DIRECTIONS FOR FORM CONR 386 (rev. 04/04/18), "CURRENT WORKLOAD AND LAST DESIGNATION DISCLOSURE"

All firms (prime consultants, joint venture (JV) team members, and subconsultants) being proposed in response to a specific solicitation, must prepare the CONR 386 form. Proposed subconsultants must prepare the form and provide it to the prime consultant or JV coordinator. The prime consultant or JV coordinator is responsible for providing all CONR 386 forms for all of the proposed consultant team members as part of their electronic Expression of Interest (e-EOI).

The CONR 386 form is comprised of three (3) parts: Side 1, Side 2, and Composite Workload.

**Side 1, Upper Section** - To be completed by each firm included in the e-EOI for a specific solicitation.

**IDENTIFYING INFORMATION:** The information used entered on the upper left side consists of information relating to the advertised opportunity; the Contract Number (Dxxxxxx), Project Identification Number(s) (PIN(s)), NYSDOT Division (e.g., Design Division), Project Description, NYSDOT Ad Contact Person, and Date of the detailed advertisement. All of this information is to be taken directly from the detailed advertisement posted on NYSDOT’s web site. The information used for the right side of the form consists of the firm name, Consultant Identification Number (CIN) for the lead office, contact person, phone number and the address or addresses of the office(s) to perform the requested services. Fill in the total number of administrative personnel firm-wide, the total number of technical personnel firm-wide and the total number of personnel (technical and administrative personnel) firm-wide. These numbers should correspond with offices listed on your NYSDOT 255 number 4. List only full time employees.

Enter information regarding the firm’s last designation for a NYSDOT project. The value to be reported for a firm’s last designation is determined by the estimated value of that designation multiplied by the firm’s proposed percent participation as stated in the e-EOI for that project. The claimed last designation value for each firm is not to be modified, reduced over time, or offset by any estimated costs.

For the Prime and/or JV Partner, the firm’s last designation for a NYSDOT project is determined by the first category that applies:

1. Last designation for a NYSDOT project, where the firm was either the Prime or a JV Partner, that occurred during the preceding 6 months from the e-EOI due date for the project being applied for.
2. Last designation for a NYSDOT project, where the firm was a sub-consultant, that occurred during the preceding 6 months from the e-EOI due date for the project being applied for.
3. Last designation for a NYSDOT project, where the firm was either the Prime, a JV Partner, or a sub-consultant, that occurred prior to the preceding 6 months from the e-EOI due date for the project being applied for.

For all sub-consultants, the firm’s last designation for a NYSDOT project is the most recently designated project where the firm was the Prime, a JV Partner, or a subconsultant.

If a firm receives more than one project designation, both in the same category above, on the same day, the firm should report the project that has the largest dollar value associated with the firm’s participation as their last designation.

**Please Note:** For additional instructions on reporting the firm’s Last Designation, refer to the letter that the firm received from the Contract Management Negotiations Unit. Specialty Projects (such as: Regional Design Service Agreements (RDSA), Design Agreements for Environmental Services, Structure Inspection projects, etc.) may have unique instructions, such as not claiming Last Designation.

The last entry of this upper section indicates whether the firm is a certified DBE, MBE and/or WBE. Place an “X” in each category that applies or check “NONE”. If a subconsultant is certified, the prime consultant must include current documentation of that certification in Section C of their Process II submittal or Section 3 of their Process I submittal. The acceptable documentation is page printouts from the BizNet UCP Directory (http://www.nysucp.net) for certified DBEs and/or the Directory of Minority and Woman Owned Business (https://ny.newnycontracts.com/webpack/Mobile/VendorSearchPublic.asp) for certified MBEs and WBEs.
***Please complete Side 2 before completing remainder of Side 1***

Side 2 - Remaining Work with NYSDOT

To be completed by each firm included in the e-EOI for a specific solicitation. Firm name and CIN should be the same as shown on the upper right of Side 1.

REMAINING WORK WITH NYSDOT:

- List all projects for which the firm currently has contracts with NYSDOT or has been officially selected to provide services. These should be categorized as noted on the form.

- Executed supplemental agreements must be combined with the original agreement.

- Anticipated supplemental agreements or supplemental agreements under negotiation must be listed separately.

- The individual workload values for the listed projects are determined by the designated value of each project multiplied by the firm’s proposed percent participation as stated in the e-EOI for each of those projects. The values are not to be adjusted, modified, or offset in any fashion until a draft agreement has been accepted by signature of the prime consultant or JV and received by the NYSDOT Contract Management Bureau. Once acceptance of a draft agreement has been received by NYSDOT, firms participating in the contract may report their negotiated share of the agreement as their workload for the project. The reported workload associated with a specific project can be reduced as a firm completes its work as the project progresses.

- After receiving a designation for a non-engineering contract or a designation for a term or term-like agreement such as Term Construction Inspection, Term Agreement for Survey Services, Term Agreement for Environmental Services, etc., the consultant shall report the entire value of the agreement times their percent of work as their remaining workload for that contract. The full value times the firm’s percent of work must be reported as remaining workload after designation, even if the firm has not yet received an individual assignment. During the course of the work, the firm should report the remaining workload based on the entire value of the agreement times their percent of work, not just the value remaining in an individual assignment.

- For Biennial Bridge Inspection and East River Bridge Inspection agreements only: Once a draft agreement has been accepted by signature of the prime consultant or JV and received by the NYSDOT Contract Management Bureau, the consultant shall not include the negotiated value of the non-expendable direct non-salary cost items such as equipment rental and sub-contracting of Work Zone Traffic Control (WZTC). Non-expendable direct non-salary costs are defined as goods and services rented, leased, or purchased which are not consumed for project work.

- For Area Backdrop Contracts (ABC) and Regional Design Services Agreements (RDSA): Include workload as DOT gives assignments to the consultant. Follow the directions provided in the assignment designation letter to report each assignment. List each assignment separately. Do not enter base ABC or RDSA information on this form.

- During contract negotiations: After the contract is executed and through contract completion, if the consultant anticipates that their firm will not perform any work on a project for 12 months or more, a workload value of “0” may be reported for that project until the scheduled inactive period is less than 12 months. In all instances where the workload for a project is adjusted to “0”, the consultant must describe on the CONR 386 why an adjustment was made for the affected projects and include the anticipated restart date.

If the dollar value of the work to be performed under a project specific contract is reduced/increased because of a change in schedule, a change in the scope of services, project efficiencies, etc., the consultant can reflect the resulting change in pending workload. Additionally, for term or term-like agreements, if the consultant has been informed by the NYSDOT project manager that no additional
assignments are to be made against an agreement, or new/additional assignments have been added, the consultant shall reduce/increase the reported remaining workload by the value of the agreement that is not expected to be utilized or that is added.

In all instances, the consultant must clearly describe in a footnote on the CONR 386 why an adjustment was made for the affected projects and include the both the name of the NYSDOT project manager that manager’s contact information which were consulted to support the consultant’s claim of a reduced remaining workload.

It is the consultant’s responsibility to coordinate with the NYSDOT project manager as necessary to ensure that the NYSDOT project manager would agree that their firm will not perform any work on the project within the next 12 months or that there is a reduction in the remaining workload. The NYSDOT project manager must provide written correspondence to the Assistant Director, Designation Unit, Contract Management Bureau to support the claim of the scheduled inactive period or the reduction/increase in remaining workload. The correspondence should include an estimated date that the work effort will resume for projects where no work will be performed for 12 months or more. If Contract Management reviews a consultant’s claim that they will not perform any work on the project for 12 months or more, or there is an increase in remaining workload, and the NYSDOT project manager does not agree, this may be considered a misrepresentation and may affect a potential designation. In some situations, the consultant may make an independent business decision to withdraw from a project at which point they would no longer have to include a deferred project in their reported workload.

A project reported as a last designation on an e-EOI must also be reported on the workload disclosure form. If the consultant anticipates that their firm will not work on the project for 12 months or more, the consultant must still claim the project as its last designation until it is replaced by a subsequent designation. In some situations, the consultant may make an independent business decision to withdraw from a project at which point they would no longer have to claim the deferred project as their last designation.

The following information is required for each project:

<table>
<thead>
<tr>
<th>Type of Work</th>
<th>Highway Design, Structural Design, Construction Support, Rest Area Design, Traffic Management Center Design, Construction Inspection (CI), TASS (Surveying), Planning, Bridge Inspection, Traffic, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Number</td>
<td>List the Contract Number (Dxxxxxx) assigned by NYSDOT for the agreement</td>
</tr>
<tr>
<td>P.I.N.</td>
<td>List the NYSDOT Project Identification Number(s).</td>
</tr>
<tr>
<td>Firm’s Remaining Work</td>
<td>Include the remaining dollar value of the work to be done by the firm, including any anticipated supplemental agreements. NOTE: Asterisk * entry and give explanation if remaining dollar value is substantially different from contracted amounts. Once a firm is notified that it has been selected for contract services, an estimated contract dollar value must be listed.</td>
</tr>
</tbody>
</table>

If necessary, additional sheets may be attached for firm’s remaining work or for asterisked explanations. The same format must be followed.

Add each subtotal and the overall firm's total remaining work and record them in the appropriate shaded box on the form.

COMPOSITE WORKLOAD

This section provides a summary of the Division Workload and Department Workload for the entire consultant team being reported for a specific solicitation. The Composite Workload page is to be completed by the prime consultant or JV coordinator only.

DIVISION WORKLOAD - List the following in the top portion of the form: the CIN of each firm proposed in the e-EOI; the firm’s name; a “P” for prime consultant or an “S” for subconsultant as appropriate; for certification status (if applicable), a “D” (Disadvantaged), an “M” (Minority), or a “W” (Woman); the percent of participation by the
D/M/WBE firms (20% maximum total); and each firm’s total remaining work within the DOT Division; each firm’s percent of work as shown in the e-EOI; and the Weighted Workload (the dollar value of the remaining work (calculated as of the e-EOI due date) multiplied by the percent of work in the e-EOI).

DEPARTMENT WORKLOAD - enter the CIN for each firm proposed in the e-EOI, the name of each firm proposed in the e-EOI, each firm’s Total Remaining Department Workload (calculated as of the e-EOI due date), its percent of work as shown in the e-EOI, and the dollar value for the Total Remaining Workload multiplied by the percent of work.

The Composite Workload page must be signed and dated by an officer or partner of the prime firm. Forms submitted by joint ventures should be signed by officers or partners of each of the joint venture firms. If necessary, additional sheets may be attached.

**Side 1, Lower Section**

To be completed by each firm included in the e-EOI for a specific solicitation.

### I. To be completed by all firms.

Enter the firm’s NYSDOT REMAINING WORK FOR THE DIVISION LISTED ABOVE (from Side 2): The DIVISION REMAINING WORK is to include the firm’s total remaining work with the Division specified in the project advertisement, (e.g., Design Division, Construction Division, etc.) and calculated as of the e-EOI due date.

### II. To be completed by all firms.

Enter the firm’s NYSDOT REMAINING WORK FOR ALL DIVISIONS (from Side 2): The firm’s remaining work is to include the firm’s total remaining work with the Department and should agree with the firm’s total remaining work at the bottom of Side 2 of the CONR 386 form. All remaining work values shall use a No Later Than calculation cutoff date as of the e-EOI due date listed in the detailed advertisement.

### III. To be completed by Prime Consultants or JVs only.

List proposed certified disadvantaged business enterprise (DBE) firm(s) or certified minority/women’s business enterprise (M/WBE) firm(s) depending upon the information included in the detailed advertisement. List the subconsultant firm name, its CIN, its certification type, its percent of the proposed work, and its percent of D/M/WBE participation (20% total maximum). The percentages noted must agree with Item 6 of the NYSDOT 255. More than one D/M/WBE subconsultant may be proposed toward the maximum 20% D/M/WBE participation credit.

### IV. To be completed by prime consultants or JVs only.

OTHER SUBCONSULTANT FIRMS: List only proposed subconsultants that are not certified D/M/WBEs, CIN and the percentage of work proposed for the firm (this number must agree with Item 6 of the NYSDOT 255).

### V. To be completed by all firms.

CERTIFICATION: This certifies that the figures are actual contract amounts (when available) or the best estimate of billings. This section must be dated and signed by an officer or partner of the firm to be a valid NYSDOT Current Remaining Work Disclosure. All remaining work values shall use a No Later Than calculation cutoff date as of the e-EOI due date listed in the detailed advertisement.

If you have any questions, please call the contact person listed in the N.Y.S. Contract Reporter or the advertisement at 518-457-2600.