



DASNY
Dormitory Authority
of the State of New York



**Office of
Mental Health**

**Office of Mental Health (OMH)
Greater Binghamton Health Center
Garvin Building #75 – Renovate Floors 3, 4 and 5**

**Construction Manager-Build
Project No. 371230**

**Request for Qualifications
RFQ #7626**

December 2, 2025

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Section 1 - General Information:

1.1 Introduction to DASNY

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

1.2 Introduction to the New York State Office of Mental Health (OMH)

The New York State Office of Mental Health (OMH) oversees a large multi-faceted mental health system serving nearly 800,000 individuals each year. This includes operating 23 psychiatric centers and overseeing the Nathan S. Kline Institute and New York Psychiatric Institute. OMH regulates and certifies more than 6,500 programs operated by local governments and nonprofit agencies.

1.3 Introduction to Greater Binghamton Health Center (GBHC)

The Greater Binghamton Health Center (GBHC) provides comprehensive outpatient and inpatient services for adults and children who are mentally ill. For adults needing inpatient care, the Center provides a wide range of treatment services based on a holistic care model, including an Admission/Intensive Treatment Service, Intermediate Treatment Service, Geropsychiatric Service, and three inpatient treatment malls. GBHC envisions becoming a Center of Excellence in the Promotion of Mental Health by providing strength based, person centered, recovery focused treatment and services in partnership with individuals, families, and the community. Their mission is to provide a safe environment, acquire and use evidence-based practices, facilitate recovery using a person-centered approach, and improve health and wellness.

1.4 DASNY Policy on Sustainability

New York State has set ambitious goals to address climate change by neutralizing its volume of Anthropogenic Emissions. As a result, New York State’s climate targets are among the most rigorous of any economy in the world. High-quality, efficient, and resilient spaces in which DASNY customer-agencies’ end users live, work, and play is fundamental, and represents the future state of the built environment in New York State.

DASNY recognizes the impacts of climate change on New York State’s air and water quality, forests, wildlife, people, communities, and economy. As one of the most prominent public builders in the nation, DASNY is uniquely positioned to act as a statewide leader in facilitating the promotion and advancement of the laws and executive actions that govern sustainability and Climate Change Mitigation throughout New York State. Therefore, DASNY requires that all planning, design, construction, renovation, retrofit, or system/component replacement projects for which DASNY customer-agencies have directed the incorporation of sustainable design elements to implement these elements to the greatest degree feasible.

1.5 Purpose

DASNY issues this Request for Qualifications (RFQ) seeking a responsive Statement of Qualifications (“SOQ”) from qualified Construction Managers (“CM or CM’s”) capable of providing professional construction management services during the design and construction phase at the Office of Mental Health’s (OMH) Greater Binghamton Health Center Garvin Building #75 Various Floor Renovations (3, 4 and 5) at 425 Robinson Street Binghamton New York (the “Project”) using a Construction Manager-Build (“CM-Build”) project delivery method.

Following receipt of the submitted SOQs, an established Evaluation Committee will then identify a shortlist of Construction Managers that will continue with the development process for the Project. The shortlisted Construction Manager will be provided with a future Request for Proposal (“RFP”) for the overall Project on which to fully develop a response to the RFP.

1.6 Project Background

The Garvin Building, also known as Building #75, is the main building on the GBHC campus providing all inpatient residential, program, and patient support services such as nutrition, clinics, and safety offices. The building was constructed in 1948 and has five stories above grade with both basement and sub-basement levels below grade. The building is comprised of non-combustible construction and is only partially sprinklered. The Project at the Garvin Building will include the renovation of interior spaces on floors three, four, and five. The third-floor renovations will include wings “B”, “C”, “D”, and “E” which totals approximately 37,200 gross square feet. The fourth-floor renovations will include all wings and totals approximately 47,000 gross square feet. Limited renovations on the fifth floor will cover approximately 32,000 gross square feet.

Construction Budget

The total construction budget for the Project is \$30,000,000.

Project Timeline

The anticipated construction start date is June 2026, with completion anticipated in June 2028.

1.7 Key Events and Dates

Responses to the RFQ are due in accordance with the schedule provided below. This schedule is firm unless DASNY changes the dates in an Addendum in writing that will be posted to DASNY’s website at www.dasny.org. Respondents are solely responsible for obtaining all such changes to the submission schedule or other supplemental instructions and any interpretations and supplemental instructions that may have been issued, as well as acknowledging receipt of any interpretations and supplemental instructions that are issued.

<u>Event</u>	<u>Date</u>
Issuance of RFQ	12/2/2025
Deadline for RFQ Questions	12/9/2025 (3:00 p.m.)
Post Responses to RFQ Questions	12/16/2025
SOQ Due Date	1/6/2026 (3:00 p.m.)
Selection of Shortlisted CM’s (not earlier than)	1/29/2026
RFP issued to Shortlisted CM’s (anticipated)	1/30/2026
RFP Proposals Due (anticipated)	2/23/2026

1.8 Inquiries

All inquiries concerning this RFQ or any other aspects of this procurement must be submitted in writing to UpstateRFPCoordinator@dasny.org during the Q&A period identified. Verbal and telephonic 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 RFQ Questions date. A final record of the questions and associated responses will be posted to DASNY's website, www.dasny.org on the Post Responses to RFQ Questions date. Respondents responding to this RFQ shall be solely responsible for checking the website throughout the RFQ process for responses to questions, and no individualized notices shall be provided.

1.9 Procurement Structure

DASNY shall use a two-step selection process for the Project consisting of (1) this RFQ and (2) a subsequently issued RFP.

The SOQ submittal, evaluation, and selection processes are defined herein. DASNY intends, but is not bound, to shortlist at least three (3) Construction Managers depending on the submittals received, provided, however, DASNY reserves the right to increase or decrease the number of shortlisted Construction Manager's if deemed necessary.

The shortlisted Construction Managers will be provided with a future RFP for the overall Project on which to fully develop a response to the subsequent RFP. The Construction Managers responding to the future RFP will be expected to develop a response sufficient to address site, budgetary, and schedule parameters provided for in the future RFP. Throughout this RFQ, we may refer to the Construction Managers as "Respondent" or "Proposer" depending on the context.

Section 2 - Engagement Requirements:

2.1 Project Scope of Work

The Project at the Garvin Building will include the renovation of interior spaces on floors three, four, and five, which will be unoccupied during the Project with separate elevator access to the work area. The exterior windows on floors three, four and five are to be replaced. Installation of a NFPA 13 sprinkler system will be installed to provide coverage to floors three, four, and five along with the installation of new standpipe risers. Updating of electrical, lighting, mechanical and plumbing systems will take place on these floors. Interior finishes include new flooring, ceilings, and the repainting of existing walls. Interior renovations are not expected to include wall demolition or the construction of new partitions. The existing space layout is expected to remain in its current configuration. No patient spaces will be included in the Project.

The project includes but not limited to the following activities:

1. Selective Demolition
2. Hazardous Material and Asbestos Abatement and Removal
3. Temporary Fencing
4. Structural Alterations
5. Architectural Alterations including but not limited to:
 - i. Limited new interior partitions
 - ii. New doors, frames and hardware
 - iii. New exterior windows
 - iv. New interior finishes
 - v. New roof
 - vi. New ceilings
6. Fire Protection Alterations
7. Plumbing Alterations
8. HVAC Alterations
9. Building Management System upgrades
10. Electrical Alterations

- 11. Fire Alarm Alterations
- 12. Information Technology Alterations

2.2 Qualifications and Certification Requirements

Qualifications:

- Employ an experienced staff with thorough knowledge of their area(s) of expertise;
- Experience with major capital projects for both new construction and renovations of similar size, dollar value, scope and complexity;

Certifications and Requirements:

- Personnel of the selected firm or its sub-consultants shall possess applicable OSHA certifications as needed to perform the functions being provided on this project.
- Comply with all NYS OMH design and standard specification (not limited to safety windows, flat roofing systems, etc.);
- Comply with all applicable codes, including NYS Building Code; and
- Comply with the National Fire Protection Association (NFPA) 101 Life Safety Code.

2.3 Project Labor Agreement

Pursuant to the Infrastructure Investment Act, authorized projects with a total construction cost of not less than twenty million dollars (\$20,000,000) undertaken by DASNY solely in connection with the provisions of the Act shall only be undertaken pursuant to a PLA in accordance with section 222 of the New York State Labor Law.

Section 3 - Content of Statement of Qualifications:

3.1 Information to be Provided by Respondent in the SOQ

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

The use of marketing or public relations materials commonly used in sales presentations is not desirable. Such materials should only be submitted as addenda to the relevant information.

Tab 1. Cover Letter

- a. The contact's name, title, telephone number, and email address of the individual for the Respondent who will be DASNY's primary contact concerning this RFQ.
- b. The name, title, telephone number, and email address of the individual for the Respondent who will be DASNY's primary contact throughout the life of the contract, should you be selected.
- c. If different from the above, the primary contact's name, title, telephone number, and email address for each Respondent) that will perform work under this contract.
- d. A statement to the effect that the Respondent is willing to complete the Project scope of work as identified in Section 2.1, above, and will abide by the terms of the RFQ, including all attachments.

- e. The Cover Letter must be signed by the individual(s) authorized to contractually bind the Respondent. Indicate the title or position that the signer holds for the Respondent. DASNY reserves the right to reject an SOQ that contains an unsigned Cover Letter.
 - i. If the Respondent is a corporation or limited liability company, the SOQ and Cover Letter shall be signed in the name and under the seal of the corporation by a duly authorized officer of the corporation or manager of the company, with the designation of his/her official capacity, and properly attested. The SOQ and Cover Letter shall show the state in which the corporation is chartered. If it is a foreign corporation, the SOQ shall show whether or not the Respondent is licensed to transact business in the State of New York.
 - ii. If the Respondent is a firm or partnership, the SOQ and Cover Letter shall be signed in the name or style under which the organization is doing business and by the partner, proper officer, or officers whose official capacity shall be designated. The name and address of each member of the organization shall be shown on the SOQ and Cover Letter.
 - iii. If the Respondent is a joint venture or an intended joint venture, the SOQ and Cover Letter shall be signed by each of the persons or firms that is or will be a party to the Joint Venture Agreement. If available certified copy of the Joint Venture Agreement shall be attached to the SOQ and Cover Letter.

In every case, the SOQ and Cover Letter shall show the present business address of the Respondent at which address communications shall be received and service of notices accepted. Anyone signing the SOQ as an agent shall file with it, legal evidence of his or her authority to execute such SOQ.

Tab 2. Respondent's Experience

- a. Provide resumes for all key staff including, subconsultants and subcontractors for this Project.
- b. Provide a description of your firm's experience providing similar services including recent relevant project experience, for the public and private sector. Provide five (5) projects your firm completed or substantially completed, within the last ten (10) years in a CM, CM-at-Risk, CM-Build, or other Alternative Project Delivery capacity with the same or similar size and complexity as this project. For each project provide: the project location, a brief description of the project, the total cost of construction, and the start and completion dates of the projects.

Tab 3. Project Approach

- a. A detailed description of your firm's approach to providing the requested scope of services.
- b. Provide a timeline and schedule for completion of all aspects of the engagement. Provide three (3) sample project schedules (8 1/2 x 11 paper) that were utilized on previous CM construction projects.

Tab 4. Bonding Capacity

- a. Provide your firm's bonding capacity (both single and aggregate).

Tab 5. M/WBE and SDVOB History and Approach

This procurement is conducted in accordance with New York State Executive Law 15-A and Article 3 of the New York State Veteran Services Law. It is the policy of DASNY to maximize opportunities for the participation of Minority-Owned, Women-Owned (M/WBE), and Service-Disabled Veteran-Owned Businesses (SDVOB) firms as bidders, subcontractors, and suppliers on projects. DASNY is committed to diversity and equal employment opportunities among its contractors, consultants, and vendors.

The goals for the proposed contract are 18% MBE, 12% WBE and 6% SDVOB. The goals refer to the percentage of utilization of M/WBE and SDVOB firms as subconsultants, subcontractors, and suppliers. The selected Proposer shall use good faith effort to provide for meaningful participation by M/WBE and SDVOB firms in the work where feasible.

Illustrate the Construction Manager's commitment to utilizing M/WBE and SDVOB's by providing the following:

- a. A description of projects of similar size, scope and complexity where the Construction Manager met or exceeded the M/WBE and SDVOB utilization goals for the project and how the Construction Manager was able to achieve those specific goals. Provide a list of any programs the Construction Manager has implemented to promote the use of M/WBE and SDVOB firms.
- b. An explanation of the Construction Manager's anticipated approach to maximizing M/WBE and SDVOB participation in both the pre-construction and construction phases of this Project. Indicate how M/WBE businesses and SDVOB companies will be incorporated into the pre-construction and construction phase of this Project.
- c. An explanation of the Construction Manager's anticipated strategies to attract and engage the M/WBE and SDVOB community throughout the Project. Strategies should include plans to encourage teaming, joint ventures, and partnership to increase M/WBE and SDVOB throughout the Project duration.

The reporting and monitoring process for the utilization of the utilization of M/WBE and SDVOB firms will require submission of a Utilization Plan and the completion of all audits in the NYS Contracts System for both the pre-construction and construction phase.

Tab 6. 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.

Please disclose information regarding the diversity of the Construction Manager by providing the following:

- a. A narrative explaining the Construction Manager's approach and commitment to diversity within the work environment.
- b. An overview of the Construction Manager's Team's current programs in diversity/inclusion.
- c. By responding to this RFP, each Proposer acknowledges that:

- i. The Proposer will not discriminate against any employee or applicant for employment because of race, creed, color, gender, religion, national origin, military status, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and will make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on contracts with DASNY.
- ii. The Proposer will state in all solicitations and or advertisements for employees that, in the performance of this Contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, gender, religion, national original, military status, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status.

Tab 7. Licenses and Certifications

Provide license numbers or copies of registration certificates for the Respondent and each of the individual team members, as appropriate, indicating that the identified entities are licensed to do business in the State of New York and/or provide written assurances that the identified entities will be so licensed prior to the submission of any proposal in response to the future-issued RFP. Include a copy of the Certificate of Authorization to provide engineering services in New York State.

Section 4 - Administrative Documentation:

4.1 Administrative Documentation to be Provided Separately by Respondent

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. Responsibility Questionnaire (“VRQ”). DASNY requires vendors to file the VRQ online via the New York State VendRep System (the “System”). Proposers must provide a copy of the certification page to DASNY. To enroll in and use the System, see the System Instructions at http://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.
- b. A completed Omnibus Certification form included in this RFQ as an attachment.
- c. A completed W-9 Form, included in this RFQ as an attachment. If the proposer is a joint venture, provide a W-9 in the name of the joint venture and provide a copy of the executed joint venture agreement.
- d. Proof of registration to do business in New York State with New York State Department of State (DOS) or a copy of the application filing an Accounts Payable voucher confirming your firm’s registration with DOS is in progress.
- e. Provide a statement regarding the following:
 - i. The Proposer must agree to provide DASNY with pre- and post-audit access to documents, personnel, and other information necessary to conduct audits on request during the term of the Contract and for six years thereafter.

- ii. The SOQ submitted must contain a representation that the Proposer is willing and ready to provide a response to the RFP if selected as one of the shortlisted Construction Managers.
- iii. Disclose any potential conflicts of interest (refer to Exhibit A, “Code of Business Ethics - Certification” included in the attached DASNY Omnibus Certification).
- iv. Acknowledging the Proposer’s intent to comply with the Performance & Payment Bonding requirements included in this RFQ as an attachment.
- v. Indicating the Proposer is able to comply with the insurance requirements as listed in the attached Sample Insurance Certificate and Requirements.
- vi. The Respondent’s agreement to enter into a Project Labor Agreement if so required.

Section 5 - Evaluation of the Statement of Qualifications:

The selection process will begin with the review and evaluation of each of the written SOQ’s. The purpose of this evaluation process is twofold: (1) to examine the responses for compliance with this RFQ; (2) to identify the complying Respondents 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.

Respondents will be evaluated on their ability to meet the requirements as detailed in this RFQ. DASNY will perform an evaluation based on the Respondent’s written response, internal and external references (if applicable), and, if requested by DASNY, interviews and/or presentations. After the evaluation of written responses, additional information may be requested.

5.1 Preliminary Review

Upon receipt, SOQs shall be reviewed for conformance to the RFQ instructions regarding organization, format, and responsiveness to the requirements of the RFQ. Any Respondent that is deemed to have provided a non-responsive or unresponsive SOQ may not be eligible to be shortlisted and may not be scored.

Additionally, any one or more of the following causes may be considered sufficient for the rejection of a Respondent’s SOQ regardless of the Respondent’s qualifications with respect to the other evaluation criteria set forth in Section 3; this list of causes is not exhaustive, and DASNY reserves the right to reject any SOQ in its sole and absolute discretion.

- a. Evidence of collusion among Respondents.
- b. Non-responsibility as determined by DASNY in its sole judgment and discretion.
- c. Default or arrearage on any contract or obligation with DASNY or other governmental entity, including debt contract, as surety or otherwise.
- d. Submission of an SOQ that is incomplete, conditional, ambiguous, obscure, or containing alterations or irregularities of any kind.
- e. Evidence of improper lobbying efforts toward members of DASNY and/or officers or employees of DASNY.

- f. Failure to comply with the terms and conditions of this RFQ.

DASNY reserves the sole right to accept any SOQ that it feels best meets its requirements. DASNY reserves the right to waive any irregularity, informality, or non-compliance in information received.

DASNY reserves the right to reject and return to the Respondent any SOQ or other information received after the RFQ due date and time. Incomplete SOQs may also be rejected.

5.2 Evaluation Committee

Respondent's SOQ will undergo an evaluation process conducted by an Evaluation Committee. The Evaluation Committee will evaluate the SOQs based upon the criteria for selection as set forth in this RFQ. Selection of the successful Respondent to the RFP is contingent on reaching an agreement on contract negotiations.

5.3 Criteria for Selection

The criteria identified in this Section 5.3 will be used by the Evaluation Committee in reviewing the SOQs in order to achieve the desired shortlist of Construction Managers.

DASNY shall consider the following evaluation criteria in accordance with their assigned scoring weight.

- **Respondent's Experience (60%)**
 - Resumes of key personnel demonstrate experience, ability and commitment to successfully complete the requested services – 30pts.
 - Firm's experience providing similar services on projects of similar size, scope and complexity – 30pts.
- **Project Approach (20%)**
 - Proposed firm's overall project approach fosters a highly collaborative and effective project team and provides a pathway to cost reduction while maintaining the schedule – 20pts.
- **M/WBE and SDVOB Participation (10%)**
 - Proposed firm's history and anticipated approach demonstrates a commitment to utilizing M/WBE and SDVOB firms and meeting the goals assigned to the procurement – 5pts.
 - Construction Manager's anticipated strategies to attract and engage the M/WBE and SDVOB community throughout the Project demonstrates a commitment to utilizing M/WBE and SDVOB firms and meeting the goals assigned to the procurement – 5pts.
- **Firm Diversity (10%)**
 - Proposed Firm's approach and commitment to diversity and current programs in diversity and inclusion demonstrates a history of hiring, training, developing, promoting and retaining minority and women staff in various job categories, illustrating a strong commitment to diversity – 10pts.

5.4 Final Evaluation

Upon conclusion of the evaluation process, the Construction Managers able to provide the required services and meet the business needs of DASNY will be selected by the Evaluation Committee to be shortlisted to receive an RFP.

5.5 Recommendation and Approval

The Evaluation Committee will make a recommendation for shortlisting the Construction Managers. Upon approval by DASNY, formal notifications of shortlist selection will be issued.

Section 6 - Submission of Statement of Qualifications:

6.1 Submission of Statement of Qualifications

DASNY will be accepting electronic submissions only. Submissions will be accepted electronically on or before 3:00 pm on the SOQ Due Date. Follow the directions below to upload your submission electronically. Any technical issues or questions should be directed to the Designated Representative for this procurement via email prior to the due date of the SOQ. It is strongly encouraged to request access to the site 48 hours before the due date. DASNY may not be able to assist proposers with troubleshooting errors if submissions are not made in a timely manner.

- a. Email UpstateRFPCoordinator@dasny.org with the subject line: “RFQ – GBHC Garvin Building #75 - Request Access - Enter your Respondent’s Name.”
 - i. Please provide the name and email address of any additional contact from your firm that may require access to submit the RFQ responses through the SharePoint site.
 - ii. An expression of interest does not qualify as a request for access. Please ensure that your firm explicitly requests access using the described procedure.
 - iii. Please request access at a minimum of 48 hours in advance and ensure access to the site works correctly.
- b. You will receive an email UpstateRFPCoordinator@dasny.org with a link to a Microsoft SharePoint site: “RFQ 7626 – GBHC Garvin Building #75.” Please confirm receipt of this email and ability to access the SharePoint site.
- c. Click on the link within the SharePoint Email.
 - i. If you have an existing Microsoft account, you will be asked to login and then you will be routed directly to the RFQ – SharePoint Site Name “Documents” page.
 - ii. If you do not have a Microsoft account, you will need to register for a Microsoft account before you can access the link.
- d. Upload all required documents in PDF Format.
- e. Please save submissions as follows:
 - i. SOQ:
 - Save file as: GBHC Garvin Building #75 – SOQ - Enter Respondent’s Name

- Click “Upload” or drag and drop
- ii. Administrative Documentation:
 - Save file as: GBHC Garvin Building #75 – Admin - Enter Respondent’s Name -VRQ
 - Click “Upload” or drag and drop
 - Save file as: GBHC Garvin Building #75 – Admin - Enter Respondent’s Name – Omnibus
 - Click “Upload” or drag and drop
 - Save file as: GBHC Garvin Building #75 – Admin - Enter Respondent’s Name - W9
 - Click “Upload” or drag and drop
 - Save file as: GBHC Garvin Building #75 – Admin - Enter Respondent’s Name – DOS
 - Click “Upload” or drag and drop
 - Save file as: GBHC Garvin Building #75 – Admin - Enter Respondent’s Name – Statement
 - Click “Upload” or drag and drop
- f. Once your documents are uploaded, DO NOT OPEN. The document submitted must be your final submission and cannot be modified.
 - i. If you open your documents after they are submitted, the system will show it as “modified”.
 - ii. The submitted document will remain private and will not be visible to the other proposers throughout the procurement process.
- g. The SharePoint site Name site will close at 3:01 PM on the SOQ Due Date. Any questions or issues on submitting must be addressed to the Designated Representative for the procurement prior to the expiration of the site. Please provide enough time to upload all required files.

Section 7 - Important Information Affecting Respondents:

7.1 Statement of Qualifications Requirements

- a. All inquiries regarding this RFQ shall be addressed to the following individual:

Sara Miner, Procurement Administrator
E-mail: Upstaterfpcoordinator@dasny.org
- b. All questions shall be submitted by email to the Designated Representative, citing the particular RFQ section and paragraph number, by the Deadline for RFQ Questions to be considered by DASNY, and

are to be resolved prior to the submission of a response to this RFQ. A list of all inquiries received with relevant responses will be posted on DASNY's website, www.dasny.org. Respondents are solely responsible for obtaining all such interpretations and supplemental instructions that have been issued.

- c. A Respondent may withdraw an SOQ 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 7, Item 7.1, a. The SOQ may thereafter be resubmitted, but not after the final due date and time. Modifications offered in any other manner, oral or written, will not be considered.
- d. If a Respondent discovers an ambiguity, conflict, discrepancy, omission or other error in this RFQ, the proposer should immediately notify the contact person identified in Section 7, Item 7.1, a. Notice of such error or omission should be submitted prior to the final due date and time for submission of SOQs. Modifications shall be made by addenda to this RFQ.
- e. If a Respondent fails, prior to the final due date and time for submission of SOQs, 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.
- f. No Respondent is entitled to rely upon any oral interpretation by DASNY or its Consultant(s) or their respective representatives or employees concerning the meaning of this RFQ.
- g. DASNY may, from time to time, issue one or more written addenda to this RFQ on the DASNY website. Failure of any Proposer to receive any addenda issued by DASNY shall not relieve the Proposer from any obligation, requirement, or other matters addressed therein. Each Proposer must acknowledge in its SOQ receipt of each addendum that has been issued by DASNY. If no addenda have been received, then the SOQ shall so acknowledge.
- h. A Respondent indicates its acceptance of the provisions and conditions enumerated in this RFQ by submitting an SOQ.

7.2 DASNY Requirements

- a. By submitting an SOQ, the Respondent covenants that the Respondent 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. Issuance of this RFQ, your submission of an SOQ in response, and the evaluation of your SOQ by DASNY does not commit DASNY to award a contract. Only the execution of a written agreement between DASNY and the successful Respondent following the future-issued RFP and RFP evaluation period will obligate DASNY in accordance with the terms and conditions contained in such agreement.
- c. This RFQ does not commit or obligate DASNY to pay any expenses incurred by the Respondent in the preparation of its response. All such expenses are solely at the risk of the Respondent. By submitting a response, the Respondent agrees that all responses, and associated documents, to this RFQ shall become the property of DASNY.
- d. DASNY shall not be liable for any cost incurred by the Respondent in SOQ preparation or in activities related to the review of this RFQ or any interview costs.

- e. Communications made by the Respondent to DASNY employees other than the Designated Representative about this process may subject the Respondent to disqualification. Other than the Designated Representative, prospective Proposers shall not approach DASNY employees during the period of this RFQ process about any matters related to this RFQ or any SOQ's submitted pursuant thereto.

7.3 DASNY Rights and Prerogatives

DASNY reserves the right to exercise the following prerogatives:

- a. To accept or reject any or all SOQ's and amend, modify or withdraw this RFQ.
- b. To change the final due date and time for SOQ's.
- c. To accept or reject any of the Respondent's employees or proposed sub-contractors assigned to provide services on this Project and to require their replacement at any time. The Respondent shall obtain the
- d. written approval of DASNY of changes to the SOQ after it is submitted, including any changes with respect to sub-contractors. DASNY shall have the right to reject any proposed change to the Respondent's SOQ.
- e. DASNY reserves the sole right to accept any response to this RFQ that DASNY believes best meets its requirements. DASNY reserves the right to waive any irregularity, informality, or non-compliance in information received. This will in no way modify the RFQ documents or excuse the Respondent from full compliance with its requirements.
- f. DASNY reserves the right to share any information as necessary with its employees, subject matter experts, consultants, representatives, and its partners including, but not limited to, the [insert client and any other stakeholders].
- g. To consider modifications to SOQ's at any time before the award is made, if such action is in the best interest of DASNY.
- h. To interview Respondents prior to selection.
- i. To reject any SOQ containing false or misleading statements or that provides references that do not support an attribute or condition claimed by the Respondent.
- j. To shortlist Respondents as DASNY feels necessary to advance this procurement.

Section 8 - Notification

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

Section 9 – Vendor Integrity and Executive Order 16

Vendor Responsibility:

As a public entity, DASNY may only contract with entities that are determined to be responsive and responsible and said entities are required to maintain responsibility throughout the term of the services being provided. Proposers

shall submit a Vendor Responsibility Questionnaire (“VRQ”) which is designed to provide information to assess a proposed vendor’s responsibility to conduct business in New York State. All VRQs shall be reviewed in accordance with applicable law, policy, rules, regulations and guidelines, including without limitation Executive Order Nos. 125, 170.1 and 192.

DASNY requires vendors to file the VRQ online via the New York State VendRep System (the “System”). To enroll in and use the System, see the System Instructions at http://www.osc.state.ny.us/vendrep/vendor_index.htm 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.

Executive Order 16:

On March 17, 2022, Governor Kathy Hochul issued Executive Order No. 16 (EO 16), which states: “All Affected State Entities are directed to refrain from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia.” Pursuant to EO 16, the Proposer is required to certify that the Proposer is not an ‘entity conducting business operations in Russia.’ Please confirm by completing and signing the Omnibus Certification included in this RFQ as an Attachment.

Section 10 - Freedom of Information Law and Public Disclosure

This RFQ and all information submitted in response to this RFQ 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 SOQ 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 Respondent, to omit its entire SOQ from disclosure.

Section 11 - New York State Department of Labor (NYSDOL) Contractor Registry

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