Sole proprietorships, partnerships, Professional Corporations, Foreign (non-NYS) Professional Corporations, “Grandfathered” Exempt Corporations and the members of a Professional Limited Liability Companies (PLLC's) (hereafter referred to as authorized firms) may legally engage in the practice of professional engineering, land surveying, architecture and/or landscape architecture (hereafter referred to as “professional engineering-related” services) in New York State. Such entities (with the exception of PLLC's) must be specifically authorized by the N.Y.S. Education Department to render such services in New York State. This instruction applies to firms providing professional engineering-related services and their subconsultants.

In order to legally measure and plot the dimensions and areas of any portion of the earth utilizing either traditionally used tools or more recent innovations like Global Positioning System technology, a firm must be authorized to perform professional land surveying in New York State (for more information on authorization to perform professional land surveying see CI 97-02).

Persons providing professional engineering-related services on behalf of authorized firms must be licensed by New York State and must have a legal (employee or independent contractor if not otherwise restricted by the project solicitation) relationship to that firm.

The NYSDOT requires firms selected to provide professional engineering or surveying services, on either a prime consultant or a subconsultant basis, to submit proof of authority to render these services in New York State. Such firms will be required to submit such proof within one business day of being requested to do so by the NYSDOT Contract Management Bureau. Prime firms will be responsible for insuring the submission of proofs to NYSDOT by their subconsultants. Proof of authority must be submitted to NYSDOT for each selection in order for a firm to be retained for any professional engineering or land surveying contracts.

Firms previously required to obtain a Certificate of Present Existence/Good Standing from the N.Y.S. Department of State are no longer required to do so to demonstrate that they may legally operate as a business in New York State. The NYSDOT is now able to electronically obtain this information directly from the Department of State.

REQUIRED PROOFS

Firms interested in providing professional engineering-related services should assemble copies of the following documents at the time the firm expresses interest in a project, based upon organization type. Please do not include such proofs in your expression-of-interest, however.

**Sole Proprietorship** - Owner’s current NYS Professional Engineer and/or NYS Land Surveyor license number, registration expiration date AND an Affidavit of Compliance (use the attached revised affidavit).

**Domestic General, Limited and Limited Liability Partnerships (LLP)** - Current NYS Professional Engineer or NYS Land Surveyor license number and registration expiration date for the partner(s) in charge of the services generally required by NYSDOT, and an Affidavit of Compliance with the NYS Business Corporation Law or Partnership Law (use the attached revised Affidavit).

**Professional Corporation (PC)** - A current listing of the names and NYS Professional Engineer and/or Land Surveyor license numbers (with expiration dates) of all officers, directors and shareholders of the
corporation AND a Certificate of Authority issued by the NYS Education Department that lists all the regulated disciplines that the firm will be called upon to perform.

**Professional Limited Liability Company (PLLC)** - *Current* listing of the names and NYS Professional Engineer and/or Land Surveyor license numbers (with expiration dates) of all members of the Company.

**Foreign (Non NYS) Professional Corporation (Foreign PC)** - Certificate of Authority issued by the NYS Education Department, a *current* listing of the names and Professional Engineer and/or Land Surveyor license numbers (with expiration dates) and issuing State for all Officers, Directors and Shareholders and the New York State license (with expiration date) of the individual who will actually do the work, AND an affidavit of compliance with Article 15-A of the NYS Business Corporation Law (modeled on the attached Affidavit).

**Grandfathered Exempt Corporation (Grandfathered INC)** - A copy of the Registration Certificate with Chief Executive Officer (CEO) and expiration date listed. The firm must provide the CEO's current NYS Professional Engineer and/or NYS Land Surveyor license number and registration expiration date. If the name of the corporation was recently changed, a copy of the NYS Education Department consent certificate is also required.

**Domestic (NYS) or Foreign General Business Corporation (INC) and Limited Liability Company (LLC)** -

1. **As a Prime Consultant**

   General business corporations and Limited Liability Companies, other than a NYS Grandfathered Exempt Corporation, will *not be selected* as a prime consultant to perform services requiring authorization in a regulated discipline (professional engineering, professional land surveying, architecture or landscape architecture) for this Department.

2. **As a Subconsultant**

   **A. INC or LLC Subconsultant in a Non Regulated Discipline**

   Assistance to an authorized prime firm in a *non regulated discipline* (e.g. environmental analysis, citizen participation, mapping, etc.) *only* if the prime firm provides the appropriate NYSDOT Contract Analyst with a letter (see attachment), signed by a principal of the firm, which clearly indicates that the subconsultant will not be performing work which must by law be performed by an authorized entity.

   **B. INC or LLC Subconsultant in a Regulated Discipline**

   Assistance of a technical nature in a regulated discipline such as professional engineering or land surveying as a subconsultant in an advisory capacity to the prime consultant only under the following conditions:

   1. The subconsultant is demonstrably qualified to assist the prime.
   2. The subconsultant's work will be directly overseen and reviewed by the prime consultant.
   3. No plan or real property boundary map will be sealed with the stamp of such a subconsultant. Only a prime firm so authorized and/or a licensed professional employed by the authorized prime firm may seal plans or property maps, thereby retaining full professional responsibility.

**TRANSMITTAL TO NYSDOT**

Please note that all correspondence to the NYSDOT Contract Management Bureau should prominently display the firm's office's New York State office Consultant Identification Number (CIN). If a CIN has not
been issued by NYSDOT to the firm (specifically to an office or offices that may express interest in a solicitation), please contact the CIN Coordinator at (518) 485-8295 in order to obtain a CIN. Please have the office's Federal identification number and nine-digit zip code available when calling. In addition, please supply the firm's Internet e-mail address for our records.

Attachments:  
1. Sample letter for primes  
2. Revised Affidavit form
Attachment 1 to CI 93-10

Sample Letter for Primes Certifying that Subconsultants Will Not Be Assigned Tasks for Which Authority to Practice a Profession is Required

[Firm Letterhead]

[Date]

Mr. Richard Albertin
Director
Contract Management Bureau
NYSDOT
1220 Washington Avenue
State Campus, Bldg. 5, Rm. 108
Albany, NY 12232-0203

Re: [Contract Number, PIN, Description]

Dear Mr. Albertin:

The firm of [Prime Firm], having been designated by the New York State Department of Transportation as the prime consultant for the above project, recognizes that certain contractual tasks will be performed by subconsultant firms.

On behalf of [Prime Firm], I agree that [Prime Firm] will assign professional engineering, professional land surveying, professional architecture or professional landscape architecture tasks to subconsultant firms that are authorized by the Education Department of the State of New York to perform such services. I agree further that should my firm ask a subconsultant firm not so authorized to perform technical assistance related to the abovementioned disciplines, my firm ensure that the subconsultant is qualified to perform the work, my firm will take complete responsibility for that subconsultant firm's work and only my firm will seal plans or real property boundary surveys.

Should clarification regarding subconsultant tasks be required, we will contact the Contract Management Bureau for advice on how to proceed prior to asking a subconsultant to perform such work.

Yours truly,

[Name]
[Title of Officer]

AFFIDAVIT

I, ____________________, in my capacity as ____________________ with the firm of

Name

_________________________, located at ______________________________________,

______________________________, which is a: (check applicable boxes)

☐ DOMESTIC ☐ FOREIGN

☐ Sole Proprietorship
do hereby affirm that we have complied with all applicable requirements of New York State Law, including but not limited to the General Business Law, General Corporation Law, Partnership Law and Education Law regarding the following contract:

Contract Number:  

PINS:  

Description:  

Counties in which work is necessary:  

I recognize that this affirmation is submitted for the express purpose of inducing the State of New York Department of Transportation to award a contract; acknowledges that the Department may in its discretion, by means which it may choose, determine the truth and accuracy of all statements made herein; acknowledges that intentional submission of false or misleading information may constitute a felony or misdemeanor as defined in the Penal Law or may be punishable by fine according to applicable sections of the United States Code; and states that the information submitted in this affirmation and any attached pages is true, accurate and complete.

Sworn to before me this  

______day of _______________, __________.  

Signature of Principal/Officer  

_____________________________  

Notary Public  

_____________________________  

Title