July 30, 2014

SUBJECT: MODIFICATION NO. 2 TO REQUEST FOR PROPOSALS – Materials Management Support Services for NYSDOT – Contract #C031231

To Interested Parties:

Reference is made to the subject solicitation wherein the following changes are hereby incorporated:

1. Please note the changes to the following dates and deadlines:

   August 7, 2014 Deadline for the submission of proposals for ALL CATEGORIES: Precast Audit Services, Technical Support Services for NYSDOT Structures Division, Nationwide Technical Support Services, Prestressed and Precast Concrete Technical Support Services and Regional Technical Support Services is 12 noon (Eastern Time)

2. RFP Section 3.1 is hereby amended to delete the last paragraph and add the following at the end of the current Section:

   Note: Consultants selected to provide materials sampling, testing and inspection services are prohibited from assigning any inspector to perform inspection work for the State and another client during the same day (or extended period of time) at the same site of inspection unless approved in writing by the State, prior to the consultant assigning the inspector to work for the State and another client. A copy of the State’s written approval must be retained by the Consultant for a period of three years after final payment.

   If the State provides written authorization for the Consultant to assign inspectors to perform inspection work for the State and another client during the same time period at the same site of inspection, the Consultant must:
1. Maintain a Time Sheet (daily record, time card, labor distribution report) of each inspector’s beginning and ending times for each individual time period worked for each client (including project numbers or other characteristic descriptions) throughout the day.

If, for a given time period, the nature of the inspection work requires frequently alternating between one client’s project and another client’s to the extent that it is impossible or unreasonable to document the high number of individual work shifts, the inspector must allocate their inspection time equitably among the respective clients for the given time period.

Additionally, an inspector’s travel time must be allocated equitably to the State and the other client(s) if the inspector returns from or travels to an inspection site where inspection work was performed or is to be performed for the State and another client.

2. Use the time sheet as the basis for billing the State for work assigned by the State under this agreement.

   a) Allocate each inspector’s total time worked per day between the State and the other client(s) based on the accumulated actual time spent in the performance of work assigned by the State and the other client(s), as reported on the daily record.

   b) Allocate equitably each inspector’s travel expenses (per diems and mileage) between the State and other client(s) if the travel expenses were incurred because the inspector was performing work for the State and another client.

For those occasions where the Consultant seeks to assign an inspector to perform inspection work for the State and another client(s) during the same day but at different work sites, and there is insufficient available time to reasonably expect pre-approval from the State, the Consultant shall notify the State in writing after the occurrence of the assignment to an additional client along with the proposed equitable allocation of travel time, inspection time and associated expenses.

The Consultant shall retain all documentation, including associated billings to other clients for a period of three years after final payment.

3. **RFP Section 3.2 is amended to read as follows:**

   The inspection and testing consultants will be required to provide qualified and trained personnel, respond to assignments on an as-needed basis in a timely fashion, provide the necessary administrative and technical supervision to their employees and work in a cooperative fashion with Department personnel.

   No payment will be made to the consultant for providing non-certified inspectors according to the certification requirements listed under the various service categories.
It is recognized that at the time of submittal of a firm's proposal, that firm may not have sufficient trained and certified inspectors and QA technicians. The proposal shall fully describe the consultant’s plan to train sufficient staff and obtain sufficient certified QA technicians.

The selected consultant may be asked to participate in other Department training programs such as Work Place Violence, Sexual Harassment and Prevention, and others.

During peak periods and/or emergency conditions (such as emergency repairs), greater levels of staffing may be required by the State. If the State deems that additional manpower is necessary, the Consultant shall provide extra personnel. Personnel functioning under contract with the Department will include Project Manager, Inspectors, Intermediate Inspectors, QAT-2s, or Senior Inspectors. The complexity of the assignment will determine which grade of inspector is specified. The minimum qualifications are discussed under each category of service.

The Consultant shall utilize and maintain a detailed time sheet executed by the inspector and upon completion of the time period, signed by the inspector and signed by the supervisor. This time sheet (daily record, time card, labor distribution report) shall show actual beginning and ending times for each individual time period worked as well as number(s) of hours worked or allocated to each project/job and/or client. This time sheet shall be the basis of billings to the State. A copy of each time sheet must be retained by the Consultant for a period of three years after final payment.

Selected consultants are also advised that overtime rates must be paid to inspectors, and will only be reimbursed at the overtime rate by the Department, when inspectors work:

- more than 8 hours in a single day
- more than 40 hours in a single week
- on any state recognized holiday

4. **RFP Section 3.3.5 is amended to read as follows:**

Personnel functioning under contract with the Department will typically be considered as Inspectors, Intermediate Inspectors, or Senior Inspectors and the complexity of the assignment will determine which grade is specified. The minimum qualifications are:

* **The Project Manager Position is a non-billable title covered in Firm Overhead** – The project manager plans, organizes, assigns and supervises the work of Inspectors, Intermediate Inspectors, and Senior Inspectors. The assignments are given to the Project Manager a minimum of 48 hours in advance. The Project Manager evaluates progress of the staff and results obtained, and recommends major changes to achieve overall objectives.

**Inspector** – The inspector must be at least a high school graduate with
mathematical/technical course work (e.g. algebra) and must have either three months of sampling, testing, inspection or other related work experience. However, subject to Department review and approval, equivalent combinations of education, training and experience may also be considered as meeting these requirements.

**Intermediate Inspector** – In addition to the educational qualifications for inspector, the intermediate inspector must have at least a total of one year’s (one construction season) sampling, testing, inspection or other related work experience. However, subject to Department review and approval, equivalent combinations of education, training and experience may also be considered as meeting these requirements.

**Senior Inspector** – In addition to the educational qualifications for inspector, the senior inspector must have at least a total of three years (three construction seasons) sampling, testing, inspection or other related work experience. However, subject to Department review and approval, equivalent combinations of education, training and experience may also be considered as meeting these requirements. While providing inspection services a senior inspector must also have responsibilities which include supervision and/or training of other inspectors.

Both Intermediate and Senior Inspectors must have experience related to the inspection of the fabrication of welded bridge members or other dynamically loaded structural members.

It is estimated that a total of **250,000** compensable inspector hours may be required for these services over the three year period. Of this total, about **80%** will be required for the inspection of structural steel fabrication, with the remaining **20%** required for sampling, testing, and inspection of other construction materials. It is anticipated that about **80%** of the work will be assigned at the Senior Inspector level.

The Consultant Inspectors, Intermediate Inspectors, and Senior Inspectors involved in the sampling, testing, and inspection of steel fabrication must have certification in one of the following areas:

**Welding:**

- An American Welding Society (AWS) certification that states they are qualified in accordance with the requirements of AWS QC1-Standards for Qualifications and Certification of Welding Inspectors.

- As an alternate to AWS, inspectors qualified by the Canadian Welding Bureau (CWB) to the requirements of Canadian Standard Association (CSA) Standard W178.2, Certification of Welding Inspectors, are considered acceptable.

- Individuals trained by the Metals Engineering Unit of the Department and approved by the Deputy Chief Engineer, Structures (DCES) are also deemed acceptable.

In addition, these individuals MUST have experience related to the inspection of the fabrication of welded bridge members or other dynamically loaded structural members.
In addition, the Consultant Inspectors, Intermediate Inspectors, and Senior Inspectors involved in the sampling, testing, and inspection of structural steel coating operations during steel fabrication must be:

- National Association of Corrosion Engineers (NACE) certified Coatings Inspector – Level 3.

Certain coating applications may be determined by the Deputy Chief Engineer Structures (DCES) to not require a NACE Level 3. For those applications, the Inspector must meet the requirements of section 302 of the New York State Steel Construction Manual.

For projects requiring both Welding Inspection and Coating Inspection, it is not required that an inspector be dual certified, and instead these tasks may be performed by separate inspectors.

5. **RFP Section 3.6.4 is hereby amended to add the following at the end of the current Section:**

The Department will reimburse for inspector’s actual time at the plant. To qualify for compensation, the required inspection personnel must in fact be present at the assigned plant or project at the appointed time and remain until cancellation of the assignment is made by the Administrator or his/her designee, to a representative of the consultant.

6. **RFP Section 3.7.5 is hereby amended to read as follows:**

Due to the fact that Materials Testing Requirements/Procedures change over time the selected firms may also be required to provide other related sampling, testing, and inspection services. This testing, if required, shall be performed in accordance with generally recognized national standards at the time. In addition, the consultant is required, upon request by the Department, to supply the state with certified inspectors to be utilized at the plants in case of an emergency need.

Personnel functioning under contract with the Department will typically be considered as Inspectors, Intermediate Inspectors, or Senior Inspectors and the complexity of the assignment will determine which grade is specified. The minimum qualifications of the specified Key Project Personnel are:

* **The Project Manager Position is a non-billable title covered in Firm Overhead** – plans, organizes, assigns and supervises the work of Inspectors, Intermediate Inspectors, and Senior Inspectors. The assignments are given to the Project Manager a minimum of 48 hours in advance. Evaluates progress of the staff and results obtained, and recommends major changes to achieve overall objectives.

**Inspector** – The inspector must be at least a high school graduate with mathematical/technical course work (e.g. algebra) and either three months of sampling,
testing, inspection or other related work experience. However, subject to Department review and approval, equivalent combinations of education, training and experience may also be considered as meeting these requirements.

**Intermediate Inspector** – In addition to the educational qualifications for inspector, the intermediate inspector must have at least a total of one year’s (one construction season) sampling, testing, inspection or other related work experience. However, subject to Department review and approval, equivalent combinations of education, training and experience may also be considered as meeting these requirements.

**Senior Inspector** – In addition to the educational qualifications for inspector, the senior inspector must have at least a total of three years (three construction seasons) sampling, testing, inspection or other related work experience. However, subject to Department review and approval, equivalent combinations of education, training and experience may also be considered as meeting these requirements. While providing inspection services a senior inspector must also have responsibilities which include supervision and/or training of other inspectors.

Inspectors, Intermediate Inspectors, and Senior Inspectors must have experience related to the inspection of the fabrication of welded bridge members or other dynamically loaded structural members.

It is estimated that a total of 3000 compensable inspector hours may be required for these services over the three year period. Of this total, about 55% will be required for the inspection of structural steel fabrication, with the remaining 45% required for sampling, testing, and inspection of other construction materials. It is anticipated that about 90% of the work will be assigned at the Senior Inspector level.

The Consultant Inspectors, Intermediate Inspectors, and Senior Inspectors involved in the sampling, testing, and inspection of steel fabrication must have certification in one of the following areas:

**Welding:**

- An American Welding Society (AWS) certification that states they are qualified in accordance with the requirements of AWS QC1-Standards for Qualifications and Certification of Welding Inspectors.

- As an alternate to AWS, inspectors qualified by the Canadian Welding Bureau (CWB) to the requirements of Canadian Standard Association (CSA) Standard W178.2, Certification of Welding Inspectors, are considered acceptable.

- Individuals trained by the Metals Engineering Unit of the Department and approved by the Deputy Chief Engineer, Structures (DCES) are also deemed acceptable.

In addition, these individuals MUST have experience related to the inspection of the fabrication of welded bridge members or other dynamically loaded structural members.
In addition, the Consultant Inspectors, Intermediate Inspectors, and Senior Inspectors involved in the sampling, testing, and inspection of structural steel coating operations during steel fabrication must be:

- National Association of Corrosion Engineers (NACE) certified Coatings Inspector – Level 3.

Certain coating applications may be determined by the Deputy Chief Engineer Structures (DCES) to not require a NACE Level 3. For those applications, the Inspector must meet the requirements of section 302 of the New York State Steel Construction Manual.

For projects requiring both Welding Inspection and Coating Inspection, it is not required that an inspector be dual certified, and instead these tasks may be performed by separate inspectors.

7. **RFP Section 4.1 is hereby amended to read:**

Proposers must submit a complete proposal in response to this RFP, using the format and forms provided in this section and in the RFP’s attachments, responding to all requirements and following all instructions. Submission of a proposal shall be construed by NYSDOT as the proposer’s acceptance of the procedures, evaluation criteria, and other administrative instructions in this RFP. **NYSDOT may deem a proposal non-responsive and remove the proposer from consideration for failure to provide the information required or for failure to submit a proposal in the required format.**

Proposers must deliver proposals to NYSDOT Contract Management Bureau no later than 12:00 PM ET on August 7, 2014 for ALL CATEGORIES: Precast Audit Services, Technical Support Services for NYSDOT Structures Division – Local, Nationwide Technical Support Services, Prestressed and Precast Concrete Technical Support Services and Regional Technical Support Services. Proposers mailing proposals should allow sufficient delivery time to ensure timely receipt of their proposal in NYSDOT Contract Management Bureau’s offices.

For the purposes of evaluation, each proposal must be submitted in two parts. Part I is the Technical and Management submittal; Part II is the Cost and Contract submittal. Each part must be submitted via a separate e-mail. Each part of the proposal must be complete in itself in order that the evaluation of both parts can be accomplished independently and concurrently, and the Technical and Management submittal can be evaluated strictly on the basis of its merits. Cost information is **NOT** to be included in the Part I submittal. Your proposal should follow the format listed below for each category of services.

NOTE: NYSDOT will protect confidential and proprietary information from disclosure to the extent permitted by the Freedom of Information Law (“FOIL”), Article 6 of the Public Officers Law. If an offerer believes information included in their proposal is
confidential and proprietary, they should identify those page(s) of their proposal which contain such information as “confidential and proprietary”. Additionally, offerers need to explain the reason(s) why this information should be considered exempt from public disclosure under FOIL. The identification of pages and the reasons for exemption should be attached to the NYSDOT 255NAE form as a separate page.

8. **RFP Section 6.1 is hereby amended to read:**
The proposal shall be signed by an official authorized to bind the offerer. (NYSDOT 255NAE, Item 12)

Along with the NYSDOT 255NAE, any required DBE certificates or employment letters should be included as separate PDF files with the Part I submission.

Proposers shall submit the NYSDOT 255NAE and the Cost and Contract components (Project Budget Submission spreadsheet, PLL forms, Consultant Certifications, and Modification Acknowledgements) as separate e-mails.

Your proposal must be received by NYSDOT by Noon on **August 7, 2014** for ALL CATEGORIES: Precast Audit Services, Technical Support Services for NYSDOT Structures Division – Local, Nationwide Technical Support Services, Prestressed and Precast Concrete Technical Support Services and Regional Technical Support Services. The proposal must be submitted via e-mail to:

**Catherine Traina**  
**Office of Contract Management**  
**50 Wolf Road, 6th Floor**  
**Albany, NY 12232**  
**catherine.traina@dot.ny.gov.**  
**(518) 457-2600**

9. **RFP Section 6.3 is hereby amended to delete the last paragraph and add the following at the end of the current Section:**

An “Official Station” will be designated for each location of service by the State. This “Official Station” may be changed at the discretion of the State when such is determined to be in the best interests of the State. The State may designate alternate or secondary “Official Stations” for any service location where the services of substitute personnel or more than one person may be required at any given time.

Payment will be made to the Consultant for travel time, at the specific hourly rates, plus necessary travel expenses required to provide services under this Agreement, in the following conditions:

- a) Between two or more points of continuous service during the course of a daily assignment
- b) In distances of 10 miles or more to the point of service from the origin
- c) When the origin of travel is within the boundaries of New York City and the point of service is in New York City or the counties of Essex, Hudson or Union in the State of New Jersey
When the beginning and end of a daily assignment meets criteria (b) of this section, the travel time will be reimbursed from the “Official Station”, residence or point of origin of the travel, whichever results in the lesser mileage.

When the “Official Station”, residence or point of origin is less than ten miles from the point of service except as modified under (a) and (c) of this section, no payment will be made to the Consultant for travel time or travel expenses, except highway and bridge tolls.

Note: For assignments determined to be daily travel (no overnight lodging expenses), the inspector is not eligible for meal reimbursement.

It shall be the responsibility of the Consultant to determine, in consultation with the Administrator, whether it is in the best interest of the State for the Inspector to travel on a daily basis or obtain lodging near the assignment location.

10. **RFP Section 6.10 is hereby amended to read:**

   NYSDOT will attempt to adhere to the following tentative schedule for this solicitation:

   - **RFP Release Date:** July 10, 2014
   - **Question Submittal Deadline:** July 18, 2014
   - **Proposals Due:** **August 7, 2014** for ALL CATEGORIES; Precast Audit Services, Technical Support Services for NYSDOT Structures Division – Local, Nationwide Technical Support Services, Prestressed and Precast Concrete Technical Support Services and Regional Technical Support Services
   - **Proposal Evaluation:** Within 1 month after due date for proposals
   - **Recommendation & Designation:** 1–2 months after proposal evaluation
   - **Contract Finalization:** One Month
   - **Contract Award:** 4–6 weeks after completion of contract finalization

11. Attachment 11 included in the original RFP is deleted and replaced with the attached.

12. The attached Attachment 13 is hereby added to the RFP

---

**To be deemed responsive, all firms submitting proposals in response to this Request for Proposals (RFP) must acknowledge receipt of this formal modification to the RFP via Form AOR, attached hereto as Attachment 1.**
FORM AOR - ACKNOWLEDGMENT OF RECEIPT OF MODIFICATIONS AND RESPONSES TO QUESTIONS
(to be included in Part 2 of Proposal)

<table>
<thead>
<tr>
<th>NAME OF PROPOSER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

We hereby acknowledge receipt of the Modification to the Materials Management Support Services RFP issued by the Department as listed below.

<table>
<thead>
<tr>
<th>Modification number:</th>
<th>Date issued by Department:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>July 24, 2014</td>
</tr>
<tr>
<td>2</td>
<td>July 30, 2014</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Responses to questions number:</th>
<th>Date issued by Department:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q 1-8</td>
<td>July 24, 2014</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SIGNED

DATE

NAME
(printed or typed)

TITLE
Attachment #11

Preference Form for Multiple Proposal Submissions - Regional Technical Support Services

Any firm bidding on more than 4 upstate regions, or 1 downstate region, must indicate their order of preference below. This information will be used in the situation where the bidding firm has the top-ranked proposal in more than 4 upstate regions or 1 downstate region, in which case the firm will be awarded regions using the preference order below.

<table>
<thead>
<tr>
<th>FIRM NAME</th>
<th>Region 1</th>
<th>Region 3</th>
<th>Region 4</th>
<th>Region 5</th>
<th>Region 6</th>
<th>Region 7</th>
<th>Region 8</th>
<th>Region 9</th>
<th>Region 10</th>
<th>Region 11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acme Consulting</td>
<td>#3</td>
<td>#6</td>
<td>#1</td>
<td>#5</td>
<td>#4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature:          Title:          Date:
ATTACHMENT 13

NON-COLLUSION AFFIDAVIT

State of  
County of  ss

Each of the undersigned, being first duly sworn, deposes and says that:

(Name) is the (Title) of (Firm)

(Name) is the (Title) of (Firm)

which entity(ies) are the (details) of (Proposer)

the entity making the foregoing Proposal:

(a) By submission of its Proposal, the Proposer and each person signing on behalf of the Proposer certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:

(1) The prices in this Proposal have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;

(2) Unless otherwise-required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Proposer and will not knowingly be disclosed by the Proposer prior to opening, directly or indirectly, to any other proposer or to any competitor; and

(3) No attempt has been made or will be made by the Proposer to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(b) A Proposal shall not be considered for award nor shall any award be made where (a)(1)(2) and (3) above have not been complied with; provided however, that if in any case the Proposer cannot make the foregoing certification, the Proposer shall so state and shall furnish with the Proposal a signed statement which sets forth in detail the reasons therefore. Where (a)(1)(2) and (3) above have not been complied with, the Proposal shall not be considered for award nor shall any award be made unless the head of the Department, or his designee, determines that such disclosure was not made for the purpose of restricting competition. The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph (a).

If the Proposal is made by a corporate Proposer, such Proposal shall be deemed to have been authorized by the board of directors of the Proposer and such authorization shall be deemed to include the signing and submission of the Proposal and the inclusion therein of the certificate as to non collusion as the act and deed of the corporation.
CORPORATE ACKNOWLEDGMENT

STATE OF ________________  }
COUNTY OF ________________  }

On the ___________ day of ______________ in the year ___________ before me personally came
____________________________ to me known, who, being by me duly sworn, did depose and say that he/she/they
reside(s) in ____________________________ (if the place of residence is in a city, include the street and street number,
if any, thereof); that he/she/they is (are) the ___________________________ (president or other officer or
director or attorney in fact duly appointed) of the __________________________ (name of corporation), the corporation
described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by
authority of the board of directors of said corporation.

________________________________________________
Notary Public

ACKNOWLEDGMENT FOR OTHER ENTITIES (in New York)

STATE OF NEW YORK  }
COUNTY OF ________________  }

On the ___________ day of ______________ in the year __________ before me, the undersigned, personally
appeared _____________________________, personally known to me or proved to me on the basis of satisfactory
evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the
individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

________________________________________________
Notary Public

ACKNOWLEDGMENT FOR OTHER ENTITIES (outside of New York)

STATE OF ________________  }
COUNTY OF ________________  }

On the ___________ day of ______________ in the year __________ before me, the undersigned, personally
appeared _____________________________, personally known to me or proved to me on the basis of satisfactory
evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the
individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual
made such appearance before the undersigned in the
__________________________
(city or political subdivision and the state or county).

________________________________________________
Notary Public

Duplicate or modify this form as necessary so that it accurately describes the entity making the Proposal
and so that it is signed on behalf of all general partners or joint venturers of the Proposer.