



DASNY

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

**Request For Proposal
All Property and Builders' Risk Insurance Program**

Request for Proposal (RFP)

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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.

Within DASNY's business there are several discrete programs. Initially, DASNY's business may be divided into two broad categories based on the nature of the clients. These are: 1. Not-for-profit institutions including colleges, hospitals, nursing homes and other miscellaneous charitable type institutions and 2. Governmental institutions including SUNY, CUNY, Department of Health, Department of Education, Office of Mental Health, Office for People with Developmental Disabilities, municipal hospitals and Office of Court Administration. These lists are not exclusive and remain subject to change as determined by the Legislature and Governor.

For the most part the relationship between DASNY and its many not-for-profit clients is a lending transaction based upon a loan agreement. The relationship between DASNY and its governmental clients is more complex and involves a combination of statutes and financing agreements. These statutes and financing agreements are part of the method by which facilities for use by these various governmental clients are financed and constructed. DASNY frequently builds the facilities for these clients as well as finances the cost of construction. From time to time DASNY may also agree with any one of its clients to obtain property insurance covering the buildings and projects that DASNY has constructed on behalf of that client. Therefore, the property insurance policy must cover the interests of these clients as well as DASNY's interest. As an example of the magnitude of coverage under these policies, almost all of the dormitories in the SUNY system and almost every building in the CUNY system are covered for property loss. In this regard, DASNY administers the claims under these policies on behalf of our clients.

A schedule of all insured properties (**Property Schedule**) and construction projects (**Builders' Risk Schedule**) covered by the program as of June 2025 are attached for reference. Additional information is also available on the DASNY website at www.DASNY.org.

1.2 Purpose:

DASNY seeks proposals from brokers for the services of marketing and program support for the Property and Builders' Risk Insurance Program that DASNY operates for itself and on behalf of certain of its clients. These clients include, but are not limited to, City of New York Court Facilities; The City University of New York; New York State Department of Health; and the State University of New York. The current program is due to expire on March 1, 2026.

1.3 Program Structure Summary:

Coverage: All Property and Builders' Risk including Equipment Breakdown, Business Interruption/Extra Expense, Fine Arts and Terrorism (foreign and domestic acts).

The anticipated term of the contract shall of three years, commencing on March 1, 2026 (Policy Year 1) with two additional one year renewal options, all subject to the sole discretion of DASNY.

- Policy Year 1: March 1, 2026 – February 28, 2027.
- Policy Year 2: March 1, 2027 – February 29, 2028.
- Policy Year 3: March 1, 2028 – February 28, 2029.

All Risk Property and Builders' Risk Insurance

The limits and coverages described below provide an overview of the size and scope of the current program. The information provided below is not inclusive of all of the terms under the policy. The successful broker will receive a complete copy of the policies for their reference.

- Number of Insurance Carriers – 39, inclusive of terrorism
- Named Insureds – 18
- Number/Value of insured permanent facilities – 784 buildings / \$28 Billion
- Number/Value of insured construction projects (as of December 2019) – 124 projects / \$529 Million
- Property - \$950,000,000 per occurrence
- Builders' Risk - \$75,000,000 per occurrence; with allowance to schedule larger individual projects to the policy
- Equipment Breakdown (Boiler & Machinery) - \$950,000,000 per occurrence
- Flood - \$100,000,000, with lower sub limits for properties located in specific flood zones
- Named Windstorm - \$100,000,000 per occurrence
- Fine Arts - \$10,000,000
- Terrorism - \$950,000,000

In addition to the above, the policy also includes several other sub limits and deductible levels.

Recommendations for alternative program structures and/or program improvements will be accepted for consideration during the selection process.

1.4 Guidelines:

DASNY intends to procure insurance for the March 1, 2026 - March 1, 2027 policy year via a two-step process in which (1) a broker or team of brokers will be selected based on the Engagement Requirements in Section 2 of this Request for Proposals and (2) the selected candidate(s) will then market DASNY's program to carriers as directed in the second phase.

DASNY reserves the right to inquire as to the respondents' preferred markets at any time during the selection process. However, such inquiries should not be considered authorization to approach those markets nor a promise of assignment on DASNY's part.

DASNY prefers to compensate brokers on a fee basis, but commissions may be considered upon the request of the broker. In either case, the broker will be required to disclose all sources of revenue to be earned by the broker and/or its affiliated organizations in association with the placement of the insurance programs; as well as any services to be provided in support of those programs.

The contract term is three (3) years with two (2) one-year renewals at the sole discretion of DASNY.

1.5 Key Events and Dates:

<u>Event</u>	<u>Date</u>
Issuance of RFP	11/7/25
Deadline for RFP Questions	11/17/25
Post Responses to RFP Questions	11/25/25
Proposal Due Date	12/1/25 (2:30 PM)
Interviews (not earlier than, if necessary)	12/12/25 (week of)
Board Approval, if necessary (not earlier than)	
Notice of Award (not earlier than)	12/19/25

Section 2 - Engagement Requirements

In support of DASNY's Property and Builders' Risk Insurance Program, the broker shall provide the following services:

2.1 Scope of Services:

The broker will be responsible for providing services that will support DASNY's efforts to manage its exposures to risk and control the costs associated with those exposures. Services may be provided through a combination of broker and/or carrier resources, however, DASNY retains final approval as to which services can be provided by the broker and which services can be provided via carrier resources.

Broker Services

- Program Placement, which includes taking the program to market and securing placement with carriers of appropriate size and financial strength.
- Review and understand the various relationships between DASNY and its clients to ensure that the insurance policy(ies) provides coverage for DASNY and its clients, as their interests may appear.
- Identify potential gaps in coverage and potential program improvements as appropriate and bring those to the attention of DASNY.
- Negotiate with insurers on behalf of DASNY and keep DASNY informed of significant developments resulting from those negotiations on a timely basis.
- Represent and assist DASNY and its Clients in all discussions and transactions with all insurers, provided that the Broker shall not place any insurance on behalf of DASNY or its Clients unless authorized to do so in writing by DASNY.
- Review policies and endorsements for accuracy and conformity to specifications and negotiated coverages.
- Provide coverage summaries for all newly placed or renewed policies, along with updates explaining any changes to existing coverage.
- Keep DASNY informed with written reports of significant changes and/or trends in the insurance marketplace and provide DASNY with forecasts of market conditions upon request.
- Monitor published financial information regarding DASNY's current insurers and alert DASNY when the status of one or more of such insurers falls below minimum financial guidelines.
- One hundred and twenty (120) days prior to coverage expiration, provide a presentation with a written renewal action plan and timeline that highlights accountability and meets DASNY's objectives.
- Provide a Customer Service status report and/or presentation upon request.
- In the event of any questions regarding the interpretation of the insurance policy placed by a broker, at DASNY's request the broker will represent DASNY in any discussions with the insurance carrier.
- Meet with staff designated by DASNY's Director, Insurance to discuss marketing strategy, claims/coverage questions and other items as necessary.
- Provide additional services of a technical nature, as requested by DASNY, to support its programs and efforts.

Claims Services

- Assign a dedicated claim representative to act in the capacity of a consultant to DASNY and as a liaison between DASNY, the insurance carrier's claim representative/adjuster and attorneys.
- Consult with DASNY regarding claim reporting and handling procedures and offer recommendations to improve those procedures as necessary based on State/Federal law and industry best practices.
- Notify insurance carriers of claims against the policy(ies) per procedures established in consultation with DASNY and assist in response to coverage issues raised by the insurer. Monitor those claims until closing and advise DASNY as necessary regarding the appropriate handling practices.
- Work as a liaison between DASNY, DASNY's clients and DASNY's insurance company in preparing, reporting and negotiating equitable claims settlements.
- Provide forensic accounting and property claims services with various levels/types of expertise to assist with claims upon request, including catastrophic, large damage or complex property claims, as well as business interruption, extra expense and other related losses. Services will include, but are not limited to:
 - Work closely with DASNY and DASNY's clients to identify, collect, evaluate and prepare documentation needed to support all aspects of the insurance claim;
 - Identify appropriate records and analyze financial documentation to support business interruption and extra expense claims;
 - Present calculations summarizing and/or detailing financial data for reporting purposes;
 - Identify and properly segregate property damage, business interruption, extra expense, and other costs and analyze and properly organize these costs for review and approval by DASNY and DASNY's clients, prior to presentation to the insurance carrier.
 - With DASNY's approval, submit claims documentation to insurance carriers and negotiate equitable settlement values/terms on behalf of DASNY and its insured clients.
- Participate in monthly claim status meetings and on an as-needed basis.
- Assist with the collection and packaging of claim expense information.
- Provide loss runs upon request.

Administrative Services

- Assist DASNY in its communications with the insurance carrier and other parties associated with the insurance program.
- Assist in the maintenance of property schedules and other documentation relevant to the insurance program.
- Provide expertise and assistance in the interpretation and application of policy provisions, terminology, industry-specific/technical documents and applications, etc.
- Process or facilitate the processing of certificates of insurance, as requested by DASNY.
- Following placement, deliver binders prior to the expiration of the current policies.
- Follow up with insurance carriers for timely issuance of policies and endorsements.
- Provide DASNY with detailed invoices.
- Assist DASNY with the development of a premium allocation method in accordance with the relative coverage provided to each of the clients participating in the insurance program.

Loss Control Services

- Possess the knowledge and have the capability to conduct inspections/surveys of selected properties to recommend operational and equipment changes that will improve the insurability of properties.
- Provide DASNY with a written loss prevention plan that identifies the recommended services.
- Assist in the development and application of valuation methods/tools.
- Assist in the development and delivery of loss control educational programs as requested.

2.2 Qualifications:

Brokers responding to this RFP must meet the following qualifications:

- a. Demonstrated access to markets of sufficient capacity to meet the minimum program limits of \$950 million, with successful experience in constructing, placing, and administering quota-share programs that are similar in size and scope to DASNY's program (see Section 1.3 for reference).
- b. Strong knowledge of all aspects of property insurance markets, with a demonstrated degree of influence among carriers in domestic, foreign and international markets; particularly on behalf of clients with flood/coastal windstorm exposures, substantial and on-going construction/Builders' Risk exposures, metropolitan terrorism exposures, and significant loss history.
- c. Ability to favorably and accurately represent DASNY to the insurance markets to solicit multiple competitive quotes/proposals.
- d. Experience with public entity/governmental clients of similar size to DASNY, with a construction function and responsibility to insure others' facilities as a function of financing or similar business relationships.
- e. Team members with extensive industry experience in their subject areas (loss control, claims, broker services, etc.).
- f. Loss control experience with a significant concentration of experience at higher education and healthcare/hospital institutions and in the construction industry, including construction in high-rise/densely populated areas, and a keen understanding of the property exposures resulting from those operations, as well as a substantive knowledge of the inherent hazards and the appropriate tools/systems to control those hazards.
- g. Strong experience and demonstrated success with:
 - Reporting, handling and negotiating the settlement of multi-million-dollar claims, including:
 - Claims with multiple locations;
 - Claims covered by carriers participating in a quota-share arrangement.
 - An ability to work with carriers to aggressively pursue just/fair claims settlements in favor of clients.
 - Client support services including forensic accounting and electronic claim tracking/documentation systems, and a strong knowledge of standard property policy provisions.
- h. Ability to provide additional services in support of the DASNY insurance program, including consultation and insurance appraisal/valuation services.
- i. Evidence of in-force Errors & Omissions coverage with a minimum limit of \$25,000,000; or proof of insurability with a current quote for limits required to increase existing limits to that level.

2.3 Certification Requirements:

- a. The Broker shall provide a copy of a valid and current New York State Insurance license from the New York State Department of Financial Services.

- b. MBE/WBE brokers submitting proposals in response to this RFP should be registered with the New York State Department of Economic Development. Brokers that are not certified, but have applied for certification, must provide evidence of filing, including the filing date.

2.4 Other Technical Requirements:

- a. The Broker shall possess the resources to communicate with DASNY by phone and electronically, to participate in virtual and in-person meetings, and shall demonstrate a history of timely and substantive responses to questions/requests, including those with time-sensitive deadlines.
- b. The Broker shall also possess the resources necessary to produce written reports, graphs/charts, attachments/exhibits and other written documents in electronic form; as well as the ability to transmit by electronic means.
- c. Capability to produce actuarial reports.
- d. Possess software to produce schematic representations of premium, loss history and program structure.
- e. Capability to collect, analyze and disseminate, verbally and nonverbally, news and information about insurance industry/market changes, trends, significant happenings, etc.; what impact(s) those changes might have on the DASNY program, and the Broker's recommendations/options to address those changes.

2.5 Diversity and Inclusion:

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, each firm acknowledges that:

The Proposer 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.

Section 3 - Content of Technical Proposal

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.

3.1 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. Also include the broker's website address, if applicable.
- b. The primary contact's name, title, telephone number and email address for each sub-consultant 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 to the effect that the broker is willing to perform all Services identified in Section 2.1 above and will abide by the terms of the RFP, including all attachments.

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- e. A statement that the broker understands that selection does not guarantee that any services will be requested from the broker.
- f. The cover letter must be signed by the individual(s) authorized to bind the broker contractually. Indicate the title or position that the signer holds within the broker 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.

3.2 General Qualifications – Provide descriptive information demonstrating your firm's qualifications:

- a. Provide a detailed description of the broker's experience providing policy placement services, including recent relevant experience to the public and/or private sector, particularly with respect to property under construction and quota-share placements with multiple insurance carriers and multiple named insureds. Describe recent successes with policy placements in the admitted and Excess & Surplus markets, including placements similar to DASNY's. Describe in detail how the broker meets each of the qualifications described in Section 2.2 a. and b. above. Include the names, titles and phone numbers of at least three (3) references, excluding DASNY employees and Board members, and a summary of the relevant services provided.
- b. Provide a description of the broker's five (5) largest/most significant Property and Builders' Risk insurance accounts including premium range and size/nature of the insured property. Descriptions need not include the accounts' names, but do need to communicate the size/nature of the insured operations and a relative measure of the insured exposures (e.g. total area (sq. ft.), building values, number of buildings), as well as any specific underwriting challenges (e.g. high hazard exposures, loss history) the broker's team worked to address.
- c. Disclose which insurance carriers you would likely target for placement of DASNY's program(s), including a statement as to why those carriers were chosen. Brokers should be prepared to provide a list of their preferred markets immediately at the request of DASNY.
- d. Describe the marketing strategy the broker team would use to differentiate DASNY from other Property and Builders' Risk insurance programs. Explain how you would convince an underwriter that DASNY would be a good underwriting risk.
- e. Provide a description of the broker's organization and team makeup, including sub-consultants. Include the resumes of partners, principals, associates and other key staff proposed to provide services to DASNY. Describe how the team meets the Qualifications described in Section 2.2 e., f. and g. above and describe recent successes in each area.
- f. Provide a detailed description of the broker's approach to providing the requested scope of services to DASNY, including allocation of responsibilities to any sub-consultants or third-party team members. Include a listing or description of other services/resources within the broker's capabilities that may be pertinent to the DASNY insurance program, including those described in Section 2.2 h. above, and any others that may not have been requested in this document.
- g. Provide a copy of a valid and current New York State Insurance license from the New York State Department of Financial Services, along with a certificate of insurance or comparable documentation evidencing Errors and Omissions/Professional Liability insurance coverage with a minimum limit of \$25,000,000, or proof of insurability with a current quote for limits required to increase existing limits to that level. In either case, a Certificate of Insurance or documentation otherwise acceptable to DASNY, documenting in-force coverage or proof of insurability with a current quote for limits required to meet the limits specified must be supplied upon notification of selection and prior to award.

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- h. Provide a complete **Diversity Questionnaire**, included in this RFP as an Attachment 4. It is the goal of DASNY to utilize qualified brokers that have a demonstrated history of hiring, training, developing, promoting and retaining minority and women staff and to encourage participation by certified MWBE brokers. This questionnaire elicits information about each responding broker in order to verify that its work environment demonstrates a strong commitment to diversity. If applicable, include proof the broker is certified as an MBE/WBE with the Department of Economic Development.
- i. Provide a completed **Utilization Plan**, included in this RFP as Attachment 5, listing all proposed subconsultants including NYS ESD Certified M/WBEs and NYS OGS Certified SDVOB firms, you “may” use if selected for this contract. No dollar amounts should be entered at this time. Upon selection, a new plan with dollar amounts will be required. The goals for this contract are 30% MWBE, and 6% SDVOB. The goals refer to the percentage of utilization of your M/WBE and SDVOB subconsultants. It is the goal of DASNY to encourage participation by qualified NYS ESD and NYS OGS Certified MWBE and SDVOB firms as part of your team with meaningful roles, to the maximum extent practical and consistent with legal requirements.

3.2 Additional Information - Proposer must also provide the following:

- a. The broker 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 broker is willing and ready to provide any services requested or required in a timely manner.
- c. Provide a completed **W-9 Form**, included in this RFP as an Attachment 6.
- d. Provide a signed **DASNY Omnibus Certification**, included in this RFP as an Attachment 7.
- e. Provide a statement indicating your firm is able to obtain the required insurances as listed in the Attachment 8. **Insurance & Requirements.**
- f. Provide a **NYS Vendor Responsibility Questionnaire**, included in this RFP as an Attachment 9.

Section 4 - Content of Cost Proposal

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 cost proposal must contain sufficient information to assure DASNY of its accuracy.

4.1 Include a cover letter with the following items:

- a. The name, title, telephone number, fax 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 proposed fee 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.

4.2 Provide your firm's pricing:

Provide a proposed fee for completing the Scope of Services identified in Section 2.1. The proposed fee must be specified for each year (Policy Years 1-3) line of coverage whether quoted separately or together.

Section 5 - Evaluation of Proposals

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

5.1 Preliminary Review:

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

5.2 Evaluation of Proposals:

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.

5.3 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.

5.4 Interviews:

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

Section 6 - Submission of Proposals

Vendors shall submit their proposal by email to Leevon Phillips, Sr. Procurement Administrator at LPhillips@dasny.org no later than 2:30 p.m. on December 3, 2025. Proposals received after this date will not be accepted.

NOTE: Solicitation documents may, from time to time, be amended or addenda issued. It is the Proposer's responsibility to become aware of any such amendments and/or addenda prior to submission of a proposal. All amendments and/or addenda to solicitations will be posted on DASNY's website.

Section 7 - Important Information Affecting Proposers

7.1 Proposal Requirements:

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

Leevon Phillips
LPhillips@dasny.org

All questions must be submitted in writing 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. Answers to all questions of a substantive nature will be given to all recipients of this RFP in the form of a formal addendum.

- b. 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. 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.
- c. 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. 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.
- d. 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.
- e. A proposer indicates its acceptance of the provisions and conditions enumerated in this RFP by submitting a proposal.

7.2 DASNY Requirements:

- a. By submitting a proposal, the proposer covenants that the proposer will not make any claims for or have any right to damages because of any misinterpretation or misunderstanding of the specifications or because of lack of information.
- b. DASNY shall not be liable for any cost incurred by the proposer in proposal preparation or in activities related to the review of this RFP or any interview costs.
- c. Other than the contact person identified in Section 6. above, or their designee(s), prospective proposers shall not approach DASNY employees during the period of this RFP process about any matters related to this RFP or any proposals submitted pursuant thereto.

7.3 DASNY Rights and Prerogatives:

- a. DASNY reserves the right to exercise the following prerogatives:
- To accept or reject any or all proposals and amend, modify or withdraw this RFP.
 - To correct any arithmetic errors in the proposals.
 - To change the final due date and time for proposals.
 - To accept or reject any of the firm's employees assigned to provide services on this activity and to require their replacement at any time.
 - 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.
 - To consider modifications to proposals at any time before the award is made, if such action is in the best interest of DASNY.
 - To accept a proposal for the engagement containing other than the lowest cost proposal.

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- To interview proposers prior to selection.
- 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.
- 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.
- To contract with more than one firm.

7.4 Contractual Requirements:

a. Contract:

- By submitting a proposal, the successful proposer agrees to reference the RFP as part of the resulting contract.
- 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.
- Award of a contract is subject to contract negotiation and approval of such contract by the appropriate DASNY authorities.

b. Modification of Contract:

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

c. 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.

d. 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 8 – Negotiation

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

Section 9 – Notification

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

Section 10 – Freedom of Information Law and Public Disclosure

This RFP and all information submitted in response to this RFP constitute "records" subject to disclosure pursuant to the New York State's Freedom of Information Law (Public Officers Law, Article 6, § 84-90, the "FOIL Law" or "FOIL"). FOIL reaffirms the public's right to know how government operates and requires that DASNY make its records available for public inspection or copying, except to the extent that records or portions thereof fall within one or more grounds for denial set forth in the §87(2) of the FOIL Law. Should you feel your proposal contains any such trade secrets, other confidential or proprietary information or is otherwise exempt from disclosure pursuant to FOIL, you must submit a request to exclude such information from disclosure. Such request must be in writing, must detail the information that should be exempt from disclosure, and must state the reasons why such information should be excepted from disclosure. DASNY will not honor any attempt, by a firm, to omit its entire proposal from disclosure.