How to do Business with the New York State Department of Transportation

ANDREW M. CUOMO
Governor

PAUL A. KARAS
Acting Commissioner

May 1, 2018
Where to begin...

Thank you for your interest in doing business with the New York State Department of Transportation.

This booklet has been designed to assist you in identifying the Department's needs and matching them to your particular product or service, while offering information on the processes involved in doing business with us.

It is our sincere hope that you find this booklet helpful. We look forward to doing business with you.

General questions or comments may be directed to the NYSDOT Contract Management Bureau at (518) 457-2600 or to the NYSDOT Purchase Unit at (518) 457-4401.
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Priorities and Strategies

Mission Statement

It is the mission of the New York State Department of Transportation to ensure our customers -- those who live, work and travel in New York State -- have a safe, efficient, balanced and environmentally sound transportation system. NYSDOT directly maintains and improves the state’s more than 40,000 highway lane miles and 7,500 bridges. In addition, NYSDOT partially funds locally operated transit systems, local government highway and bridge construction and rail and airport programs.

Five Priority Results

Our customers:
1) Want to enhance their mobility and have reliable, predictable trips for themselves or in the movement of their goods;

2) Expect both the infrastructure and its users to contribute to the physical safety of people and their goods while in transit;

3) Recognize the critical relationship between a mature, multi-modal transportation system and the state’s economic vitality. They see viable transportation options as essential to both economic sustainability and livability of their communities, both upstate and downstate;

4) Expect the transportation infrastructure to be secure from external threat or potential abuse; and

5) See the impact of transportation-related decisions at both macro and micro levels affecting the environment and expect the system to more than mitigate transportation's impact.

Guiding Principles

Collectively, all of us at NYSDOT ultimately work to serve our customers and earn the trust placed in us by the people of New York;

Everyone and every unit have immediate customers whom they serve directly. Everyone and every unit also have one or more suppliers that serve them directly;

Customers and suppliers are connected in a chain - the Chain of Value - in which each link adds value to the final product that ultimately serves the department's customers. We expect everyone in the organization to know who their customer is, who their suppliers are and what the value exchange is between them;

Everybody needs feedback (both positive and negative) from his or her customers. Clarity of expectations and feedback on performance are what make the chain strong and effective;
The organization's chain of command or hierarchy supplies leadership and guidance by articulating performance expectations (for customer outcomes and to maintain public trust), setting policy, allocating resources and by developing systems for performance management, quality assurance and accountability.

Responsibilities and Functions

To attain its mission the responsibilities, functions and duties of the Department of Transportation include:

! Coordinating and developing comprehensive transportation policy for the state, coordinating and assisting in the development and operation of transportation facilities and services for highways, railroads, mass transit systems, ports, waterways and aviation facilities; and, formulating and keeping current a long-range, comprehensive statewide master plan for the balanced development of public and private commuter and general transportation facilities.

! Administering a public safety program for railroads and motor carriers engaged in intrastate commerce; directing state regulation of such carriers in matters of rates and service; and, providing oversight in matters relative to the safe operation of bus lines, commuter railroads and subway systems that are publicly subsidized through the Public Transportation Safety Board.

Departmental Overview

The New York State Department of Transportation is responsible for the management of the state’s complex transportation network. Under the direction of the Commissioner of Transportation, the Department's Main Office in Albany coordinates the work of 11 Regional Offices located throughout the state.

The Department's organizational structure is well-suited to manage the state’s complex transportation network. In general, the Department’s Main Office and Regional Offices are functionally organized along parallel lines. Regional Offices, each managed by a Regional Director, are charged with the dual responsibility of delivering the state's capital construction program and maintaining state roadways within the Region’s geographical boundaries.

The Main Office, located at 50 Wolf Road in Albany, provides functional oversight through eight Divisions. These are the Policy and Planning Division, the Operations Division, the Engineering Division, the Office of External Relations, the Administrative Services Division, the Legal Affairs Division, the Audit and Civil Rights Division and the Information Technology Division.
Regional Offices

Region 1
Sam Zhou, Regional Director
50 Wolf Road, Suite 1S50
Albany, NY 12232
(518) 457-3522

Region 2
Nicolas Choubah, Regional Director
Utica State Office Building
Genesee Street
Utica, NY 13501
(315) 793-2447

Region 3
David Smith, Regional Director
John H. Hughes State Office Building
333 E. Washington Street
Syracuse, NY 13202
(315) 428-4351

Region 4
Kevin Bush, Regional Director
1530 Jefferson Road
Rochester, NY 14623-3161
(716) 272-3310
Information Desk (716) 272-3310

Region 5
Frank Cirillo, Regional Director
100 Seneca Street
Buffalo, NY 14203
(716) 847-3238

Region 6
Brian Kelly, Regional Director
107 Broadway
Hornell, NY 14843
(607) 324-8404

Region 7
Steve Kokkoris, Regional Director
Dulles State Office Building
317 Washington Street
Watertown, NY 13601
(315) 785-2333

Region 8
Todd Westhuis, Regional Director
Eleanor Roosevelt State Office Building
4 Burnett Boulevard
Poughkeepsie, NY 12603-2594
(845) 431-5750

Region 9
Jack Williams, Regional Director
New York State Office Building
44 Hawley Street
Binghamton, NY 13901
(607) 721-8116

Region 10
Joe Brown, Regional Director
New York State Office Building
250 Veterans Memorial Highway
Hauppauge, NY 11788
(516) 952-6632

Region 11
Luis Calderon, Regional Director
Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101
(718) 482-4526
Reception Desk (718) 482-4594
Commodity and Non Professional Service Contracts

All Vendors Doing Business with NYSDOT Must be Registered in the Statewide Vendor Master File with the Statewide Financial System (SFS)

Selling Commodities to DOT

The New York State Department of Transportation (DOT), through its Purchase Unit, purchases over $200 million worth of commodities each year. Many of these purchases are made from contracts made available by the Office of General Services Procurement Services Group, which establishes statewide contracts for use by all New York State agencies. For more information on statewide contracting through the Office of General Services, contact:

NYS Office of General Services
Procurement Services Group
Corning Tower – Empire State Plaza
Albany, NY, 12242
Phone: (518) 474-6717
Fax: (518) 474-2437
E-mail: customer.services@ogs.ny.gov
Web: http://nyspro.ogs.ny.gov/

Commodity purchases from the “Open Market” are divided into two basic categories:

- Purchases $50,000 and under
- Purchases exceeding $50,000

Purchases valued at up to $50,000 are made via an informal quotation process where the lowest responsive and responsible bidder is selected and a purchase order issued. Purchases valued in excess of $50,000 are first advertised in the New York State Contract Reporter in order to broaden the potential for a competitive field, (for more information, visit www.nyscr.ny.gov), and subsequently acquired via a formal solicitation and Bidding process.

In addition to these methods, pursuant to statute, purchases of goods containing recycled or remanufactured content, as well as purchases from NYS resident small business concerns and from certified minority and women owned businesses, may be made through a Request for Quotations process in amounts between $50,000 and $200,000. Procurements greater than $50,000 are still subject to advertisement in the NYS Contract Reporter and to the NYS Comptroller’s prior approval process.
What Commodities are Purchased by DOT

The majority of commodity acquisitions are for equipment, supplies, and materials used in conjunction with maintenance and operation of New York State’s transportation infrastructure system. Other purchases are made in support of our Regional Offices, Equipment and Operations Shops, and Main Office programs.

Contracts for Non Professional Services

The Purchase Unit also contracts for a variety of non-professional services. Contract award is determined on the basis of “best value” … which in the case of contracts awarded by the Purchase Unit, is equated to the “lowest responsive and responsible bidder or bidders” meeting the criteria specified in the bid proposal. Typical contracts include, but are not limited to, culvert cleaning, traffic data collection, equipment/vehicle repair, fleet fueling equipment maintenance, equipment/vehicle parts, and tree removal services. As with commodity purchases, these services are acquired through varying methods of formality as described above.

NOTE: Firms may also wish to consult the section of this publication titled Acquisition of Other Professional Services by Request for Proposals (RFP).

Bids are solicited from firms responding to our advertisement in the New York State Contract Reporter. If you would like to provide information about your product or service, please write, call or e-mail:

NYSDOT Purchase Unit
50 Wolf Road, Suite 1PC
Albany, NY, 12232
Phone: (518) 457-4401
Fax: (518) 457-1593
E-mail: purch-assist@dot.ny.gov

How Commodity and Non-Professional Service Vendors Are Paid

Upon receipt of a proper invoice and verification of receipt of goods or services, a payment request is prepared and forwarded to the Office of the State Comptroller. Payment is made by the Comptroller within thirty (30) days of receipt of a proper invoice at the designated payment office (indicated on the purchase order) or of receipt of goods - whichever is later.

The Comptroller requires use of an electronic payment system for vendors – known as the ACH, or Automated Clearing House program. The ACH employs electronic transfer of funds to payee bank accounts. Vendors must sign up for e-pay in order to receive payment for goods or services.

For information on ACH, go to www.osc.state.ny.us/epay/index.htm
Construction Contracts

The New York State Department of Transportation is responsible for contracts to construct, improve, repair, and maintain roads, bridges and other transportation facilities. Projects vary in size, scope, and duration, and can range from preventive maintenance work valued at $100,000 to multiple-year projects valued in excess of $100 million. The Department uses a sealed bid process, resulting in award of formal contracts to the lowest responsible bidder.

The prime contractor is expected to perform at least 50 percent of the proposed work with its own forces, excluding specialty items of work (specialty items are those requiring specialized knowledge, skill or equipment not ordinarily available to contractors qualified to bid on the project as a whole). Work must be performed within the time identified in the contract. The prime contractor is responsible for the quality of its work, and all work by its subcontractors, material suppliers and any other firm it hires.

The Department assigns an Engineer to each project. The Engineer is the Department’s representative responsible for managing inspection activities to ensure that work is performed in accordance with the contract plans and specifications. This includes adherence to all federal, state, and local safety, labor, environmental and civil rights laws, rules, and regulations.

The Engineer works with the contractor to resolve any problems which may arise and will recommend appropriate actions to be taken to advance the project. This may include the initiation of a change to the contract through the change order process. Neither an Engineer nor a contractor can change work defined in the contract without a signed and approved change order.

The Engineer initiates contract payments based upon work performed satisfactorily in accordance with the contract documents. This may be done on a monthly or bi-weekly basis. Partial payment for certain materials may be made prior to their incorporation into the project. Final payment will not be authorized until all work is completed, the work has been formally accepted by the Department, and the contractor submits all required documentation.

Contract payments are made for the state by the Office of the State Comptroller (OSC). All contractors must receive payments electronically, using the Electronic Payment System (E-Pay). See: www.osc.state.ny.us/epay/index.htm.
Bidder Qualifications

New York State law requires that public work contracts be awarded to the lowest responsible bidder. New York does not require firms to pre-qualify prior to their submission of bids, however, low bidders must "post-qualify". In order to assess a firm's responsibility, a determination will be made as to whether that firm is qualified to perform the work. A completed Form CCA-2, New York State Vendor Responsibility Questionnaire - for Profit Construction, must be filed and approved prior to the award of a contract. The questionnaire will generally cover all low bids for one calendar year. Questionnaires can be obtained on the Department’s website at: http://www.dot.ny.gov/bids-and-lettings/construction-contractors/general-info.

Bidders Should be Familiar with the Standard Specifications

The Standard Specifications published on the Department’s public website are the Department’s official documents.


Unofficial versions of the Standard Specifications illustrating the changes from one version to the next, are published as the “Updated Standard Specifications” for US Customary (https://www.dot.ny.gov/main/business-center/engineering/specifications/updated-standard-specifications-us) and for Metric (https://www.dot.ny.gov/main/business-center/engineering/specifications/updated-standard-specifications). The files will show what content has been deleted from and what content has been added to the preceding official version.

Be certain you access the correct edition of the Standard Specifications.

Printing and sales of Standard Specifications books has been discontinued

Bidder Must Submit a Bid Deposit with Its Bid

Section 38 of the Highway Law, as amended, requires that a certified check or bank cashier's check in the full amount of the bid deposit specified or a bid bond in the amount of 25 percent of the bid total, must be submitted with your bid. If you choose to submit a bid bond, it must be on the Department's form (CONR 391), which is included in all construction contract proposals and available on the Department's website at: http://www.dot.ny.gov/main/business-center/contractors/construction-division/forms-manuals-computer-applications-general-information/bid-letting-and-award. Personal checks are not acceptable as bid deposits.
New York State Department of Transportation Bid Deposit Schedule*

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<th>RANGE OF PROJECT ESTIMATE</th>
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* schedule is subject to change
Bidder May Also File a “Form of Bond as Substitute for Bid Check” With Your Certified Check

If you submit a certified check or bank cashier’s check as a bid deposit, you may file an acceptable “Form of Bond as Substitute for Bid Check” form (CONR 106b) with the certified check. The substitute bid bond normally allows for the release of the check shortly after bid opening.

Contract Bonds

Section 38 of the Highway Law and other appropriate statutes require that a low bidder file both a FAITHFUL PERFORMANCE BOND and a LABOR AND MATERIAL BOND for the full amount of the contract prior to contract award. Arrangements should be made with a surety prior to submitting a bid. Failure to secure bonding could result in the loss of your bid deposit.

Corporations Must Have “Active” Corporation Status in New York State

All vendors other than sole proprietorships must be properly registered with the Department of State to be eligible to receive the award of a state contract or subcontract which requires the physical presence of that vendor in New York State. Both out of state (foreign) vendors and domestic vendors not currently registered should contact:

New York State Department of State
Division of Corporations
41 State Street
Albany, NY 12231
Phone: (518) 473-2492   Fax: (518) 474-4478
www.dos.state.ny.us/corps/index.html
Email: corporations@dot.state.ny.us

Disadvantaged/Minority/Women's Business Enterprise Contract Participation

Many Department projects have goals for participation by Disadvantaged Business Enterprises (DBE) or Minority/Women's Business Enterprises (M/WBE). If you are interested in submitting a bid for a project that has either a DBE goal or M/WBE goals, you must be prepared to meet the goal(s) or document your good faith efforts to achieve the goal(s). Efforts toward goal attainment should be started prior to the submission of your bid. For further information, refer to the Standard Specifications and the Department’s DBE Program Plan.

Before a contract is awarded, each low bidder must either provide commitments meeting or exceeding the D/M/WBE participation goal(s), or demonstrate good faith efforts to do so. When bidders submit a bid, the bidder is considered to have made a commitment to the Department to satisfy this requirement. A detailed review of the commitments and required good faith efforts documentation is conducted prior to contract award.
If the lowest bidder fails to complete the contract documents to the satisfaction of the Department, the bidder will be referred to the Department’s Contract Review Unit (CRU) for further action that may include bid deposit forfeiture. The bidder may meet with the CRU to present their case. The CRU may determine that a bidder is not responsible to be awarded future contracts if it does not satisfy D/M/WBE participation goals or demonstrated good faith efforts. In such cases, the contract can be awarded to another bidder or re-let at the Department’s discretion.

After contract award, a preconstruction meeting is conducted in the Regional Office. At this meeting, the contract requirements for D/M/WBE participation, Equal Employment Opportunity (EEO) goals and Training Special Provision are reviewed. The Regional Construction Group monitors the contractor’s compliance with these areas and ensures that D/M/WBEs perform work that constitutes a commercially useful function (CUF). The Regional Compliance Specialist (in conjunction with the Engineer) is the first level of problem resolution for civil rights. Questions or problems about a specific contract in which you are participating, should always be directed to the Engineer first.

Equal Employment Opportunity (EEO) and Training Requirements

All construction contracts have equal employment opportunity (EEO) goals for minorities and females. The contractor is required to meet these goals, or demonstrate good faith efforts to meet these goals. Selected construction contracts have training requirements that require the use of apprentices/trainees. The bidder is advised that preparation work to meet these training requirements may be required.

Contractors must pay workers prevailing wages in accordance with NYS Labor Law as stated in the contract documents. Contractors must have and maintain appropriate insurance coverage, including Workers Compensation, Disability, Commercial Auto, General Liability, Excess Liability, Special Protective, Contractor’s Risk, Professional Liability, Railroad Protective and others as required by the contract documents.

Contractors must request and obtain access to the Department’s standard civil rights reporting software and provide civil rights reporting data, including DBE participation, subcontract approval, employee work hour data and prompt payments.

Advertising/Notice of Highway Lettings

Bidders can learn which projects are in upcoming lettings through the following sources:

- Check the Department’s website at https://www.dot.ny.gov/doing-business/opportunities/const-highway
- NEW YORK STATE CONTRACT REPORTER - New York State’s daily newsletter of announcements for contracting opportunities in the amount of $50,000 or more. Visit www.nyscr.ny.gov to subscribe.
Contracts are advertised twice in a local newspaper in the county where the contract work is to be performed, usually four weeks prior to letting.

All contracts scheduled to be let are advertised twice in the Schenectady Gazette, usually four weeks prior to letting.

Downstate contracts, located in the Department’s Regions 8, 10 and 11, are advertised in Department-approved minority newspapers, usually four weeks prior to letting.

Construction Contract Documents

All contracting documents are available on https://www.dot.ny.gov/doing-business for free and immediate download. Documents available on-line include contract proposals, plans, supplemental information, and amendments/Other Notices. Potential bidders can ask contract-related questions on-line and answers will be posted.

Secure Internet Bidding

The Department utilizes AASHTO Ware Project Bids, which allows bidders to receive electronic proposal bid item information from the Department's internet website. You must first download and install the free software on your computer. The Project Bids download and instructions are available on the Department's website at: https://www.dot.ny.gov/bids-and-lettings/construction-contractors/electronic-bid-system.

Once your bid is completed, you have the option of submitting your bid either on paper or electronically. All bids must be received by the time shown on the cover of the proposal on the day of their respective letting. “Paper” bids can be mailed or hand delivered, and should include a disk with the Project Bids file that can be loaded directly into our database. Electronic bids are submitted through Bid Express (www.bidx.com). Bid Express is a fee-based service that allows secure, encrypted bid submittal over the internet. It integrates with Project Bids and includes electronic bid bond verification. Bid Express bidding is provided by InfoTech, who is a 3rd party vendor.

Construction Contract Letting Results

Bidders wishing to find out the results of lettings, as well as those firms interested in subcontracting or supplying materials to the winners may obtain letting results from the Department’s website at: www.dot.ny.gov/doing-business/opportunities/const-results.

Subcontractor Qualifications

The Department hires only a prime contractor for a construction contract. The prime contractor hires all other firms, including subcontractors, material suppliers, truckers, fabricators and manufacturers.

Firms desiring to perform as Subcontractors on construction contracts must file and
have approved Form CCA-2 New York State Vendor Responsibility Questionnaire For - Profit Construction prior to the approval to subcontract. The questionnaire will cover all subcontract requests for one calendar year. Questionnaires can be obtained on the Department’s website at: www.dot.ny.gov/bids-and-lettings/construction-contractors/general-info. Subcontractors must pay workers prevailing wages in accordance with NYS Labor Law as stated in the contract documents. Subcontractors must have and maintain appropriate insurance coverage, including Workers Compensation, Disability, Commercial Auto, General Liability, and others as required by the contract documents.

Subcontractors must request and obtain access to the Department’s standard civil rights reporting software and provide civil rights reporting data, including employee work hour data and payment acknowledgements.

**Reasonable Accommodation**

If you have any additional questions, or if you need a reasonable accommodation to participate in our program, please contact the Contract Management Bureau at (518) 457-3583.
Consultant Contracts

The New York State Department of Transportation expects that it will require technical proposals from engineering firms for transportation capital expansion programs and existing facility modifications for highway, bridge, waterway, airport, transit, railroad and port facilities. Also required are design-related services such as professional land surveying, environmental, planning, research and development, hydrological and safety program studies.

The Department also anticipates that it will require consultants for professional non-engineering services such as training, management studies, financial/auditing services, IT services, legal services, real estate title search and appraisal services, etc. When contracted for as stand-alone services, materials testing, environmental, planning, and research and development are considered non-engineering professional services and are discussed in the Providing Other Professional Consultant Services section (see Page 20).

In accordance with 23 CFR 172 and the 1988 NYS Economic Development Law, Chapter 564, Article 4-C, the Department advertises all opportunities for consultant services over $15,000 in the NYS Contract Reporter (see below).

Acquisition of Professional Engineering and Related Services

The Department uses a qualifications-based selection (QBS) procedure for the selection of engineering-related consultants. Under this process, cost is not a consideration for the selection of the consultant (State Finance Law §136-a). Once a firm has been selected, a fair and reasonable price is negotiated based on the scope of work.

The selection procedure begins with the publication of an announcement of the Department's intention to select a firm(s) for a specific contracting opportunity in the New York State Contract Reporter, a daily on-line publication of the Department of Economic Development. Subscriptions to the New York State Contract Reporter are available through:

New York State Contract Reporter
www.nyscr.ny.gov

Additionally, an announcement regarding the contracting opportunity is posted to the Department’s website at: www.dot.ny.gov/doing-business/opportunities/eng-preliminaryad.

For projects requiring engineering-related consultant services, the announcements will include only preliminary information. A detailed advertisement will be subsequently posted on the Department’s website at www.dot.ny.gov/main/business-
NOTE: Firms who wish to express interest in Design, Land Surveying, Environmental, or Construction Inspection projects must first have in place an Electronic Inventory. Electronic Inventories may be submitted independent of a specific contracting opportunity. NYSDOT encourages firms to provide inventories as soon as they determine they may want to apply for these types of projects in the future. Please contact the Contract Management Bureau at (518) 457-2600 or at css@dot.ny.gov to obtain information on Electronic Inventories and NYSDOT’s Consultant Selection System.

Under the Department's QBS consultant selection procedure, firms are required to "express their interest" for individual projects by submitting an expression of interest as defined in the detailed advertisement or Request for Qualifications. The instructions on how to participate and the criteria to be used in selecting a firm for these projects will be included in the detailed advertisement.

Any person, corporation, or firm offering to provide engineering and/or surveying services to the Department must be appropriately authorized to do so. Proof of authority to render professional services and to do business in NYS must be provided at the time of selection. Please see DOT Consultant Instruction 93-10, available on our website at: www.dot.ny.gov/main/business-center/consultants/architectural-engineering/consultant-instructions, by e-mailing a request to: karen.leitt@dot.ny.gov or by calling (518) 457-2600.

All firms submitting an expression of interest in response to any of these advertisements must have internal control systems in place that meet federal requirements for accounting. These systems must comply with relevant requirements of the U.S. Code of Federal Regulations (see 48 CFR 31, "Federal Acquisition Regulations, Contract Cost Principles and Procedures" and 23 CFR 172, "Administration of Engineering and Design Related Service Contracts").

After the selection recommendation is approved by the Department, all firms are notified by means of a posting on the NYSDOT website of the firm selected for that solicitation: www.dot.ny.gov/doing-business/opportunities/eng-designation

Contract negotiations are then initiated with the successful firm.

Once a firm has been selected, all team members must be prepared to provide financial information needed by the Department to complete a pre-award audit evaluation. This includes, but is not limited to, current salary and indirect cost schedules, audited financial statements, trial balances and charts of accounts. Such information will be treated confidentially and is not subject to public disclosure under the relevant Freedom of Information Law regulations in the New York Code of Rules and Regulations (see 17 NYCRR 1.0(b) (6)). Firms are strongly encouraged to provide this information prior to
their expressing interest in any specific contracting opportunity. Submission of this information after their selection will delay the contract negotiation process. Delays that are determined to be excessive and have a negative impact on the Department’s ability to deliver a project may result in the firm being de-designated for the opportunity and another firm being selected.

Consultant engineering agreements have a D/M/WBE participation target goal of 18% calculated as a percentage of the Direct Technical Labor. The selected consultant must meet, or show good faith effort to meet, the D/M/WBE goal. The D/M/WBE must be proposed to perform a Commercially Useful Function (CUF) as identified in 49 CFR 26.

The Department’s Contract Management Bureau assigns an analyst from its Civil Rights Unit (CRU) to the agreement. A notification of designation is also sent to the Regional Compliance Specialist.

The CRU analyst reviews all the civil rights requirements (D/M/WBE, EEO and training) at the Scope of Services meeting. If the meeting is in the Regional Office, the Regional Compliance Specialist may perform this function.

The CRU analyst receives, reviews and monitors the agreement after negotiations are completed.

The Regional Consultant Manager performs the field monitoring of consultant agreements to ensure that D/M/WBE’s are performing tasks according to the agreement and that training of minorities and females (if training is required on the contract) is being done in accordance with the agreement.

If you require additional information, contact:

NYS Department of Transportation
Contract Management Bureau, Civil Rights Unit
50 Wolf Road, 6th Floor
Albany, New York 12232
(518) 457-2600

Engineering-Related Contract Negotiation Process

Negotiation of the contract between the state and the selected firm is based on federal requirements mentioned above and Section 136-a of the State Finance Law. Section 136-a stipulates that state agencies must negotiate a fair and reasonable cost for the services to be provided. The determination of reasonableness of cost is based on the Department’s total estimated cost for the services, rather than on the individual component costs of the contract.

Negotiations are broken into two phases:

X Phase I is conducted by technical personnel who serve as the Department’s Consultant Job Managers and involves labor titles, working hours, and direct
non-salary items and quantities as these relate to the scope of consultant services.

Phase II cost negotiations are conducted with the firm by the Contract Management Specialist assigned to prepare the contract after these items (primarily scope of services and staffing) are agreed upon. The Contract Management Specialist will evaluate the firm’s cost proposal (labor rates, overhead, direct costs, fee, etc.) for compliance with applicable requirements and compare it to the Department’s fair and reasonable total estimated cost (often referred to as “the bottom line”) utilizing industry-wide labor and overhead data and applying it to the Phase 1 staffing agreement as described above. If the firm’s proposal is below the “bottom line,” it will become the basis for the estimated costs that appear in the agreement. If the firm’s proposal is above bottom line, the firm is advised of cost component(s) which are above industry averages and given a reasonable time to adjust cost component(s) the firm determines it will change to meet the “bottom line.” When these negotiations are complete, a draft agreement is prepared for signature. Finally, the contract must be executed by the State Comptroller, the state’s Contracting Officer.


**Acquisition of Professional Services by Request for Proposals**

**Range of Consultant Services Acquired by Request for Proposals**

The Department contracts with consultants to provide a range of professional services, including:

- Training
- Management and Planning Studies
- Transportation Related Research
- Financial and Auditing Services
- IT Services
- Materials Testing
- Real Estate Title Search and Appraisal
- DBE Supportive Services
- On-the-Job (OJT) Training Supportive Services
- Other Specialized Services.

These services are usually awarded using a Request for Proposals (RFP) process. In this process, firms must respond to the informational requirements of the Request for Proposals and provide a price for the provision of the solicited services. Occasionally,
the selection of a consultant may be made by sole (or single) source designation.

The first step in the (RFP) process is the announcement of the contracting opportunity in the New York State Contract Reporter. The announcement directs firms wishing to receive notice subsequent to these announcements. The RFP is posted to the Department’s website at: www.dot.ny.gov/doing-business/opportunities/consult-ads. Firms interested in being considered for the contracting opportunity are typically required to submit proposals within 30-60 days of the RFP’s release, depending on the complexity of the solicited services. Details for submitting proposals in response to the RFP are included in the RFP and supporting documents.

A selection committee evaluates each proposal received based on the pre-established criteria contained in the RFP. The Department’s non-engineering solicitations are awarded using a “best value” acquisition process. Consistent with State Finance Law, “best value” means an acquisition process that results in the most advantageous acquisition decision for the State, considering technical, price and other programmatic evaluation factors.

After the committee’s selection recommendation is approved by the Department, all firms are notified of their status under the solicitation. Contract negotiations are then initiated with the successful firm.

The Department encourages the participation of disadvantaged, minority, and women-owned business enterprises in its contracting programs. Consultant agreements for non-engineering professional services have a D/M/WBE participation contract goal that is established based upon an analysis of the services being procured and the availability of qualified and appropriately certified firms available to provide these services as a subconsultant. Information regarding D/M/WBE participation goals is provided within the specific RFP for the contracting opportunity.

Firms interested in participating in the Department's Non-Architectural/Engineering Services acquisition process are encouraged to frequently visit the New York State Contract Reporter’s website and the Department’s website to keep abreast of upcoming opportunities and to respond accordingly.
Inquiries concerning Non-Architectural/Engineering consultant acquisition should be directed to the Contract Management Bureau:

NYS Department of Transportation  
Contract Management Bureau  
Non-Architectural/Engineering Consultant Unit  
50 Wolf Road, 6th Floor  
Albany, NY 12232  
(518) 457-2600  
E-mail: alfred.hasenkopf@dot.ny.gov
Disadvantaged, Minority, and Women’s Business Enterprise Program

Disadvantaged Business Enterprise Program

As part of its commitment to the economic development of Disadvantaged Business Enterprises (DBE’s), the Department is seeking to increase participation by and service to traditionally socially and economically disadvantaged persons in programs and activities administered by the Department. This is accomplished by encouraging full use of existing DBE’s and the entry of new and diversified DBE’s into the marketplace.

As part of its Federal Aid Construction Program, the Department has annual statewide program goals for DBE participation that are approved by the Federal Highway Administration. An individual DBE goal is established for each contract based on a number of considerations, with the objective that the individual contract goals, result in a total statewide participation by DBE firms meeting the statewide goal.

Only those DBE’s certified under the NYS Unified Certification Program (UCP) are eligible to be used to fulfill the goal on federally assisted projects. If your firm is not found to be eligible for DBE status, you may still work on Department projects; however, your participation will not count toward the goal.

_Disadvantaged Business_ means a for-profit small business concern:

a) that is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or in the case of a corporation, in which at least 51 percent of the stock of is owned by one or more such individuals; and

b) whose management and daily business operations are controlled by one or more socially and economically disadvantaged individuals who own it.

Additionally, each disadvantaged owner’s personal net worth must be less than $1,320,000.

_Small Business_ concern means a small business as defined pursuant to Section 3 of the Small Business Act and SBA regulations implementing it (13 CFR 121) that also does not exceed the threshold on average annual gross receipts specified by 49 CFR and adjusted by the Secretary, USDOT. Any firm averaging over the threshold in gross receipts over the most current three-year period, including affiliates, as established by the Small Business Administration, will be deemed over the size standards for the purpose of the DBE program.
You may review detailed requirements concerning DBE Certification and obtain an application for certification at: www.dot.ny.gov/main/business-center/civil-rights/general-info/dbe-certification

or by contacting the DBE Certification Unit at:

New York State Department of Transportation  
Contract Audit Bureau - Certification Unit  
50 Wolf Road, 6th Floor  
Albany, New York 12232  
(518) 457-3180  
DBECert@dot.ny.gov

Certification does not guarantee that your firm will receive a contract. You must still market your business to prime contractors/consultants doing business with the Department.
Disadvantaged Business Enterprise Supportive Services

The Office of Civil Rights provides supportive services in the areas of technical and management assistance to certified DBE’s located in New York State seeking to do business with the Department, and also those currently/previosuly engaged in the Department’s contract work.

A DBE is eligible to receive supportive services assistance if the firm is certified as a DBE by the Department of Transportation and is either:

X a contractor/consultant or supplier who is actively working on a (NYSDOT) contract, or

X a contractor/consultant or supplier who has previously performed on a (NYSDOT) contract, or

X a contractor/consultant or supplier whom the Department has identified as needing assistance.

Technical assistance is available to eligible DBEs at no cost or nominal cost before and after a contract award in the following areas:

X Financial Management
X Construction Management
X Operational Management
X Marketing
X Estimating and Bidding

To request assistance or receive further information, please call or write:

New York State Department of Transportation
Office of Civil Rights
DBE/Supportive Services Program
50 Wolf Road, POD 6-2
Albany, New York 12232
Phone: (518) 457-1129
Minority/Women's Business Enterprise Program

The Department sets overall goals for the agency for participation by Minority/Women's Business Enterprises (M/WBE). In addition, the Department sets project-specific M/WBE goals for the construction program, consulting contract opportunities, and service contracts where participation is possible. The M/WBE goals are approved by the Empire State Development Corporation, Division of Minority and Women's Business Development.

Only firms certified by the Empire State Development will be used to fulfill goals on 100 percent state-funded projects.

If interested in receiving more information on the NYS Minority and Women Owned Business Certification process, please contact:

Empire State Development  
Division of Minority and Women's Business Development  
30 South Pearl Street  
Albany, NY 12245  
Phone: (518) 292-5250  
https://ny.newnycontracts.com
Thank you for your interest in doing business with the New York State Department of Transportation!