QUESTION 1. How does NYSDOT expect to handle Direct Non-salary Costs after selection of the consultant?

ANSWER: As stated on page 19 of the RFP: “For Cost proposal purposes, most direct-non salary costs associated with this project cannot be estimated at this time. Therefore, NYSDOT is directing proposing firms to NOT make any entries to the Direct Non-Salary Costs worksheet – Attachment 11.” Also stated on page 19 of the RFP, “All Cost proposals shall include $200,000 annual expense for Direct Non-Salary Costs. This DNSC value shall be included in the Summary of Costs worksheet submitted by the Prime proposing firm. The resulting Contract will include this value for DNSC.”

To clarify, NYSDOT offers the following: Details of direct non-salary costs (DNSC) shall be discussed during negotiations with the designated firm. As is standard practice, during the course of a contract DNSCs shall require prior approval by the State. Examples of direct non-salary expenses may include, but are not limited to, items such as project related insurance, reproduction costs, mailing costs, supplies and project related travel expenses (as published in the RFP, interested proposers should visit http://www.gsa.gov/), etc.

Additionally, proposers may be interested in knowing that the $200,000 annual value for Direct Non-Salary Costs was determined by NYSDOT and based on historical data. Therefore, the contract resulting from this RFP (as published above) shall include the annual value of $200,000 for direct non-salary costs/expenses. If during the life of a contract NYSDOT determines additional funding is required, NYSDOT, with concurrence of the designated firm, will advance a supplemental agreement, with justification, to OSC for review/approval/execution (note: that supplemental agreement would become final when/if executed by OSC).
QUESTION 2. Will NYSDOT provide some explanation as to the differences between Fringe Benefits, Overhead and Profit rates/fees as included in the RFP and corresponding cost exhibits?

ANSWER: NYSDOT developed cost exhibits for the subject solicitation to accommodate various forms of payment structures that the various interested proposers may use/wish to use. The following provides additional information and may be applied to a proposing firms cost proposal as is or may be re-arranged within the given categories depending on the needs of the organization/proposing prime firm (firms may use any combination of the available fee options or none at all, but the names of the categories provided by NYSDOT in the RFP – Fringe Benefits, Overhead, Profit rate/fee, along with respective formulas within the cost exhibits, shall remain in tact and must be used):

Examples of Fringe Benefit items may include, but are not limited to:

- Life and health insurance plans, unemployment insurance, subsidized cafeterias, company cars, stock options, expense accounts, and profit-sharing programs;
- Compensated absences, such as vacation, holidays, and sick leave;
- Medical programs, such as health and dental insurance;
- Retirement, such as the defined contribution portion toward retirement plan and plan service fees;
- Long-term disability coverage;
- Worker's compensation coverage; and
- Employee wellness programs, such as fitness club membership and other wellness programs.

Examples of Overhead items may include, but are not limited to:

- Regular operating expenses of a business such as: rent, utilities, upkeep, taxes, telephone, etc.

Explanation and/or use of the Profit rate/fee category:

- Additional money to grow, expand, invest, etc.

NYSDOT wants to remind proposing firms, as stated in Section IV. B. 1:

“The proposed overhead rate will be fixed during the term of the contract (base and extension years). A lower overhead rate may be negotiated for the extension years.”
The proposed fringe benefits rate will be fixed during the term of the contract (base and extension years).

If either category does not apply and/or a proposing firm does not wish to use one or more of the offered rate categories, the proposer shall enter 0% for that/those categories.”

**QUESTION 3.** Will NYSDOT clarify the details and requirements of tasks 9 and 10 in Section III of the RFP? Will NYSDOT combine the reporting requirements of tasks 9 and 10?

**ANSWER:** NYSDOT maintains the inclusion of Task 9 as published in the RFP. However, NYSDOT amends Task 10 by removing NYSDOT from receiving the CAR report as a deliverable. NYSDOT also amends Task 10 by indicating the NYSCAR is only to be provided to NYSDOT. NYSDOT further amends Task 10 by removing the requirement to “publish” the CAR and NYSCAR reports so that these confidential reports remain confidential.

Section III. A. of the RFP on page 10 is hereby revised and Modified as follows:

“10. **Reports.** Complete and submit as directed below.

**As required by FHWA,** submit a Program Assessment Report (PAR) and a Comprehensive Assessment Report (CAR) for the last two years. The PAR and CAR summarize performance data. The PAR represents the raw quantitative and numerical data on how centers are delivering program services, such as how many training sessions are held in a year or how many newsletter articles are published per year. The CAR captures the qualitative judgment of program directors and staff as to how they manage their day-to-day operations.

**Deliverable:** Deliverable entitled Program Assessment Report (PAR) shall be written and published by the Consultant for the previous two years. A copy shall be given to FHWA and NYSDOT on a bi-annual basis.

**Deliverable:** Deliverable entitled Comprehensive Assessment Report (CAR) shall be written by the Consultant for the previous two years. This is a confidential report and shall be submitted to FHWA on a bi-annual basis – a copy is NOT to be provided to NYSDOT.

**As required by NYSDOT,** submit an Annual LTAP Program Evaluation. Complete and submit the New York State LTAP Center Assessment Report (NYSCAR) for the previous year. The NYSCAR summarizes performance data.
Similar to FHWA’s CAR, the NYSCAR captures the qualitative judgment of program directors and staff as to how they manage their day-to-day operations. The format of the New York State LTAP Center Assessment Report (NYSCAR) should follow the guidelines provided in Attachment 14.

**Deliverable:** Deliverable entitled New York State LTAP Center Assessment Report (NYSCAR) shall be written by the Consultant. It shall be provided to NYSDOT on an annual basis (for the previous year) – a copy is NOT to be provided to FHWA.

**QUESTION 4.** Please clarify what is meant by the following phrase in Section IV. B. 1. c. of the RFP: “Any costs associated (including labor, travel, meals and lodging) with general continuing education, certification classes, or educational and professional activities are not reimbursable or chargeable to the project.”

**ANSWER:** This phrase refers to items/instances that do not relate specifically and solely to LTAP services. Only costs directly incurred for work performed (and only performed) in regard to LTAP are reimbursable as Direct Non-Salary Costs. General continuing education, certification, education and professional activities referred to above and in the RFP refer to an individual’s profession.

For instance, if an individual is traveling to/from an LTAP meeting, that travel would fall under the direct non-salary component of the contract – the travel is for LTAP only. However, if an individual is an educator and that individual’s teaching status requires a certain number of training hours to maintain his/her general teaching certificate/status, then that would NOT be reimbursable under the LTAP contract as a Direct Non-Salary Cost because the individual would need the training hours for his/her profession outside his/her work for LTAP.

Again, if a DNSC item is needed specifically for LTAP services and ONLY LTAP services, and it meets with the pre-approval of the State’s project manager, then it would be reimbursable as a Direct Non-Salary Cost/expense under this contract.
QUESTION 5. Per Section VI. E. Contractor Tax Certification of the RFP, if the applicant is an educational corporation, not a "Contractor" as defined in Tax Law Section 5-a, and is therefore not required to file ST-220-CA or ST-220-TD when receiving NYS contracts, will this be problem with negotiation of the contract?

ANSWER: If an entity is exempt by law from completing Contractor Tax Certifications (ST-220-TD and CA) then that entity will not be required to submit the forms for work under the contract resulting from this solicitation. However, the entity may be required to provide documentation regarding this exemption to NYSDOT.