifications and Certification Requirements:

DASNY seeks appropriately qualified firms to provide overall program consulting, advisory and owner's representative services for DASNY's alternative delivery contracting vehicles, including but not limited to:

- Design-Build;
- Design-Build-Operate-Maintain;
- Design-Build-Finance;
- Design-Build-Finance-Operate/Maintain;
- Full Concessions/Development Rights;
- Public-Private Partnerships (P3);
- Energy Services Contracts pursuant to Article 9 of the NYS Energy Law.

A proposer seeking empanelment as a provider of Legal Consultative Services shall have the following qualifications:

- 10 years' experience providing legal services in connection with New York State construction law, including services provided to governmental entities.
- 5 years' experience providing specialized legal consultative services similar in scope and quality to the panel-specific scope of services set forth below.
- Team composition: availability of a dedicated team of attorneys with relevant experience, including a lead attorney to serve as the primary point of contact.

### Panel-Specific Scope of Services:

A proposer seeking empanelment as a provider of Legal Consultative Services is expected to perform a scope of services including but not limited to the following:

- Contract Development and Review:
  - Draft, review and analyze contracts for alternative delivery methods
  - Ensure contracts align with project goals, risk management strategies, and applicable legal constraints.
  - Advise on contract structures that promote collaboration, accountability and dispute avoidance.
  - Advise on potential legal issues from perspectives of respondents and their lenders and provide legal opinions as needed.
- Regulatory Compliance:
  - Provide guidance on federal, state, and local laws, regulations and permitting requirements applicable to alternative delivery projects.
  - Ensure compliance with procurement laws and policies, environmental regulations and labor standards.
  - Provide legal opinions as needed.

- Risk Management:
  - Identify and assess legal risks associated with alternative delivery contract structures.
  - Develop strategies to mitigate risks, including insurance requirements, risk transfers, and indemnification arrangements.
- Project Delivery Support:
  - Collaborate and coordinate with project teams, including contractors, architects and other consultants, to ensure legal considerations are integrated into project planning and execution.
  - Provide advice for integration of alternative delivery methods with existing DASNY service delivery models.
  - Development and evaluation of Requests for Qualifications and future Requests for Proposals.
  - Provide advice during project implementation to address any emerging issues.
  - Participate in negotiations.
  - Advise on dispute avoidance and resolution.
- Training and Education:
  - Conduct training for DASNY staff on legal aspects of alternative delivery methods, including compliance obligations.
  - Undertake knowledge transfer to DASNY staff.
- Any other related alternative delivery service not specified above that will assist DASNY and its clients in the delivery of alternative delivery contract vehicles and projects.
- If selected for empanelment, the firm must be willing to enter into an engagement letter on terms acceptable to DASNY.