



**DASNY**

**Dormitory Authority  
of the State of New York**

**REQUEST FOR PROPOSAL  
DASNY'S MENTOR PROTÉGÉ PROGRAM**

**Request for Proposal (RFP)**  
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Attachments:

- 1) Sample Contract
- 2) DASNY Omnibus Certification
- 3) NYS Vendor Responsibility
- 4) Diversity Questionnaire
- 5) W-9 Form
- 6) Sample Insurance Certificate & Requirements
- 7) DASNY Classification and Rate Form
- 8) DASNY Multiplier Form
- 9) MWBE + SDVOB Utilization Plan

## **Section 1 – General Information**

### **1.1 Introduction to DASNY**

The Dormitory Authority of the State of New York (“DASNY”) is a public benefit corporation of the State of New York empowered by Article 8, Titles 4 and 4-B of the Public Authorities Law (the “Act”), to provide design and project management services and to issue bonds, notes and other obligations for a variety of public purposes. Under the Act, DASNY provides various services in connection with the design, construction and financing of capital facilities for the State University of New York, including dormitories and educational facilities; Office of Mental Hygiene, 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 various not-for-profit organizations specifically described in the Act. DASNY also administers grant programs in cooperation with the State of New York.

### **1.2 Background**

DASNY is committed to maximizing meaningful opportunities for Minority and Women owned Business Enterprises (MWBEs) and Small Businesses.

Per NYS Finance Law 147 Agencies, Departments, and Authorities that awarded more than \$10 million in service and construction contracts in the previous fiscal year must establish a mentor-protégé program to support small businesses and MWBEs.

Both mentor firms and protégé firms participate in the program voluntarily, fostering long-term business relationships to enhance the capabilities of small businesses and MWBE firms.

### **1.3 Purpose and Objective**

DASNY is seeking proposals from Mentor Protégé Program (MPP) Mentors (Mentors) to participate in a Mentor Protégé Program. The program will develop and enable participants inclusive of small business (SBE) Minority Owned Business Enterprise (MBE), and Women-Owned Business Enterprise (WBE) Contractors to respond to Procurements and perform on progressively more complex DASNY Construction projects over time.

By participating in the program, Mentors will gain a stronger network of subcontractors while protégé participants will benefit from gaining knowledge and understanding of DASNY projects and be able to bid on DASNY projects as Prime Contractors.

Mentors will provide support and resources to eligible Protégés to develop, grow and establish business relationships in all areas of Construction. Bi-weekly reports including overall program deliverables/statistics will be provided to DASNY by the Mentor.

Protégés must be small businesses or New York State Certified MWBEs, may have only one Mentor at a time, and can participate in the program for a maximum of five years. DASNY anticipates Mentors and Protégés will be partnered based on project size, scope and complexity.

## 1.4 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). **Mentor 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	7.9.2025
Deadline for RFP Questions	7.22.2025
Post Responses to RFP Questions	7.29.2025
Proposal Due Date	8.8.2025
Interviews/Presentations (not earlier than)	8.18.2025
Notice of Award (not earlier than)	9.15.2025

## **Section 2 – Engagement Requirements**

### **2.1 Scope of Services**

DASNY invites Proposers to submit a proposal to participate as a Mentor in DASNY's Mentor Protégé program. Mentor firms must demonstrate commitment and ability to assist protégé firms, including favorable financial health, good character and experience contracting with New York State. Mentors must annually certify that it continues to possess good character and a favorable financial position.

The scope of services is to participate as a Mentor in DASNY's Mentor Protégé program on pre-selected DASNY construction projects. Mentors and protégés must formalize their relationship through an approved agreement.

Mentors should provide assistance to a Protege firm who has been awarded an MPP project. Assistance includes, but is not limited to, general business management, financial management, engineering, safety, technical matters, bonding assistance or waivers, subcontracts, and other areas including but not limited to the following:

#### **2.1.1 Mentor Responsibilities:**

1. DASNY's expectation is that the Mentor's responsibilities focus on the construction technical and business capabilities of Proteges with coordination between the Mentor and DASNY Opportunity Programs Group (OPG).
2. Mentor must be familiar with DASNY procedures and ensure they are followed by Protégé firms.
3. The Mentor must incorporate all DASNY construction procedures and policies in all construction activities. The Mentor is responsible to be familiar with, train, and mentor Protégé on DASNY processes and procedures as needed.
4. The Mentor's overall staffing must substantially involve personnel who are full- time employees of the Mentor. However, as needed and with DASNY's approval, staffing to cover specific functional areas not within the Mentor's in-house resources and to bridge gaps in the Mentor's staff, may be filled by part-time staff of the Mentor and by full and part-time sub-Mentor staff.

5. In general, the Mentor shall collaborate with the DASNY Construction Project Manager who will monitor and ensure compliance with DASNY requirements, including quality and safety requirements.
6. The Mentor, as directed by DASNY, must review, and recommend approval of all submittals, change orders, schedules, and payments. DASNY will be responsible for overall project oversight and all official approvals and signoffs required pursuant to the construction contract and DASNY's current practices and procedures.
7. Mentor must assist the contractors with contract administration to perform the work of the project.
8. DASNY OPG's role will be to provide direction to the Mentor regarding the Mentor Protégé agreement and the relationship between Mentor and Protégé. All construction related matters are to be performed under the direction of DASNY.
9. DASNY's lead or designee has the responsibility to resolve any technical disagreement or interpretation of a contract that involves two or more of the following - the DASNY Project Manager, the Mentor, and the Protégé contractor.

#### 2.1.2 Pre-Construction Phase Responsibilities

1. For each Mentor Protégé project, Mentor must be present at all pre-bid conferences, including pre-bid site visits, pre-award and kick-off meetings, and compliance desk audits.
2. For each awarded MPP project, Mentor will perform an initial assessment of a selected Protégé identifying the contractor's strengths and weaknesses with respect to Protégé's construction operations. As determined by DASNY, this review may be conducted based on submitted bids and other information reasonably requested by Mentor or DASNY. Mentor's written assessment shall include recommendations to DASNY regarding the firm's level of business proficiency for project participation, strengths, weaknesses and a short-term action plan to support the firm's successful completion of the selected MPP project.
3. Provide preconstruction review of Mentor Protégé Projects and selected Protégés to improve their construction management skills in the following areas for the selected MPP projects:
  - a. Project Scheduling
  - b. Safety and Quality Planning
  - c. DASNY Contract Provisions
  - d. Bidding and subcontracting work
  - e. Other areas deemed appropriate by Mentor and DASNY.
4. Afterward, Mentor will assist the Protégé an MPP Project to prepare and submit all submissions and documentation to comply with all applicable procedures, insurance, and bonding requirements.
5. At the direction of DASNY, Mentor may debrief eligible bidders who competed for but were not awarded a MPP contract. Generally, an unsuccessful bidder must be debriefed if the bidder bid was unrealistic or if its bid was 30% or higher than the lowest bidder.

#### 2.1.3 Construction Phase

1. Provide mentoring assistance regarding the Protégé's submittals and interactions with the Architect, Engineer, and DASNY Project Management Staff.
2. On an as-needed basis, provide a scheduler to assist and train the Protégé in the preparation and utilization of project schedules and two or four week look-ahead schedules. The scheduler is responsible for ensuring that contractors are trained, as necessary, to submit accurate schedules as required for a project, assessing schedule performance, and providing guidance for schedule recovery when necessary.

3. Assist the Protégé to formulate and implement its construction-related procedures, including managing subcontractors and facilitate DASNY's process for approving subcontractors.
4. Assist the contractor with management of schedule of submittals, material status logs, procurement of subcontractors and suppliers, submissions of certified payrolls and general construction administration on public works contracts in conformance with the DASNY contracts.
5. Provide assistance to the Protege in preparing daily activity construction reports, payment requisitions, as-built drawings, samples/shop drawings, Requests for Information (RFI's), change orders, and project completion and close-out procedures.
6. Provide assistance to the Protégé in complying with regulatory requirements for safety and ensure that the Protege Contractor executes the work in a safe manner. Also, the Mentor shall ensure that all safety violations are immediately addressed by the Protege.
7. Assist the Protégé in identifying all the project risks and implementing a mitigation plan to address the risks.
8. Assist the Protégé to appropriately respond and address non-- conformance reports issued by DASNY.
9. Assist the Protégé to maintain red-lined drawings for as-builts, as appropriate.
10. Assist Protégé and coordinate with agencies to complete punch list items during Closeout Phase to meet.
11. Provide guidance on DASNY's procedures for the evaluation, processing and funding of Change Orders.

#### 2.1.4 Close Out Phase

1. Coordinate project closeout activities with the Protégé and DASNY.
2. Direct and assist DASNY Contractor to furnish to DASNY "as-built drawings", operating and maintenance manuals, warranties, guarantees, compliance certificates and other deliverables as specified in the MPP Project contract.
3. Collaborate with DASNY Project Manager to coordinate Punch List items and activities.
4. Assist Protégé to obtain from DASNY certifications of the completion of the work (including a certification as to substantial completion).
5. Assist DASNY and the Protégé in closing out the MPP Project contract; review requests for final payment from the Protégé contractors.
6. Obtain and transmit to DASNY required affidavits, releases, liens and other waivers, and other documents required by the MPP Project contract documents.
7. After financial closeout, prepare and transmit project records for archiving in accordance with the DASNY standards and procedures.

#### 2.1.5 Mentor Protégé Relationship Requirements

1. Where Mentor is selected as a Mentor, a Mentor Protégé agreement must be executed between Mentor and Protégé. The agreement must include the following to the best knowledge of all parties at the time of execution:
  - a. Description of the Protégé's goals for developing new skills or capabilities through the Mentor Protégé Relationship.
  - b. Any specific challenges that may be faced performing the MPP Project Scope of Work; and
  - c. Identification of specific training activities that will be engaged in during the mentorship.
    - i. Trainings may include but are not limited to:
      1. The interpretation of plans and specifications,

2. Use and maintenance of equipment.
3. The preparation of work product for a client
4. The use of Mentor's proprietary products or processes, industry specific marketing or business development, and/or
5. Use of Mentor's facilities
- d. Identification of agreed upon milestones that are indicators of development.
2. Mentor must establish milestones for participant progress and establish metrics to measure protégé success.
3. Mentor must provide a bi-weekly progress report to representatives of DASNY's Opportunity Programs Group.

## **2.2 Project Engagement**

Mentor's may be engaged on multiple projects. A protégé firm may only have one (1) Mentor at a time and may participate in the program for a maximum of five (5) years.

## **2.3 Terms of Engagement**

The term of the Contract shall be for two (2) years. The Owner may, at its sole discretion, further extend the term of this Term Contract 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 Qualification Requirements**

Proposers must have experience contracting with New York State and be in a favorable financial position. The Proposer must have general industry experience in all areas of Construction and the ability to provide training to Proteges in the areas of business management training, financial support, bonding assistance, subcontracting.

## **Section 3 – Content of Technical Proposal**

### **3.1 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. Your proposal must contain sufficient information to assure DASNY of its accuracy.

**Failure to comply with all requirements herein may result in a finding of non-responsiveness. DASNY reserves the right to reject a proposal and deem a Mentor as being disqualified from further consideration due to being non-responsive.**

#### **3.1.1 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. The primary contacts name, title, telephone number and email address for each sub- Mentor

- who will perform work under this contract.
- c. The name, title, telephone number and email address of the individual with your firm who is authorized to bind your firm contractually (if different from the individual identified in response to bullet b), should your firm be selected.
  - d. The identities of the primary staff proposed to provide services relating to this RFP.
  - e. A statement to the effect that your firm 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 firm understands selection does not guarantee that any services will be requested from your firm.
  - g. 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.
  - h. 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.

### **3.1.2 Tab 2. Firm and Proposed Team**

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

- a. An overview of your firm's organization and team makeup including key sub-Mentors and subcontractors (if applicable) and the resumes of partners, principals, associates, and other key staff proposed to provide services to DASNY.
- b. An organizational chart describing the organizational structure of the proposed team and their intended roles and responsibilities.
- c. Resumes of sub-Mentors' and sub-contractors' (if applicable) key personnel demonstrating each person's experience and ability to provide services to DASNY.
- d. Identification of past working experience of team, including sub-Mentors and sub-contractors (if applicable).

### **3.1.3 Tab 3. Project Experience**

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

- a. Provide a description of your firm's experience as a Mentor in Mentor Protégé programs on Construction projects or experience providing similar services. Provide details, including:
  - i. Name of the NYS Agency/Authority that oversaw the program that you participate in.
  - ii. Mentor/Protégé Program
  - iii. Brief description of the overall program.
  - iv. Value or Average Value of project(s).
  - v. Overall outcome of the program.
- b. Provide details on past experience contracting with New York State including project examples:
  - i. Provide project examples including the following information:
    - 1. Official project name and address.
    - 2. Summary of the services provided.



3. The time frame in which your firm's work was performed.
  4. Approximate overall project monetary value.
  5. MWBE/SDVOB/DBE Goal Attainment and whether a waiver was required for MWBE/SDVOB/DBE goals.
- c. Provide the value of services provided by your firm.
  - d. Name and contact information of owner.
  - e. Identification of a project contact with knowledge of the services provided by your firm (if different than the owner) excluding DASNY employees with their name, title and phone number; and
  - f. A minimum of three (3) additional references excluding DASNY employees with their name, title and phone number.

#### **3.1.4 Tab 4. Firm/Team Approach**

- a. Describe your firm's approach to providing the requested scope of services.
- b. A detailed description of your firm's approach to provide the requested scope of services.
- c. Details on training, milestones and metrics used to measure protégé success.
- d. A description of how the Proposer's overall approach maximizes the team's value and performance by appropriately allocating work and fostering a highly collaborative and effective project team to achieve efficient administration of the project.
- e. A description of the Proposer's approach to maintaining the established construction budget through cost efficient design and other budget control measures.
- f. A timeline and schedule for completion of all aspects of the engagement, including a preliminary project schedule.
- g. Scheduling measures the Proposer anticipates employing to ensure the project remains within the established schedule.
- h. Sample of an Agreement between Mentor and Protégé.

#### **3.1.5 Tab 5. 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:
  - i. 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.
  - ii. 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.

DASNY is committed to diversity and equal employment opportunities among its contractors and Mentors. This procurement is conducted in accordance with Article 15-A and 17-B of the Executive Laws. It is the policy of DASNY to maximize opportunities for the participation of MWBE/SDVOBs as bidders, subcontractors, and suppliers on projects.

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.

### **3.1.6 Tab 6. Licenses and Certificates**

Provide license numbers or copies of registration certificates, as appropriate. Business entities proposing to provide Professional Engineering Services must possess a Certificate of Authorization to provide Engineering Services in New York State from the State Education Department. Include a copy of this certificate if proposing engineering services.

### **3.1.7 Tab 7. Additional Information**

The proposer must also provide statements regarding the following:

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.

- 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. Disclose any potential conflict of interest (refer to “Code of Business Ethics”, included in the attached DASNY Omnibus Certification).

## **Section 4 – Content of Cost Proposal**

### **4.1 Information to be Provided by Proposers**

The following is a list of required information that must be provided by the proposer. Provide your response in the same order in which it is requested using numbered side tabs 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 sub-Mentors (if any) by using **one** of the following methods:

- a. Submit an 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 attached DASNY Multiplier Form with a current financial statement for a multiplier greater than 2.5.
- d. Submit an approved FARs audited financial statement from your firm's most recent year-end.

## **Tab 3. Classification and Rates**

Complete the attached Classification & Rate Form to support the unloaded salaries and rates of your employees under this contract. If submitting an approved Standard Cost Proposal Form a Classification & Rate Form is not required.

## **Section 5 – Content of Administrative Proposal:**

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

- a. Proposers shall submit a Vendor Responsibility Questionnaire ("VRQ") in accordance with Section 12 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.
- b. A completed Omnibus Certification form included in this RFP as an attachment.
- c. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.
- d. Identify any questions, comments, and objections to the Scope of Services outlined in Appendix A of the attached Sample Contract, for DASNY's review and consideration.

## **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 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. 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.

## 6.3 Criteria for Selection

The criteria for selections shall be the Proposer's understood ability to meet DASNY's needs as described in Sections 2 and 3 of this RFP.

<b>Qualification</b>	<b>Maximum points</b>
Experience contracting with NYS in the Construction industry - Section 2 and Section 3; Tab 3	25
Qualification /experience of key staff members and partners – Section 3; Tab 2	15
Methodology and approach to a Mentor Protégé program as the Mentor - Section 3; Tab 4	30
Experience as a Mentor in Mentor Protégé programs or experience providing similar services – Section 3; Tab 3	20
Firm's commitment to diversity – Section 3; Tab 5	10

## 6.4 Interviews

Interviews will be conducted with some or all of the proposers. 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 all other key personnel proposed to provide the services must be present and participate in the interview. The interview is considered part of the evaluation process and 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.

## 6.5 Final Evaluation

Upon conclusion of the evaluation process, inclusive of 6.1, 6.2, 6.3 and 6.4, 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**

Firms shall submit their proposals in three (3) separate pdf attachments: 1) Technical Proposal; 2) Cost Proposal; and 3) Administrative Proposal by email to Nicole White, Procurement Administrator at [NWhite@dasny.org](mailto:NWhite@dasny.org) no later than 3:00 p.m. on the proposal due as indicated in Section 1.4 of this RFP. Proposals received after this date/time will not be accepted.

## **Section 8 – Important Information Affecting Proposers**

### **8.1 Proposal Requirements**

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

Nicole White, Procurement Administrator

Email: [NWhite@dasny.org](mailto:NWhite@dasny.org)

2. All questions must be submitted in writing by email, citing the proposal section and 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 inquiries 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 6.1.1 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 contact person identified in Section 6.1.1 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.

### **8.2 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 contact person identified in Section 6.1.1 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.

### **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-Mentors assigned to provide services on this project and to require their replacement at any time. The proposer shall obtain the written approval of DASNY of changes to the technical proposal after it is submitted, including any changes with respect to sub-Mentors. DASNY shall have the right to reject any proposed change to the proposer's technical proposal.
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.
8. To accept a proposal for the engagement containing other than the lowest cost proposal.
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 contract with more than one firm.

### **8.4 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 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 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 9 – Negotiation**

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

## **Section 10 – Notification**

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

## **Section 11 – Insurance**

The successful proposer will be required to comply with the Insurance requirements included in the attached sample certificates of insurance.

## **Section 12 – 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 [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).

### **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**

If applicable and on public work projects or private projects covered by [Article 8 of the Labor Law](#) contractors and subcontractors 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 proposal received that fails to provide the New York State Department of Labor (DOL) registration number on the proposal 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>.**