The New York State Department of Transportation anticipates the release of a Non-Engineering Request for Proposals (RFP) to seek a responsive and responsible Consultant to provide assessments of firms certified in New York State as DBEs to perform various NYSDOT highway work codes. The selected Consultant shall also identify areas of needed business assistance and opportunities for growth. The Consultant may also participate in up to three symposiums as directed by NYSDOT.

Responsive and responsible consultants interested in receiving the RFP should submit a brief, one-page Letter of Interest (LOI) to: Barbara.Sonenberg@dot.ny.gov. The LOI should include, at a minimum, the firm name, address, e-mail address, and phone number of a contact person at your firm. An e-mail announcing the release of the RFP will be sent to all parties submitting a LOI. When ready, the RFP will be posted to the NYSDOT website and will contain all the information necessary for firms to submit a complete proposal. It is anticipated that the RFP will be released on November 25, 2013. If the release of the RFP is delayed for any reason, the due date for proposals will be extended appropriately.

The base term of this contract is three years (3) years, with an authorized option to extend the contract for up to two additional one-year terms, based on satisfactory performance of the selected Consultant, availability of funding and subject to approval by OSC.

The proposal due date of January 22, 2014 is subject to change. Contract #C031181 has a 20% DBE subconsulting opportunity goal.

For a full description of the project and requirements, please visit the NYSDOT website at: https://www.dot.ny.gov/business and click on ‘Consulting Service Opportunities’ then click on ‘Ads’ then click on the date associated with C031181.

Under the requirements of the State Procurement Act, all communications regarding advertised projects are to be channeled through the NYSDOT Contract Management Bureau Designated Contact Person. Until a contract is approved by the State Comptroller, contact with any other NYSDOT employee concerning this project should not be made unless otherwise directed by NYSDOT Contract Management. Communications made contrary to this policy and deemed an attempt to influence the outcome, may result in disqualification.

Procurement Lobbying Law Compliance
Required Forms: The consultant shall sign and e-mail/fax the following forms. These forms are part of and due with the consultants’ proposals.

a) “Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)”

b) “Offerer Disclosure of Prior Non-Responsibility Determinations”.
NYSDOT Guidelines and Procedures
Under the requirements of the State Procurement Act all communications regarding advertised projects are to be channeled through NYSDOT Contract Management Bureau (*Designated Contacts). Until a designation is made, communication with any other NYSDOT employee concerning this project that is determined to be an attempt to influence the procurement may result in disqualification.


Contacts Prior to Designation:
Any communications involving an attempt to influence the procurement are only permitted with the following Designated Contact Persons:
- The Contract Management Bureau Designation Contract Analyst
- The Contract Management Bureau Designation Analyst Supervisor
- The Contract Management Bureau Civil Rights Unit Supervisor
- The Contract Management Bureau Assistant Directors
- The Contract Management Bureau Director

These are some communications exempted from this restriction:
- Participation in a pre-proposal conference
- Submittal of written questions when written responses will be provided to all offerers
- Protests, complaints of improper conduct or misrepresentation

If any other NYSDOT employee is contacted and they believe a reasonable person would infer that the communication was intended to influence the procurement, the contact must be reported by the NYSDOT employee. If the Department determines an impermissible contact was made, that offerer cannot be awarded the contract. A second violation would lead to a four-year bar on the award of public contracts to the offerer.

Contacts after designation
NYSDOT identifies its primary negotiation contacts. The designated contacts include:
- The Contract Management Bureau Negotiation Contract Analyst
- The Contract Management Bureau Negotiation Analyst Supervisor
- The Contract Management Bureau Civil Rights Unit Supervisor
- The Contract Management Bureau Assistant Directors
- The Contract Management Bureau Director
- The Consultant Management Bureau consultant job manager
- The Consultant Management Bureau consultant job manager’s immediate supervisor

Individual(s) that the Department may identify at or after designation

The law does not limit who may be contacted during the negotiation process. However, if any NYSDOT employee is contacted and they believe a reasonable person would infer that the communication was intended to influence the procurement, the contact must be reported by the
NYSDOT employee.

**Information Required from Offerers that contact NYSDOT staff, prior to contract approval by the Office of the State Comptroller:**
The individuals contacting NYSDOT should refer and shall be prepared to provide the following information, either by e-mail or fax as directed by NYSDOT. Person’s name, firm person works for, address of employer, telephone number, occupation, firm they are representing, and whether owner, employee, retained by or designated by the firm to appear before or contact the NYSDOT.

**Applicability to an executed contract**
Restrictions similar to those described above apply to approval or denial of an assignment, amendment (other than amendments that are authorized and payable under the terms of the procurement contract as it was finally awarded or approved by the comptroller, as applicable), renewal or extension of a procurement contract, or any other material change in the procurement contract resulting in a financial benefit to the offerer. The staff noted above as well as the project manager and consultant manager are considered designated contact persons. The Department may identify other contact persons for each of these processes.

**Rules and Regulations and More Information on this Law, Please Visit:**
https://www3.ogs.state.ny.us/legal/lobbyinglawfaq/default.asp (Advisory Council FAQs)
http://www.nyintegrity.org
http://www.nyintegrity.org/law/lob/guidelines.html (New York State Lobbying Act)
http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html

or contact the designated NYSDOT Contact Person:
Ms. Barbara Sonenberg
NYSDOT Contract Management Bureau
50 Wolf Road, 6th Floor
Albany, New York 12232-0203
E-mail: Barbara.Sonenberg@dot.ny.gov
Fax: (518) 457-2875