



# **Term Construction Site Safety Services**

## **Request for Proposal RFP #7635**

**Date: June 8, 2026**

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

### **1.1 Introduction to DASNY**

The Dormitory Authority State of New York (DASNY) is a public benefit corporation of the State of New York empowered by Titles 4 and 4-B of the Public Authorities Law (the “Act”), to provide design and project management services to, and to issue its bonds, notes and other obligations, for a wide variety of public purposes. Under the Act, DASNY provides a multitude of services in various forms in connection with the design, construction and financing of capital facilities for State University of New York, including dormitories and educational facilities; City University of New York Senior Colleges; Community Colleges; Boards of Cooperative Educational Services; Cities and Counties with respect to Court Facilities and combined occupancy structures, as defined by law; the Department of Education of the State of New York with respect to certain facilities under its jurisdiction; other State and local governmental entities; independent colleges and universities; facilities for the aged; certain not-for-profit hospitals and nursing homes, as well as a wide variety of other not-for-profit organizations specifically described in the Act.

### **1.2 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 and climate change mitigation strategies, advance Sustainable Design, climate change adaptation, resilience, and GHG reduction, through the identification, assessment, and implementation of sound Sustainable Design principles, climate change risks, and necessary to mitigate such risks. The Proposer may be expected to:

1. Promote and advance Sustainable Design, climate change adaptation, resilience, and GHG reduction, through the identification, assessment, and implementation of sound Sustainable Design principles, climate change risks, and the strategies and measures necessary to mitigate such risks in all Qualifying Design and Construction Projects.

2. Inform, define, confirm, delineate, and detail all applicable project goals and requirements related to Sustainable Design and Climate Change Mitigation in project programming and/or design meeting discussions, including:
  - a. Applicable regulatory and legal requirements
  - b. Relevant codes and standards
  - c. GHG emissions reductions
  - d. Energy efficiency
  - e. Water conservation
  - f. Indoor environmental quality
  - g. Waste management
  - h. Transportation
  - i. Sustainable operations
  - j. Renewable energy
  - k. Climate Resilience
  - l. Third-Party certification
3. Develop project specific goals and requirements related to Sustainable Design and Climate Change Mitigation in concert with, and in consideration of, the goals and requirements of the customer-agency and those of New York State and/or the local municipality as expressed in applicable laws and executive actions.
4. Define and document established project goals and requirements associated with Sustainable Design and Climate Change Mitigation in the project's OPR document for ongoing inclusion in project discussions, including those discussions determining budget and scheduling.
5. Document all concepts, calculations, decisions, and product selections used to meet established Sustainable Design and Climate Change Mitigation goals and requirements as outlined in the project specific OPR, in the project's BOD document.
6. Document the projected annual electric savings (kWh), fossil fuel savings (MMBtu), GHG emissions reduction (MTeCO<sub>2</sub>), and annual cost avoidance result from project implementation in PMWeb to measure progress and inform future policy revisions.

### 1.3 Purpose

DASNY seeks proposals for the services of construction site safety. The objective of this procurement is to establish term contracts with consultants to provide required services for multiple assignments, with a wide range of clients and facilities, for projects that vary in size, scope, and complexity.

### 1.4 Key Events and Dates

<u>Event</u>	<u>Date</u>
Issuance of RFP	06/08/2026
*Deadline for RFP Questions	06/22/2026 (5:00 PM)
Post Responses to RFP Questions	06/26/2026
Proposal Due Date	07/03/2026 (5:00 PM)

Notice of Award (not earlier than)

09/15/2026

## **1.5 Inquiries**

All inquiries concerning this RFP or any other aspects of this procurement must be submitted through email to [DownstateRFPcoordinator@dasny.org](mailto:DownstateRFPcoordinator@dasny.org) during the Q&A period identified. Verbal and telephonic inquiries are prohibited. To provide DASNY sufficient time to reply, questions must be received no later than 3:00 pm on the Deadline for Questions date. Responses to questions will be periodically posted to DASNY's website during the Q&A period. A final record of the questions and associated responses will be posted to DASNY's website, [www.dasny.org](http://www.dasny.org) on the Post Responses to RFP Questions date. Proposers responding to this RFP shall be solely responsible for checking the website throughout the RFP process for responses to questions, and no individualized notices shall be provided.

## **Section 2 - Engagement Requirements:**

### **2.1 Contract Overview**

Specific services that may be authorized by Work Authorizations under this Contract include but are not limited to:

- Construction Site Surveys and Reports
- Surveys
- Management Reports
- Emergency/Special Inspections
- Additional Safety Services

### **2.2 Scope of Services**

The scope of services to be provided for the contract are included in Appendix "A" of the Attached Sample Contract.

### **2.3 Project Engagements**

Contracted firms may be engaged on projects based on their area of expertise, project location, and firm's past performance, among other things. The type and complexity of the services will vary for each work assignment. Typically, DASNY's clients will identify a project and DASNY and the client will work together to select a firm from the available listing of firms.

As included in the Sample Contract, clients may include, but are not limited to:

- State University of New York (SUNY)
- City University of New York (CUNY)
- NYC Health and Hospital Corporation (HHC)
- NYC Housing Authority (NYCHA)
- NYS Department of Health (DOH)

- NYS Office of Addiction Services and Supports (OASAS)
- NYS Office of Court Administration (OCA)
- NYS Office of Mental Health (OMH)
- NYS Office for People With Developmental Disabilities (OPWDD)
- NYC Unified Court System (UCS)

Upon reviewing the list of available firms, DASNY may solicit project specific proposals. After DASNY, the client, and the selected firm concur on the scope, schedule, and fee of the services to be provided, a project specific Work Authorization will be issued to the firm to provide the services as agreed upon. A Sample Work Authorization is attached to this RFP for reference.

Services will be requested and contracted on an as needed basis and the type and value of each assignment will vary. Selection does not guarantee work or that future assignments will be awarded. DASNY reserves the right to terminate the empaneled list early.

It is DASNY's intent to select and contract with multiple firms Statewide from this solicitation. Firms can propose services based on the following regions: Downstate, Upstate, Western, and/or Statewide. However, the final number of firms selected will be at DASNY's sole discretion based on the review of the proposals received.

## **2.4 Term of Engagement**

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

## **2.5 Qualifications**

Firms responding to this RFP shall meet the qualifications listed below:

- Key staff must have a minimum of ten (10) years of loss control and safety consulting experience specific to construction site safety
- Key staff must have a strong knowledge of OSHA, NYC Department of Buildings, and industry construction safety standards
- Key staff must, on an as-needed basis, be able to provide the services of technical specialists (ACGIH-certified industrial hygienists, ergonomists, and other specialized consultants) and provide consulting and technical services to address hazards, project conditions, and questions related to same.
- Firms must be able to provide electronic survey reports within three (3) business days of the site visit.
- Firms must be able to track and sort survey results in order to provide periodic trending reports to upper management and DASNY's clients.
- Firms must have access to software and other supplies required to produce training materials, including booklets and other presentation materials

**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 using numbered side tabs that correspond with each of the numbered tabs below. Your technical 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. The name, title, telephone number, and email address of the individual within your firm who will be DASNY's primary contact throughout the life of the contract, should your firm be selected.
- c. The name, title, telephone number, and email address of the individual within 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 primary contact's name, title, telephone number, and email address for each subconsultant or subcontractor (if applicable) who will perform work under this contract.
- e. The identities of the primary staff proposed to provide services relating to this RFP.
- f. 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.
- g. A statement that the Proposer understands selection does not guarantee that any services will be requested from your firm.
- h. Using the DASNY Regional Map (attachment), indicate the region(s) your firm is proposing services within, including office locations. Firms are not required to provide services statewide to be selected:
  - a. Downstate – Regions 1-3,
  - b. Upstate – Regions 4-8,
  - c. Western – Regions 9-10, and/or
  - d. Statewide – Regions 1-10.
- i. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. 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.

**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-consultants and subcontractors (if applicable) and the resumes of partners, principals, associates, and other key staff proposed to provide services to DASNY.
- b. Resumes of sub-consultants’ and sub-contractors’ (if applicable) key personnel demonstrating each person’s experience and ability to provide services to DASNY.

**Tab 3. Project Experience**

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

- a. Provide a description of your firm’s experience providing similar services including recent relevant project experience, to the public and private sector.
- b. Five (5) project examples, from within the past 10 years, illustrating the team’s experience providing services for a wide variety of project types.

Project examples must include the following information:

- Official project name and address;
  - Summary of the scope of services provided;
  - Explanation of challenging, complex, or unique aspects of the projects in relation to the services provided;
  - Identification of team members involved and their role on the project;
  - Name and contract information of owner; and
- c. A minimum of three (3) additional references excluding DASNY employees with their name, title, and phone number.

**Tab 4. Firm/Team Approach**

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

- a. A detailed description of your firm’s approach to providing the requested scope of services.

**Tab 5. Site Safety Report**

Proposers must provide a sample safety survey report completed for construction operations, and a sample report resulting from accident investigation, focused on safety/loss control services applicable to construction operations.

**Tab 6. M/WBE and SDVOB Utilization**

REDACTED

**Tab 7. Firm Diversity**

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 within your firm by providing the following:

- a. A narrative explaining the Proposer's approach and commitment to diversity within the work environment and an overview of the Proposer's current programs in diversity/inclusion.
- b. A completed Diversity Questionnaire included in this RFP as an attachment. This questionnaire elicits information about each responding firm to verify that its work environment demonstrates a strong commitment to diversity.
- c. By responding to this RFP, each firm acknowledges that:
  - The Firm will submit their equal employment opportunity policy statement to DASNY.
  - The Firm will not discriminate against any employee or applicant for employment because of race, creed, color, sex, religion, national origin, military status, sexual orientation, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and will make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on contracts with DASNY.
  - The Firm will state in all solicitations or advertisements for employees that, in the performance of this Contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, sex, religion, national origin, military status, sexual orientation, age, disability, genetic disposition or carrier status, domestic violence victim status, or marital status.

DASNY is committed to diversity and equal employment opportunities among its contractors and consultants. 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, subconsultants, 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.

- The Firm will submit to DASNY, a completed Diversity Questionnaire provided by DASNY, which includes information on the firm's total work force, broken down by specific ethnic background and gender, and also a staffing plan of the anticipated work force to be utilized on the engagement with DASNY. The Firm should also include information on its current programs in diversity/inclusion.

**Tab 8. Licenses and Certificates**

Provide license numbers or copies of registration certificates, as appropriate.

**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-consultants (if any) by using **one** of the following methods:

- a. Submit a request for a multiplier 2.5 or less on your firm's letterhead.

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

**Tab 3. Classifications and Rates**

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

**Section 5 – 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. Firms shall submit a Vendor Responsibility Questionnaire (“VRQ”) in accordance with Section 9 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. To enroll in and use the System, see the System Instructions at [http://www.osc.state.ny.us/vendrep/vendor\\_index.htm](http://www.osc.state.ny.us/vendrep/vendor_index.htm) or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.
- b. A completed Omnibus Certification form included in this RFP as an attachment.
- c. Provide a completed W-9 Form, included in this RFP as an attachment. If the Firm is a joint venture, provide a W-9 in the name of the joint venture and provide a copy of the executed joint venture agreement.
- d. 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 and Accounts Payable voucher confirming your firm's registration with DOS is in progress.
- e. Identify, in writing and with as much detail and specificity as possible, all questions, exceptions or objections, if any, that the Proposer may have to the Contract for DASNY's review and consideration. Not all contract provisions are negotiable. Failure to submit such questions, exceptions, or objections prior to award of the Selected Proposer will constitute a waiver of those issues by the Proposer.
- f. 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.

- g. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.
- h. The firm must also provide written statements regarding the following:
  - a. The firm must agree to provide DASNY with pre- and post-audit access to documents, personnel and other information necessary to conduct audits on request during the term of the Contract and for six years thereafter.
  - b. The proposal submitted must contain a representation that the proposer is willing and ready to provide any services requested or required in a timely manner.
  - c. Disclose any potential conflicts of interest refer to Exhibit A, “Code of Business Ethics - Certification” included in the attached DASNY Omnibus Certification.

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

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

#### **6.1 Preliminary Review**

DASNY reserves the right to reject and return to the 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 and 4. Incomplete proposals may be rejected.

#### **6.2 Evaluation**

Proposals will undergo an evaluation process conducted by a Committee selected by DASNY. The Committee will evaluate the proposals based upon the criteria for selection set forth below. Firms will be selected to meet the anticipated business needs of DASNY, to further DASNY’s mission to increase MWBE and SDVOB utilization and participation, and also provide opportunities to new firms that have not previously contracted with DASNY.

#### **6.3 Criteria for Selection**

The criteria for selection shall be the qualifications required by Section 3 and Section 4. Each Proposal will be evaluated for competency, completeness and responsiveness based on the Proposer’s expertise, technical qualifications, and responsibility, and the other evaluation criteria established by this RFP, including the ability to meet or exceed the criteria set forth below. The Proposal that is in the overall best interests of DANY and their Clients and/or the public, as determined by DASNY in its sole and absolute discretion, will be selected and recommended for contract execution.

The Firm’s will be evaluated based on the following criteria:

- Key Staff Experience (30%)
  - Proposed Key Staff's resumes and/or project examples demonstrate sufficient experience providing Construction Site Safety services on projects of varying size, scope and complexity, including the key staff qualifications outlined in Section 2.5 of this Request for Proposal (RFP)
- Firm Experience (30%)
  - Firm's project examples demonstrate sufficient experience providing Construction Site Safety Services on projects of varying size, scope and complexity, including the key staff qualifications outlined in Section 2.5 of this Request for Proposal (RFP)
- Project Approach (20%)
  - Proposed Firm's approach for providing Construction Site Safety services demonstrates the ability to complete the requested scope of services (15%)
- Sample Reports (10%)
  - Proposed Firm's Sample Accident Investigation Report and Sample Safety Report demonstrates strong oversight/control and focuses on safety/loss control services applicable to construction operations
- Firm Diversity (10%)
  - Proposed Firm's current approach, commitment and programs in diversity and inclusion demonstrate a history of hiring, training, developing, promoting and retaining minority and women staff, illustrating a strong commitment to diversity.

#### **6.4 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 as all other key personnel proposed to provide the services must be present and participate in the interview. The interview will be evaluated on the basis of whether it substantiates the characteristics and attributes claimed by the 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, the highest scoring proposers able to provide the required services and meet the business needs of DASNY will be selected by the Evaluation Committee.

#### **6.6 Recommendation and Approval**

The Evaluation 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:**

DASNY will be accepting electronic proposals only. Proposals will be accepted electronically until 3:00 pm on the due date. Follow the directions below to upload your proposal electronically. Any technical issues or questions should be directed to the Designated Representative for the procurement via email prior to the due date of the RFP. **It is strongly encouraged to request access to the site at least 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.

1. Email [DownstateRFPcoordinator@dasny.org](mailto:DownstateRFPcoordinator@dasny.org) with the subject line: “Construction Site Safety Services RFP #7635 -Request Access-Firm Name.”
  - a. Provide the name and email address of any additional contacts (if any) from your firm that may require access to submit the RFP responses through the SharePoint site.
  - b. Please request access at a minimum of 24 hours in advance and ensure access to the site works correctly.
  - c. Please note that an expression of interest does not qualify as a request for access. Please ensure that your firm explicitly requests access using the described procedure.
2. You will receive an email from [DownstateRFPcoordinator@dasny.org](mailto:DownstateRFPcoordinator@dasny.org) with a link to a Microsoft SharePoint site: Construction Site Safety Services RFP #7635
  - a. Please confirm receipt of this email and ability to access the SharePoint site.
3. Click on the link.
  - a. If you have an existing Microsoft account, you will be asked to login and then you will be routed directly to the Construction Site Safety Services RFP #7635 “Documents” page.
  - b. If you do not have a Microsoft account, you will need to register for a Microsoft account before you can access the link.
4. Upload the following documents to the corresponding folders:
  - a. Technical Proposal
  - b. Cost Proposal
  - c. Administrative Proposal (provided as five (6) separate files)
    - i. Vendor Responsibility Certification
    - ii. Omnibus Certification
    - iii. W-9 Form
    - iv. Firm Profile
    - v. Insurance Statement
    - vi. Questions/Comments to the Scope of Services

All documents must be saved in PDF format and labeled as directed below:

- a. Technical Proposal:
    - i. Save file as: Technical Proposal-firm name
    - ii. Click “Upload” or drag and drop
  - b. Cost Proposal:
    - i. Save file as: Cost Proposal-firm name
    - ii. Click “Upload” or drag and drop
  - c. Administrative Proposal (provided as five (6) separate files):
    - i. Save first file as: VRQ-firm name
    - ii. Click “Upload” or drag and drop
    - iii. Save second file as: Omnibus-firm name
    - iv. Click “Upload” or drag and drop
    - v. Save third file as: W-9-firm name
    - vi. Click “Upload” or drag and drop
    - vii. Save fourth file as Firm Profile
    - viii. Click “Upload” or drag and drop
    - ix. Save fifth file as Insurance Statement
    - x. Click “Upload” or drag and drop
    - xi. Save sixth file as Contract Objections
    - xii. Click “Upload” or drag and drop
5. Once your documents are uploaded, **DO NOT OPEN**. The document submitted must be your final submission and cannot be modified.
- a. If you open your documents after they are submitted, the system will show the file as “modified”.
  - b. The submitted document will remain private and will not be visible to the other proposers throughout the procurement process.
6. The Construction Site Safety Services RFP #7635 SharePoint site will close at 3:01 PM on **the proposal due date**. Any questions or issues on submitting must be addressed to the Designated Representative for the RFP before that time using the email address in Bullet 1. Please provide enough time to upload all required files.

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

### **8.1 Proposal Requirements**

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

David Fenichel

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

All questions must be submitted in writing to the Designated Representative by email, citing the particular proposal section and paragraph number. Proposers should note that all clarifications and exceptions, including those related to the terms and conditions of the contract are to be resolved prior to the submission of a proposal. A list of all substantive inquiries received with relevant responses will be posted on DASNY's website, [www.dasny.org](http://www.dasny.org). Proposers responding to this RFP shall be solely responsible for checking the website throughout the RFP process for responses to questions, and no individualized notices shall be provided.

2. A proposer may withdraw a proposal anytime prior to the final due date and time by written notification, signed by an authorized agent, to the contact person identified in Section 7.1.1 above. The proposal may thereafter be resubmitted, but not after the final due date and time. Modifications offered in any other manner, oral or written, will not be considered.
3. If a proposer discovers an ambiguity, conflict, discrepancy, omission or other error in this RFP, the proposer should immediately notify the contact person identified in Section 7.1.1 above. Notice of such error or omission should be submitted prior to the final due date and time for submission of proposals. Modifications shall be made by addenda to this RFP. Such clarifications will be given by written notice to all parties who have received this RFP.
4. If a 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.
5. 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 8.1.1 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-consultants 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-consultants. 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

The contract shall be construed and interpreted in accordance with the laws of New York State. New York State shall be the forum for disputes.

### 4. Public Announcements

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

### **Section 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 located in Article 11 of the attached Sample Contract.

### **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**

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>.**