Request For Proposals #C000606

for

Audio-Visual Equipment Design Services

Issue Date: September 28, 2026

Proposals Due Date: November 24, 2026, by 3:00pm Eastern Time

https://www.dfs.ny.gov

Kathy Hochul, Governor
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Section 1: Timetable of Key Events

Event:	**Date and Time:**
Request for Proposals ("RFP") Issue Date:	Monday, September 28, 2026
Deadline for Questions:	Monday, October 5, 2026, by 3pm ET
Answers to Questions Released:	On or about Friday, October 9, 2026
Mandatory Intent to Bid Submission Deadline:	Friday, October 16, 2026
Mandatory Site Visit:	On or about Tuesday, October 20, 2026
Deadline for Additional Questions:	Tuesday, October 27, 2026, by 3pm ET
Answers to Additional Questions Released:	On or about Tuesday, November 3, 2026
Deadline for Receipt of Proposals:	Tuesday, November 24, 2026, by 3pm ET

Please note that the New York State Department of Financial Services ("Department") reserves the right to change any of the dates stated in this RFP. If such change occurs, the Department will post a notice on its website and in the New York State ("NYS" or "State") Contract Reporter to notify potential Bidders.

Section 2: Overview

2.1 Restricted Period and Designated Contacts

Restricted Period:

The procurement is in a restricted period from the date this RFP is issued until a contract has been approved. In compliance with State Finance Law §§ 139-j and 139-k, the following are the Designated Contacts for this solicitation. All contacts/inquiries shall be made by email to the following address: RFP@dfs.ny.gov. Contacting any Department employees other than the Designated Contacts may result in rejection of bid.

Designated Contacts:
Ron Wachenheim, Contract Management Specialist 2
Alisa Fortune, Assistant Director Financial Administration 2
Rohan Sood, Contract Management Specialist Trainee 2

2.2 Definitions

Unless further defined within the RFP, the following definitions will be used:

Bid/Proposal shall mean a response to the RFP submitted by a Bidder to provide commodities/services.

Bidder shall mean any individual, business, vendor, or other legal entity, or any employee, agent, consultant, or person acting on behalf thereof, who or that submits a bid in response to a bid solicitation.

Commodities/Services shall mean deliverables under any solicitation or contract and may include commodities, services, and/or technology.

Contract shall mean the agreement that may result from this RFP.

Contractor shall mean the Bidder awarded a Contract from this RFP.

Department shall mean the New York State Department of Financial Services.

Solicitation shall mean this RFP.

Solution shall mean the entirety of the Commodities/Services that a Bidder proposes.

Subcontractor shall mean any individual or legal entity (including but not limited to sole proprietor, partnership, limited liability company, firm, or corporation) who or that has entered into a contract, express or implied, for the performance of a portion of a Contract with a Contractor.

Superintendent shall mean the Superintendent of Financial Services of New York, or their successor.

System shall mean the hardware/software equipment provided by the Contractor.

2.3 The Department of Financial Services

The Department regulates insurance, banking, and other financial services with the goal of promoting a robust economy in New York, while safeguarding against financial crises and protecting both consumers and the industry from fraud. The Department was established on October 3, 2011, with the consolidation of the former Insurance and Banking Departments. The consolidation helped centralize and modernize regulation, enabling New York to keep pace with a rapidly innovating financial industry.

2.4 Purpose of RFP

The Department is seeking proposals from a qualified, responsive, and responsible Bidder to provide design, installation, and maintenance of Audio/Video Solutions.

This procurement is being undertaken in accordance with New York State Finance Law Article XI. The Contractor(s) selected must provide all necessary Commodities/Services as outlined in this RFP.

MWBE Goals: 15% MBE/15% WBE/30% MWBE
SDVOB Goals: 0%

2.5 Contract Period

The Department anticipates that any award from this RFP will result in a five (5) year Contract.

Section 3: Minimum Qualifications

Bidders must meet and certify that they meet the Minimum Bidder Qualifications outlined below on **Attachment 8: Minimum Bidder Qualifications Form**.

- Bidder must have at least five (5) years' experience completing projects in audio/video design, installation, and maintenance services.

Subcontractor experience will not replace the Bidder's experience for purposes of these Minimum Qualifications.

Section 4: Required Services

The Contractor must provide the following Commodities/Services for the 6th floor videoconference room at the Department's offices located at One State Street, New York, NY 10004-1511:

4.1 Project Overview

Project Name: Conference Room A/V / Hybrid Upgrade
Location: New York City

Purpose/Use Cases:

Conference Room will be used for purposes including, but not limited to:

- Instructor-led training sessions
- Town-hall/all-hands large gatherings
- Virtual meetings via Microsoft Teams, WebEx, and Zoom
- Projection / presentation of slides, video, data
- Hybrid participation (on premises and remote)

Primary Objectives:

1. Replace or augment existing equipment with a modern, future-proof A/V system that is not tied to a specific meetings platform or video endpoint solution.
2. Provide high-quality audio (throughout room) and video (camera + displays)
3. Seamless, intuitive switching among local presentations, remote-virtual systems, local media sources (laptops, tablets, etc.), content sharing
4. Integration with IT/network and room control
5. Provide training, documentation, and warranty support

4.2 Scope of Work

Contractor must provide all of the following Commodities/Services under the resultant contract:

Equipment & Delivery

- Supply and deliver all required system hardware, cabling, racks, connectors, power, mounting, labeling, etc.
- Equipment must be Commercial Grade/Enterprise Grade and not Consumer-Grade.

- All components (e.g., cameras, displays, mics, DSP, switchers, control panels) must be compatible with and certified (or usable) for MS Teams, Zoom, and WebEx
- Provide warranty and manufacturer documentation for all hardware
- Unpacking and testing of all equipment must be completed offsite prior to delivery and installation.

Installation / Cabling / Mounting

- Termination of all cabling (A/V, network, power) per Contractor design drawings.
- Mount displays/screens, cameras, microphones, speakers, racks, podium, etc.
- Conceal cables where possible (e.g., in ceiling and/or walls).
- Rack installations.
- Provide wire management.
- Removal of existing audio/video switching equipment, video endpoints, speakers, and cameras.
- Construction cleanup of the workspace when completed; proper disposal of all trash and cardboard at the end of each workday. No items are to be left out during the process or installation.
- Materials Standards
    - All internal A/V rack wiring must be secured to lacing bars via black Velcro or black nylon cable ties.
    - P-touch or brady-printed labels – no hand-written labels.
    - No E-tape as cable management – wire-ties or Velcro only.
    - Proper length and terminated power cords, Cat6 cabling, audio cabling, SDI video cabling, and other cabling.

System Integration & Configuration

- Interconnect all system components (e.g., video, audio, control, network).
- Program the AV control system (e.g., touch panels, keypads, or UI) to allow simple user control (e.g. “Teams meeting,” “Present only,” “Switch to WebEx,” “Mute all mics,” etc.).
- Create presets / macros for common use cases (training, townhall, hybrid call, local only).
- Test interoperability across platforms (Teams, Zoom, WebEx) including content sharing latency and switching performance.
- Test failover / redundancy (e.g., alternative signal paths).
- Integrate switcher/streamer output to conferencing laptop/PC. Confirm that laptop/PC A/V, Webex, MS Teams, and Zoom meetings function as necessary.
- Provide cabling for secondary laptop/PC or other external device. Confirm that laptop/PC A/V, Webex, MS Teams, and Zoom meetings function as necessary.

Acceptance Testing

- Functional test of all components as per test script.
- Demonstrate system performance to the Department.
- Document any defects and deficiencies and address them.
- Sign-off “as built” drawings, labeling, and system manual.

Training & Documentation

- Provide user training (live session and recorded / reference) on system operation, basic troubleshooting, switching among modes.

- Provide up to 12 hours of training on complete system operation for staff and operators, to include 3-4 test conference meetings on various meetings service providers' platforms.
- Provide maintenance / operational manuals, programming code, software/hardware contacts.
- Provide escalation support process and point of contact for issues.

Warranty & Support

- Minimum 1-year parts & labor warranty on installed system.
- Extended support/service-level agreement (SLA) for subsequent years.
- Remote assistance/monitoring.

4.3 Key Functional & Performance Requirements

Subsystem	Requirement / Target Specification
Displays / Screens	(1) large front of room 86-98 inch commercial-grade television on appropriate mobile stand/mount as well as (4) evenly and appropriately spaced 65-75 inch commercial-grade wall-mounted televisions on side walls. All televisions should provide full HD / 4K as well as HDMI, USB-C, RS-232, and wireless casting connectivity. Anti-glare coating is also required.
Cameras	Multiple PTZ (pan-tilt-zoom) to cover speaker position, audience, and wide view. Remote controllable (pan, tilt, zoom, presets). High resolution (e.g. 1080p / 4K).
Microphones	Ceiling-mounted (or array) microphones to pick up voices across entire room. Wireless lapel / handheld mics as backup.
Speakers / Audio Output	Distributed ceiling loudspeakers for even/zoned coverage.
Signal Routing / Switching	Routing multiple sources (PCs, cameras, remote video feeds) to displays.
Support for Bring Your Own Device (BYOD)	System must provide the ability to interface with computers, mobile devices, tablets, or other media sources on demand.
Control System	Centralized control via touch panels, keypads, and/or tablet user interface. Predefined scenes/presets. Ability to override or manually change routing/modes.
Network & Connectivity	All A/V devices must connect to the IT network. Internet services must not be a requirement for the system to operate but may be available for system updates/upgrades on an as-needed basis.
Vendor/Platform-Agnostic Solution	The A/V system must be capable of seamless integration with a wide range of video conferencing platforms, including but not limited to Zoom, Microsoft Teams, and WebEx. It must operate independently of any single host platform, ensuring users can initiate, join, and manage meetings across various services without reliance on proprietary hardware or vendor-specific software.

	Furthermore, the system must support direct connectivity to external media devices (e.g., laptops, tablets, cameras) and deliver full functionality without requiring updates, configuration changes, or additional software installations on those devices to enable integration.
Remote Assistance / Monitoring	Remote assistance/monitoring provided by the Contractor is a requirement of this solution. Must be provided securely and have approval from the Department's IT and ISO.
Content Sharing	Must be able to share content (e.g. from laptop, mobile device) to local displays and remote participants.
Redundancy / Failover	Backup signal paths or fallback modes (e.g. if one video path fails) are required.
Scalability / Future-proofing	Capacity to add more displays, cameras, or integrate future tools. Modular components/systems that allow for future upgrades and compatibility with emerging A/V standards and performance.
Aesthetics & Integration	Mounting and hardware should be visually neat; conceal cabling.
Labeling / Identification	All cables, ports, devices labeled. Provide port mapping in documentation.

4.4 Customizations and Enhancements

Over the term of this agreement, the Department may need additional customizations and/or enhancements that are outside the scope of standard maintenance and support services. Upon request from the Department, the Contractor must provide a project plan for any Customization/Enhancement request to be reviewed and approved by the Department. The Contractor must then complete the request as approved. Rates for these services must be charged at or below the hourly rate and percentage mark-up quoted in **Attachment 10 - Cost Proposal Response Form**.

4.5 Deliverables

A. Final Project Plan

Upon Contract award and approval by the Office of the Attorney General ("OAG") and Office of the State Comptroller ("OSC"), the Contractor will work with the Department to create a final project plan approved by the Department.

1. The Department will provide edits to the awarded Contractor's proposed project plan.
2. The Contractor must incorporate the Department's edits into the proposed project plan.
3. The Department will review the revised proposed project plan and either approve or provide additional edits.
4. This process will continue until the Department approves a final project plan ("Final Project Plan") and accepts Deliverable: Final Project Plan.
5. Once this process is completed, the Contractor will begin installation of the A/V System.

B. **Fully installed and operational A/V system** with Testing Reports demonstrating successful implementation and Training sessions with reference material

Annual Maintenance and Support will commence upon acceptance of both the above deliverables on a yearly basis.

Section 5: Procurement Process

5.1 Overview of Procurement Process

For this solicitation, a Bidder must adhere to the procurement process steps as outlined or the Bidder may be eliminated from further participation in this solicitation. The steps of this solicitation are as follows: 1) Submit Mandatory Intent to Bid and Minimum Bidder Qualifications Certification; 2) Attend Mandatory Site Visit; 3) Submit Proposal.

5.2 Mandatory Intent to Bid and Minimum Bidder Qualifications Certification

Mandatory Intent to Bid Form: After review of the complete solicitation document, Bidders that have interest in bidding must complete **Attachment 9 – Mandatory Intent to Bid Form** and submit it to the Department.

AND

Minimum Bidder Qualifications Certification: Any Bidder must meet the minimum qualifications in this solicitation, certify that it meets the requirements set forth in **Attachment 8 – Minimum Bidder Qualifications**, and submit completed Attachment 8 to the Department.

AND

Attachment 11 - Building Standards and Insurance Requirements: Any Bidder must submit **Attachment 11** signed with proof that the Bidder has outlined insurance requirements. Bidders will not be allowed on premises without proof that they have met the mandatory insurance requirements.

No Bidder who or that fails to submit the Mandatory Intent to Bid Form; meet the Minimum Bidder Qualifications outlined in Section 3 of this RFP; certify that it meets the minimum qualifications on the Minimum Bidder Qualifications Certification; and provide Attachment 11 with proof of insurance by October 16, 2026 will be invited to the Mandatory Site Visit.

5.3 Mandatory Site Visit

Bidders that have submitted the Mandatory Intent to Bid Form and Minimum Bidder Qualifications Certification by October 20, 2026 will be evaluated by the Department on a pass/fail basis. If a Bidder meets the Minimum Bidder Qualifications as outlined in Section 3 of this RFP and has submitted the Mandatory Intent to Bid Form, the Bidder will be notified of the date and time of the Mandatory Site Visit.

Bidders shall perform an on-site survey with the Department and building management, including but not limited to, a review of floor plans, wall structure, ceiling grid, electrical and data paths, and lighting.

If a Bidder fails to attend the Mandatory Site Visit, the Bidder will not be eligible to bid.

5.4 Proposal Submission

Bidders that have successfully completed the steps outlined in RFP Section 5 will be eligible to submit a Proposal.

Section 6: Proposal Requirements

6.1 Overview of Proposal Format

Interested Bidders must submit a complete proposal ("Proposal") that is comprised of three (3) separate proposals – the Technical Proposal, Cost Proposal, and Administrative Proposal:

- **Technical Proposal** – The Technical Proposal allows the Bidder to demonstrate its qualifications, competence, and capacity to provide the Solution.

- **Cost Proposal** – The Cost Proposal is a list of the Bidder's fees associated with the services to be provided as described in this RFP.

- **Administrative Proposal** – The Administrative Proposal contains standard requirements the Contractor must agree to, information requested by the Department in connection with these requirements, and additional forms to be completed by the Contractor.

All Bids/Proposals, including all information required by the RFP or provided as explanation thereof, shall be submitted in English. All prices shall be expressed, and all payments shall be made, in United States Dollars ($US). Any Bids/Proposals submitted that do not meet the above criteria may be rejected.

A uniform Proposal format is required so that the Department can fairly evaluate all Proposals. For each item listed below, please respond in order, and provide the material required. Brochures or reproduced, copied, or printed out marketing literature may not be substituted for the Proposal narratives and responses specified. The Department will not review appendices or supplemental materials that do not have a clearly indicated purpose.

Hyperlinks are not acceptable and will be redacted during the administrative review of Proposals.

Evaluators will be instructed to ignore all hyperlinks in any Proposals.

The State does not indemnify Contractors.

Each Bidder's Proposal shall be valid for a minimum period of at least six (6) months.

6.2 Technical Proposal

The purpose of the Technical Proposal is to demonstrate the qualifications, competency, and capacity of the Bidder to provide or perform the Commodities/Services set forth in Section 4 of this RFP. The Technical Proposal should demonstrate the qualifications of the Bidder and of the Bidder's staff to be assigned to provide the services included in this RFP. The Technical Proposal cannot be any longer than

twenty-five (25) pages, not including cover page, table of contents, staffing plan, resumes, and references.

Bidders must submit an independent Technical Proposal which includes all proposal sections listed below.

The Technical and Cost sections of each Bidder's Proposal will be evaluated separately. **There should be no dollar units or costs included in the Technical Proposal.**

Format of the Technical Proposal:

- **Table of Contents**
- **Executive Summary**
- **Project Plan for meeting Service Level Agreements ("SLAs")**
- **Plan Drawings**
- **Staffing Plan, Resumes, and References**

1. **Table of Contents:** The Table of Contents should clearly identify the location of all material within the Technical Proposal by section and page number.

2. **Executive Summary:** The Executive Summary should provide the Department with a brief overview of the Bidder and how the Bidder meets the Minimum Qualifications found in Section 3 of the RFP.

3. **Project Plan for meeting SLAs:** Bidders should provide a plan for how they will meet all SLA requirements as outlined in Section 4.

4. **Plan Drawings:** Bidder should include all Plan Drawings for the various aspects of the A/V layout. These should include, but not be limited to, the following:
    - Determining optimal viewing, seating layouts and camera/speaker/mic coverage
    - Floor plans, mounting heights, conduit, cable pulls
    - System block diagrams & signal flow diagrams
    - Budget-level Bill of Materials for review
    - Reviewing design with the Department and building management and adjusting as needed
    - Site survey report & design (drawings, cable path plans, signal flow diagrams)
    - As-built drawings and rack diagrams
    - Control System programming and source code
    - Warranty and support documentation

5. **Staffing Plan, Resumes, and References:** Each Bidder should submit a staffing plan, resumes for key staff, and at least three (3) distinctly different letters of recommendation for performing services similar to services outlined in this RFP. References from the Department are not permitted.

6.3 Cost Proposal

Interested Bidders must submit an independent Cost Proposal that includes all proposal sections listed below.

The Cost Proposal sets forth the costs for the requested services. The Cost Proposal should be complete, accurate, well-documented, and prepared using the Cost Proposal Response Form only. Cost information is **not** to be included in the Technical Proposal or Administrative Proposal. All prices must be inclusive of all costs necessary for proper performance under the Contract.

Bidders must sign and submit **Attachment 10 - Cost Proposal Response Form**. The rates proposed by the Bidder must be for the duration of the Contract, and inclusive of all costs including travel. The Cost Proposal Response Form is to be submitted at the same time as the remainder of the Proposal but in a document detached from the Administrative and Technical Proposals. **No changes, edits, or additional information are permitted on Attachment 10, as they may make the Proposal non-responsive.**

All technical requirements may be found in Section 4: Required Services.

6.4 Administrative Proposal

The following must be completed and submitted with the bid in the Administrative Proposal. **Failure to submit any of the requirements below may result in the rejection of the Bidder's Proposal.**

- **Attachment 1: Bidder Submission Checklist**

- **Attachment 2: Bidder Information and Attestation:** The Bidder Information and Attestation is an integral part of the Proposal and should be signed and submitted with the Administrative Proposal. The Bidder Information and Attestation should be signed by an individual authorized to contractually bind the Bidder. A proposal with an unsigned Bidder Information and Attestation page may be rejected. Modified forms will not be accepted.

- **Attachment 3: New York State Required Certifications Packet:** All documents in this packet should be completed, signed, and submitted with the Bidder's Administrative proposal. This packet includes:
    - Non-Collusive Bidding Certification Required by State Finance Law§ 139-D;
    - Offeror's Certification of Adherence to Executive Order 177 Regarding Anti-Discriminatory Policies and Practices;
    - Offeror's Certification of Adherence to State Finance Law §§ 139-j and 139-k;
    - Sexual Harassment Prevention Certification Form – State Finance Law § 139L;
    - Freedom of Information Law (FOIL) Redaction Request Form;
    - Offeror's Certification of Adherence to Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia;
    - Offeror Assurance of No Conflict of Interest or Detrimental Effect; and
    - Gender-Based Violence and the Workplace Certification.

- **Attachment 4: MWBE and Equal Employment Opportunities Requirements: New York Executive Law** Article 15-A Requirements. Complete and submit the following with the Administrative Proposal:
    - **Attachment 4.1 – Workforce Composition Form**
    - **Attachment 4.2 – MWBE Utilization Plan**

- **Attachment 4.3 – MWBE Subcontractors and Suppliers Notice of Intent to Participate**
- **Attachment 4.4 – Equal Employment Opportunity Policy Statement –** If Contractor, or any of its subcontractors, does not have an existing EEO policy statement, the Department may require the Contractor or subcontractor to adopt the attached model statement.
- **Attachment 4.5** – **Request for Waiver Form** (Submission only needed should request for goals waiver be needed by the Bidder.)

- **Attachment 5: Diversity Practices Questionnaire:** Complete and submit Responses to Diversity Practices Questionnaire, including any supporting documentation.
  - **Attachment 5.1 –** Diversity Practices Questionnaire
  - **Attachment 5.2 –** Diversity Practices Scoring Matrix

- **Attachment 6: Vendor Responsibility Questionnaire:** If the online certification process is not used, please visit https://www.osc.state.ny.us/state-vendors/vendrep/vendor-responsibility-forms to print out and submit a vendor responsibility questionnaire with your bid. Either an online or a scanned copy of the completed questionnaire must accompany your bid.

6.5 Proposal Submission

Submit all proposals electronically to RFP@dfs.ny.gov. Each of the three (3) Proposals should be separate documents, complete in themselves, and clearly labeled.

All Proposals must be delivered in their entirety by November 24, 2026, at 3:00 PM Eastern Time. Proposals received in whole or in part after November 24, 2026, at 3:00 PM Eastern Time will not be considered.

All proposals and accompanying documentation will become the property of the Department and will not be returned. The content of each Bidder's Proposal will be held in strict confidence during the evaluation process, and no details of any Proposal will be discussed outside the evaluation process. The successful Bidder's Proposal will be made part of the Contract. Therefore, an official authorized to commit the company to a Contract must sign the Proposal.

The rules established for Proposal content and format will be enforced. Variations from the rules prescribed herein may subject the Bidder to outright disqualification. It is in the best interests of the Bidder to become familiar with the constraints imposed on its Proposal, so that the evaluation process can proceed in a timely manner.

All Bidders must submit via email searchable, electronic versions of their Proposals. Scanned signatures are acceptable. However, Bidders must be prepared to submit an original signature to the Department, if requested. All Proposals must conform to the terms set forth in the RFP, as well as the submittal requirements; extraneous terms or material deviations (including additional, inconsistent, conflicting, or alternative terms) may render the Proposal non-responsive and may result in rejection of the Proposal.

This RFP is not an offer and does not commit the Department to a Contract. Furthermore, the Department is not liable for any costs, in whole or in part, incurred by a Bidder in the preparation of a response to this RFP, or for any work performed prior to Contract execution.

The State does not indemnify Contractors.
Each Bidder's Proposal shall be valid for a minimum period of at least six (6) months.

6.6 Questions and Answers

There will be two (2) Questions and Answers periods for this RFP-- one prior to the mandatory site visit and one following the mandatory site visit.

Prior to the Mandatory Site Visit:
Questions regarding the RFP should be submitted on **Attachment 7 – Bidder Questions and Proposed Modifications Form** via electronic mail, no later than October 5, 2026, at 3:00 PM Eastern Time to: RFP@dfs.ny.gov.

Responses to all questions, and any changes to the RFP resulting from such questions, will be communicated via published addenda that will be posted on the Department's website on or about October 9, 2026 at: https://www.dfs.ny.gov/procurement.

Following the Mandatory Site Visit:
Questions regarding the site visit should be submitted on a new/clean copy of **Attachment 7 – Bidder Questions and Proposed Modifications Form** via electronic mail, no later than October 27, 2026, at 3:00 PM Eastern Time to: RFP@dfs.ny.gov.

Responses to all questions, and any changes to the RFP resulting from such questions, will be communicated via published addenda that will be posted on the Department's website on or about November 3, 2026 at: https://www.dfs.ny.gov/procurement.

During both Questions and Answers Periods:
Questions will not be accepted orally, and not every question received after each deadline may be answered.

Bidders are cautioned that any question or inquiry regarding the RFP must be written in generic terms and must **not** contain pricing information. The inclusion of specific information about a Bidder's pricing Proposal in an inquiry may result in the Bidder's disqualification.

It is the Bidder's responsibility to check the website for any amendments, announcements, and clarifications.

6.7 Bidder Proposed Modifications to the RFP and Appendices

Proposals must conform to the terms set forth in the RFP. Any proposed additional, inconsistent, conflicting, or alternative terms may render a Proposal non-responsive and may result in rejection of the Proposal. No proposed additional, inconsistent, conflicting, or alternative terms submitted on standard, pre-printed forms (including but not limited to product literature, order forms, license

agreements, contracts, or other documents) that are attached or referenced with submissions will be considered part of the Proposal or resulting Contract; they will be deemed included for informational or promotional purposes only. Each proposed additional, inconsistent, conflicting, or alternative term must be specifically enumerated in writing in **Attachment 7 – Bidder Questions and Proposed Modifications Form** and must specify the RFP section or appendix that the Bidder proposes to modify and the justification for the modification. All proposed additional, inconsistent, conflicting, or alternative terms must be submitted during the Questions-and-Answers period, as identified in this RFP's Calendar of Events. No proposed additional, inconsistent, conflicting, or alternative terms submitted after this time will be considered. No proposed additional, inconsistent, conflicting, or alternative terms will be incorporated into the Contract unless expressly accepted by the Department in the Questions-and-Answers period. Acceptance and/or processing of a Proposal does not constitute acceptance of proposed additional, inconsistent, conflicting, or alternative terms.

Note: Appendix A – Standard Clauses for New York State Contracts cannot be modified in any manner. Do not submit any proposed additional, inconsistent, conflicting, or alternative terms for Appendix A as they will automatically be rejected.

Section 7: Proposal Evaluation

7.1 Overview Proposal Evaluation

The Department will evaluate the Proposals received from eligible Bidders as outlined in Section 5 and select the Bidder who or that has the requisite experience and staffing to support the work required by the Department and who or that does not have any conflicts. The Department intends to use the Proposals received for guidance purposes and may request further clarification if deemed necessary, but only from those Bidders determined to meet the technical specifications of the RFP.

The Department will select the Bidder who provides the "best value" taking into consideration the most beneficial combination of qualifications, services, and cost and who has met the minimum qualifications of this RFP. Under the New York State Procurement Guidelines, "best value" is the basis for awarding all service contracts as "[it] optimizes quality, cost, and efficiency, among responsive and responsible Bidders."

Upon determination of the "best value" Proposal, the Department reserves the right to negotiate with the selected Bidder to develop a binding Contract to provide the required Commodities/services. In the case of failure to execute a Contract with the selected Bidder, the Department may pursue a Contract for the Commodities/Services proposed by the next-best-rated Bidder.

The Department will administer any Contract that is executed between the Contractor and the Department.

7.2 Technical Proposal Evaluation (66 Points)

After completion of the Technical Evaluation, a composite score will be assigned to each Technical Proposal. The criteria for the evaluation of each Technical Proposal are described below. Scores received for each Lot will be independent of each other and based on the requirements of the particular

Lot being scored as outlined in Section 4: Required Services.

(a) Technical Evaluation – **(66%)**
1. Executive Summary
2. Plan for meeting SLAs
3. Plan Drawings
4. Staffing Plan, Resumes, and References

7.3 Cost Proposal Evaluation (30 points)

After completion of the cost evaluation, a composite score will be assigned to each Proposal. The criteria for the evaluation of each Cost Proposal are described below. Cost Proposals will be scored independently.

(b) Cost Evaluation – (**30**%)
1. The Proposal quote (i.e., price) for the term of the Contract.

The Cost Proposal with the lowest total cost will be awarded the maximum cost score weighted at **30** points. The remaining cost proposals will receive a proportional number of points based upon the ratio of the Proposal's total cost to the lowest total Cost Proposal as follows: (Lowest Total Proposal / Proposal being Evaluated) x **30** = Cost score.

7.4 Diversity Practices (4 points)

Minority and Women's Business Enterprise ("MWBE") Diversity Practices will be evaluated based upon the Bidders' responses to the Questionnaire developed by Empire State Development (ESD) and found in **Attachment 5.1: Diversity Practices Questionnaire**. This Questionnaire consists of seven (7) questions for Bidders to answer. Some questions request supporting documentation to support certain answers. Additional scoring information for Diversity Practices can be found in **Attachment 5.2**. This Diversity Practices Score will be added to each Lot bid.

7.5 Award

The Department expects to award one contract as a result of this RFP. However, the Department reserves the right to not award a contract, at its sole discretion.

1. Notification of selection/non-selection will be sent to Bidders by email.
2. Contract award is subject to the approval of the Office of the Attorney General and the OSC.
3. Upon Contract award, public announcements or news releases pertaining to the Contract

shall not be made without the prior written consent of the Department.

7.6 Bidder Debriefing

An unsuccessful Bidder may request a debriefing within fifteen (15) calendar days from the date of the Department's letter advising that the Bidder was not selected. The debriefing will be limited to the reasons the Bidder's Proposal was not selected. Debriefings will be held remotely at the discretion of the Department, or at the Department's office located at One Commerce Plaza, Suite #1850, 99 Washington Avenue, Albany, NY.

7.7 Protest Procedures

In the event unsuccessful Bidders wish to protest the award resulting from this RFP, Bidders should follow the protest procedures established by OSC. These procedures can be found in Chapter XI, Section 17, of the Guide to Financial Operations (GFO), available online at: http://www.osc.state.ny.us/agencies/guidelines.htm.

Section 8: Department's Reservation of Rights

By submitting a Proposal, the Bidder agrees not to make any claim for, or have any right to, damages because of any misinterpretation or misunderstanding of the specifications, or because of any misinformation or lack of information. The Department has the following prerogatives regarding Proposals submitted:

- To change any of the scheduled dates upon appropriate notification to all prospective Bidders.
- To accept or reject any or all Proposals, or separable portions of Proposals.
- Prior to the Bid opening, to amend the RFP specifications and to direct Bidders to submit proposal modifications addressing subsequent amendments.
- To disqualify a Bidder from receiving an award if the Bidder, or anyone in the Bidder's employ, has previously failed to perform satisfactorily in connection with public bidding or contracts.
- To disqualify any Bidder whose conduct and/or proposal fails to conform to the requirements of the RFP.
- To correct any arithmetic errors in any or all Proposals.
- To waive or modify minor technicalities, irregularities and omissions in Proposals, after notification to the Bidder.
- To waive any mandatory and/or non-material requirement(s) not met by all Bidders.
- To accept or reject illegible, incomplete or vague Proposals.
- To seek clarifications of Proposals.
- To adopt any part or all of a successful Bidder's Proposal.
- To use any and all ideas submitted in the Proposals unless those ideas are protected by legal patent or property right.
- To consider conditional or revocable Proposals that clearly communicate the terms or limitations of acceptance; Contract award may be made in compliance with the Bidder's conditional or revocable terms in the Proposal.
- To not award from this solicitation.
- To have any service completed via separate competitive Proposal or other means, as determined to be in the best interest of the Department.

- To have the flexibility to consider Proposals with minor deviations or technicalities and to waive minor deviations or technicalities that may be consistent with the intent and scope of the solicitation. This flexibility may permit a reasonable outcome in cases where the results of a fair, competitive process are clear, but the award of a Contract is threatened due to a minor technicality or a minor deviation.
- To break tie bids as follows: In the event two Proposals are found to be substantially equivalent, price shall be the basis for determining award recipient. If two or more Bidders submit substantially equivalent Proposals as to pricing or other factors, the decision of the Department to award a Contract to one or more of such Bidders shall be final.
- To request a best and final offer.
- To negotiate with the selected Bidder(s) prior to Contract award.
- To begin negotiations with another Bidder should the Department be unsuccessful in negotiating a Contract with the selected Bidder(s) within thirty (30) calendar days.

Section 9: Gender-Based Violence and the Workplace Policy Certification, Minority & Woman-Owned Business Enterprise, EEO, SDVOB Requirements & Diversity Practices

9.1 Gender-Based Violence and the Workplace Policy Certification

State Finance Law § 139-M requires Bidders on competitive state procurements to certify that they have a Gender-Based Violence and the Workplace policy. The policy must meet the NYS Office for the Prevention of Domestic Violence model policy minimum standards, and the Bidder must provide that policy to all its employees.

If the Bidder does not have a Gender-Based Violence and the Workplace policy in place and cannot submit a certification, the Bidder may provide a statement with its bid detailing the reasons why the certification cannot be made. The Department will determine whether the justification is acceptable.

A template certification is being provided as part of this RFP within **Attachment #3 – New York State Required Certifications Packet**. Each Bidder must complete and return the certification with its bid or provide a signed statement detailing why the certification cannot be made.

The NYS Office for the Prevention of Domestic Violence provides information about this requirement and has resources available to assist in developing and implementing a Gender-Based Violence and the Workplace policy. Please visit the OPDV Gender-Based Violence and the Workplace website.

9.2 MWBE Interest

New York State certified Minority- and Women-Owned Businesses (MWBEs) may request that their contact information be included on a list of MWBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department's website for reference by the bidding community. A Contractor requesting inclusion on this list should send contact information and a copy of its certification to **RFP@dfs.ny.gov.** Nothing prohibits an MWBE vendor from submitting a proposal as a prime contractor.

9.3 NYS Executive Law Article 15-A

Pursuant to New York State Executive Law Article 15-A and 5 New York Codes, Rules and Regulations ("NYCRR") Parts 140-145, the Department must promote opportunities for the maximum feasible participation of MWBEs and the employment of minority group members and women in the performance of Department contracts.

9.4 Business Participation Opportunities for MWBEs

For purposes of this solicitation, the Department hereby establishes an overall goal of 30% for MWBE participation, 15% for New York State-certified Minority-owned Business Enterprises ("MBE") participation and 15% for New York State-certified Women-owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). A Contractor on any Contract resulting from this procurement must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the Contractor agrees that the Department may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: https://ny.newnycontracts.com. For guidance on how the Department will evaluate a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

Only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that is deemed to represent the commercially useful function performed by the MWBE shall be 25% of the total value of the Contract.

In accordance with 5 NYCRR § 142.13, the Contractor further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract resulting from this RFP, such finding constitutes a breach of contract, and the Department may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplies under the Contract.

By submitting a bid or proposal, a Contractor agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals and to submit evidence thereof through the New York State Contract System ("NYSCS"), at https://ny.newnycontracts.com provided, however, that a Contractor may arrange to provide such evidence via a non-electronic method by contacting the Department's Procurement Unit at RFP@dfs.ny.gov.

Additionally, Bidders will be required to submit the following documents and information as evidence of compliance with the foregoing:

A. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan, which must be submitted to the Department for review and approval.

The Department will review the submitted **MWBE Utilization Plan (Attachment 4.2)** and advise the Contractor of the Department's acceptance or issue a notice of deficiency within 30 days of receipt.

B. If a notice of deficiency is issued, the Contractor will be required to respond to the notice of deficiency within seven (7) business days of receiving the notice by submitting to the Department at RFP@dfs.ny.gov a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Department to be inadequate, the Department will notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the Proposal.

The Department may disqualify a Contractor as being non-responsive under the following circumstances:

1. If a Contractor fails to submit an MWBE Utilization Plan;
2. If a Contractor fails to submit a written remedy to a notice of deficiency;
3. If a Contractor fails to submit a request for waiver; or
4. If the Department determines that the Contractor has failed to document good faith efforts.

During the term of the resultant Contract, the successful Contractor must attempt to use, in good faith, any MBE or WBE identified within its MWBE Utilization Plan. If during the term of the resultant Contract, the successful Contractor needs a partial or total waiver of established goal requirements, the successful Contractor may request such waiver from the Department, but the request must be made no later than the request for final payment on the Contract.

During the term of the resultant Contract, the successful Contractor must submit a quarterly MWBE Contractor Compliance & Payment Report to the Department by the 10th day following each end of quarter. This report must document the progress made toward achieving the MWBE goals of the Contract.

C. NYS-Certified MWBEs and/or certified Service-Disabled Veteran-Owned Business ("SDVOB") vendors who are interested in subcontracting for this engagement should email the Department **Attachment 4.6 – Interested MWBE and SDVOB Vendors** to RFP@dfs.ny.gov and the Department will publish the MWBE and/or SDVOB information for consideration by prime contractors.

9.5 Equal Employment Opportunity (EEO)

The provisions of Executive Law Article 15-A and the rules and regulations promulgated thereunder pertaining to Equal Employment Opportunities ("EEO") for minority group members and women apply to the Contract resulting from this RFP.

In performing the Contract, the Contractor shall:

1. Ensure that each Contractor and subcontractor performing work on the resultant Contract undertakes or continues existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff or termination, and rates of pay or other forms of compensation.

2. The Contractor shall submit an EEO policy statement (see **Attachment 4.4 - "Minority and Woman-Owned Business Enterprises Equal Opportunity Statement"**) to the Department with its bid or proposal.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

9.6 Participation Opportunities for New York State Certified Service-Disabled Veteran-Owned Businesses (SDVOBs)

Article 3 of the New York Veterans' Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"), thereby further integrating such businesses into New York State's economy. The Department recognizes the need to promote the employment of service-disabled veterans and to ensure that SDVOBs have opportunities for maximum feasible participation in the performance of Department contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, the Contractor is strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. For purposes of this procurement, the Department conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, or suppliers to the Contractor. Nevertheless, Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of NYS-Certified SDVOBs can be viewed at the following link: https://sdves.ogs.ny.gov/business-search.

Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

Section 10: Ethics

Ethics Compliance: All Bidders/Contractors and their employees must comply with the requirements of New York Public Officers Law ("Public Officers Law") §§ 73 and 74 , other NYS codes, rules, and regulations, and Executive Orders establishing ethical standards for the conduct of business with the

State. In signing the Proposal, Bidder certifies full compliance with those provisions for any present or future dealings, transactions, sales, contracts, services, offers, and/or relationships, involving the State and/or its employees. Failure to comply with those provisions may result in disqualification from the bidding process, termination of Contract, and/or other civil or criminal proceedings as required by law.

Legal Compliance: The Bidder/Contractor represents and warrants that it shall secure all notices and comply with all applicable laws, ordinances, rules, and regulations of any governmental entity in conjunction with the performance of obligations under the Contract. Prior to award and during the Contract terms and any extensions thereof, Contractor must establish to the satisfaction of the Department that it meets or exceeds all requirements of the RFP and Contract and any applicable laws, including but not limited to, permits, and licensing, and shall provide such proof as required by the Department. Failure to comply or failure to provide proof may constitute grounds for the Department to terminate or suspend the Contract, in whole or in part, or to take any other action it deems necessary. Contractor also agrees to disclose information and provide affirmations and certifications to comply with §§ 139-j and 139-k of the State Finance Law.

Section 11: Subcontracting

The selected Contractor must assume full responsibility for the services offered in the Proposal for the duration of the Contract. The Contractor shall remain liable even when the Contractor subcontracts out a portion of the services. Subcontracting shall be permitted only with the prior written approval of the Department.

Section 12: Post Contract Award Requirements

12.1 Insurance Requirements

The selected Contractor is required to procure, at its sole cost and expense, and provide upon notice of Contract award, proof of required insurance as detailed in **Appendix F – Contractor's Insurance Requirements**, and must maintain in force at all times during the Contract Term, policies of insurance pursuant to the requirements outlined in **Appendix F**.

12.2 Contractor Disclosure Forms

Chapter 10 of the Laws of 2006 amended the New York Civil Service Law and the State Finance Law with respect to maintaining certain information about contract employees working under State agency service and under consulting contracts. State agency consultant contracts are defined as "contracts entered into by a state agency for analysis, evaluation, research, training, data processing, computer programming, engineering, environmental health and mental health services, accounting, auditing, paralegal, legal, or similar services" ("covered consultant contracts" or "covered consultant services"). The amendments also require that certain contract employee information be provided to the state agency awarding such contracts, OSC, and the NYS Department of Civil Service ("DCS").

To meet these requirements, the selected Contractor must complete:

Form A – Contractor's Planned Employment Form. The successful Contractor must complete this form upon notification of selection by the Department.

Form B – Contractor's Annual Employment Report. Throughout the term of the Contract, by May 15th of each year, the Contractor agrees to report the following information to the Department. For each covered consultant contract in effect at any time between the preceding April 1st through March 31st fiscal year, or for the period of time such Contract was in effect during such prior State fiscal year, Contractor reports the:

1. Total number of employees employed to provide the consultant services, by employment category.
2. Total number of hours worked by such employees.
3. Total compensation paid to all employees that performed consultant services under such Contract. *

*NOTE: The information to be reported is applicable only to those employees who are directly providing services or directly performing covered consultant services. However, such information shall also be provided for employees of subcontractors who perform any part of the service contract or any part of the covered consultant contract. This information does not have to be collected and reported in circumstances where there is ancillary involvement of an employee in a clerical, support, organizational, or other administrative capacity.

Contractor agrees to simultaneously report such information to the DCS and OSC as designated below:

E-mail: submitformB@cs.ny.gov
Department of Civil Service
Alfred E. Smith State Office Building
Albany, NY 12239
Attn: Executive Office

E-mail: CDMOST@osc.ny.gov
Office of the State Comptroller
Bureau of Contracts
110 State Street, 11th Floor
Albany, NY 12236
Attn: Consultant Reporting

Contractor is advised herein and understands that this information is available for public inspection and copying pursuant to § 87 of the Public Officers Law (FOIL). In the event individual employee names or social security numbers are set forth on a document, the State agency making such disclosure is obligated to redact both the names and social security numbers prior to disclosure.

Further information regarding the Contractor Consultant Law requirements and report Forms A and B is available in the OSC's Guide to Finance Operations, Chapter XI, Section 18.C: https://www.osc.ny.gov/state-agencies/gfo/chapter-xi/xi18c-consultant-disclosure.

12.3 Sales Tax Certification Instructions

The New York Tax Law ("Tax Law") requires contractors with State agencies to certify to the NYS Department of Taxation and Finance ("DTF") that they, their affiliates, their subcontractors, and the affiliates of their subcontractors have a valid certificate of authority to collect State and local sales and compensating use taxes. Tax Law § 5-a applies to all contracts in excess of $100,000 for the purchase by a covered agency of commodities or services, awarded pursuant to Article XI of the State Finance Law.

The successful Contractor must complete Contractor Certification Form ST-220-CA upon notification of selection by the Department. This certification to the procuring agency, also made under penalty of perjury, states that the requisite (ST-220-TD) certification has been made to DTF and that, to the best of the Contractor's knowledge, the requisite (ST-220-TD) certification is correct and complete.

If Contractor has any questions regarding either form (ST-220-CA or ST-220-TD), the OSC's Guide to Financial Operations will provide background information and the forms: https://www.osc.ny.gov/state-agencies/gfo/chapter-xi/xi18d-sales-and-compensating-use-tax-documentation.

Contractors can refer to the DTF website or to State Tax Law§ 5-a, *Contractor Affiliate, Subcontractor, and Subcontractor Affiliate Sales and Compensating Use Tax Registration* for additional information and guidance.

Section 13: Additional Security/Confidentiality Requirements

The Contractor warrants, covenants and represents that, in the performance of the Contract, Contractor, and its agents, subcontractors, officers, distributors, resellers and employees, will comply fully with all security procedures of the Department that are set forth in the RFP, **Appendix C – Information Security & Cyber Security Requirements, Appendix D – Primary Security and Privacy Mandates**, and the Contract, or that are otherwise communicated in advance to the Contractor, including but not limited to physical, facility, documentary and cyber security rules, procedures and protocols.

Section 14: Appendices/Attachments

- **Appendix A: Standard Clauses for New York State Contracts**
- **Appendix C: Information Security & Cyber Security Requirements**
- **Appendix D: Primary Security and Privacy Mandates**
- **Appendix E: The Department of Financial Services Standard Contract Clauses**
- **Appendix F: The Department of Financial Services Insurance Requirements**
- **Attachment 1: Bidder Submission Checklist**
- **Attachment 2: Bidder Information and Attestation**
- **Attachment 3: New York State Required Certifications Packet**
- **Attachment 4: MWBE and Equal Opportunities Requirements**
- **Attachment 4.1: Workforce Composition Statement**
- **Attachment 4.2: MWBE Utilization Plan**
- **Attachment 4.3: MWBE Subcontractors and Suppliers Notice of Intent to Participate**
- **Attachment 4.4: MWBE Employment Opportunity Policy Statement**
- **Attachment 4.5: Request for Waiver Form**
- **Attachment 4.6: Interested MWBE and SDVOB Vendors**
- **Attachment 5: MWBE Diversity Practices**
- **Attachment 5.1: Diversity Practices Questionnaire**
- **Attachment 5.2: Diversity Practices Scoring Matrix**
- **Attachment 6: Vendor Responsibility Questionnaire**
- **Attachment 7: Bidder Questions and Proposed Modifications Form**

- **Attachment 8: Minimum Bidder Qualifications**
- **Attachment 9: Mandatory Intent to Bid Form**
- **Attachment 10: Cost Proposal Response Form**
- **Attachment 11: Building Standards and Insurance Requirements**