REQUEST FOR PROPOSALS
Integrated Regional and Statewide Travel Demand Management Program Delivering Support of an Active Transportation and Demand Management (ATDM Services)
Contract #C031290

Attachment 28
Complete
Questions and Answers
(Round One [Pages 1 to 15] & Round Two [Page 16])

Beginning Of Round One Questions and Answers

RFP SCHEDULE:
Question #1: A: In light of the multiple milestones and long-term source selection schedule for this procurement, we respectfully request NYSDOT not extend the current due date of proposals. Is that possible? B: Is it possible to request an extension of time to submit a response, commensurate with the time likely to be necessary to review the range of documents (contracts, budgets, market research, evaluation reports, etc.) that are anticipated to be released by NYSDOT prior to the current submittal deadline. Given the extent of anticipated materials, a 30-day proposal submission extension is requested for a period starting from the date of release of these additional documents in order to prepare a suitably meaningful response. Given the breadth and number of additional attachments newly submitted to the NYSDOT website for this RFP, will NYSDOT consider an extension of time (e.g., 30 days from the time answers are posted) for non-incumbent teams to familiarize themselves with the released documents, prior to the submittal deadline? In view of the additional materials released on October 17 of seven attachments, will NYSDOT consider an extension of time for additional questions to October 30 (a one week extension) if you grant an extension of time for the response?
Answer: NYSDOT is extending the proposal due date until December 22, 2014 and is opening up a second Q&A round starting October 31st which ends November 17th. Answers to 2nd round questions are due November 25th. The full revised RFP schedule is as follows:

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<td>October 9, 2014 @ 10 AM</td>
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Question #2: Will NYSDOT respond to questions as they are received or in bulk?
Answer: NYSDOT practice is to normally release the answers to questions in bulk after the close of the Q&A round on the October 23rd. To further assist with proposal preparation, NYSDOT is opening up a second Q&A round, and is willing to hold a second webinar should demand for such be sufficiently expressed.

Question #3: Item 1 of Section 4.7.2 (Contract Section) on page 39 of the RFP states, “The Q&A period opens with the RFP’s release and closes with the submissions of proposals.” Section 6.1 (Inquiries and Information) on page 47 of the RFP states, in relevant part, “The last date to submit questions for this solicitation is indicated in Section 6.4, Tentative Schedule of Key Events.” Section 6.4 (Tentative Schedule of Key Events) on page 49 of the RFP states that the questions submittal deadline is “October 23, 2014 COB.” To clarify, may interested Consultants submit questions after October 23rd through the submission of proposals?
Answer: Yes, questions may be submitted after October 23rd as NYSDOT is opening up a second Q&A round: see answer to question #1 for more information.

SUBMISSION REQUIREMENTS:
Question #4: In light of PDFs not being permitted in electronic submissions, and to ensure final formatting and graphic compatibility, what versions (e.g., 2007, 2010, 2013) of Microsoft Word and Microsoft Excel should files be submitted in?
Answer: For compatibility reasons, NYSDOT prefers 2007 MS Word/Excel versions. Also, PDF submissions are allowed, provided that full MS Word and Excel copies are provided.

Question #5: Do you want us to acknowledge receipt of attachments 19-25 in any way?
Answer: Not yet. When it’s time to submit your proposal, you will acknowledge receipt via RFP Modification #1, which will cover acknowledging all of the RFP amendments to date.

CONTRACT OBJECTIVES:
Question #6: Could you please clarify what type of contract NYSDOT is expecting to issue for this procurement?
Answer: To clarify, the following sentence is being added to RFP Section 2.2 ‘Contract Objectives’: “CONTRACT TYPE: The contract type is Specific Hourly Rate with approved Direct Non-Salary Costs per Schedule B and Draft Contract Article 6 with payments within budgets set by task/subtask per Schedules A.”

Question #7: Per the Pre-Proposal webinar, we understand that this is a T&M, hourly-based contract. However, on page 22 under Task 7, the RFP suggests there is a provision for incentive-based payment. Please clarify how incentive-based payments will be incorporated into a T&M-type contract?
Answer: RFP Page 22 does state, under Task 7, that: “Local outreach and promotion programs under this contract will include the establishment of performance goals with the intention of provide incentive-based payment for meeting and exceeding these goals.” Incentive or performance payment amounts may be established in the contract (or added via amendment) as lump-sum payments.

Question #8: How does the optional contract year work after the first four years?
Answer: The new single agreement has a 4+ 1 term, with a four-year base term with one year optional extension (for renewal purposes). The four year base term gives NYSDOT and the selected consultant some additional time to work things out while under contract (some work items take time to mature).

TECHNICAL PROPOSAL/SCOPE OF SERVICES:

Question #9: Can you please confirm whether we should begin our proposal with Company & Key Personnel Experience or Program Management Approach?
Answer: Your proposal should follow the order provided in the table presented in RFP Section 4.3 Prescreening Requirements. After the cover letter, TOC, etc., please begin your proposal with Company & Key Personnel Experience.

Question #10: By way of example, the Task 7 Deliverables listed on page 23 of the RFP states, in relevant part, “Provide ongoing support to the existing TDM program participants in order to ensure their continued involvement in ridesharing.” The use of the term “ensure” may be construed to imply that the Consultant is responsible for guaranteeing TDM program participants’ continued involvement in ridesharing, which may create an uninsurable risk and may be outside of the control of the Consultant. Can NYSDOT confirm that use of this term does not require the Consultant to guarantee TDM participants’ continued involvement in ridesharing, but requires the Consultant to perform the services set forth under the RFP (and the draft contract) in accordance with the standard of care set forth under Article 1 (Performance of Work) (the “Standard of Care”) on page 54 of the RFP? Additionally, to the extent that the terms “ensure”, “assure”, “insure”, “guarantee”, “covenant”, “certify”, “verify,” “warrant” and the like appear in the RFP and the draft contract, can NYSDOT confirm these terms shall mean providing such services in accordance with the Standard of Care, and that nothing in this RFP or the draft contract will require a level of performance higher than the Standard of Care?

Answer: It is NYSDOT’s intention to provide ATDM services to the public in an efficient and effective manner as possible. This includes the assistance provided by its C031290 Consultant. NYSDOT seeks from the selected Consultant assurances that it will provide the requested services under C031290 per Article 1 of the RFP’s draft contract, and to all standards of care as delineated throughout the RFP. For instance, NYSDOT prefers to refer to the concept of “ensuring continuity of service” rather than ensuring that no one leaves the program.

Question #11: Regarding the required consultant project manager experience requirements (RFP pages 32 to 33), wouldn’t it be more difficult for firms with experience from outside the NY Metro area or outside NY state to compete against firms with NYS experience?
Answer: The statement at the end of the eighth bullet (Firm demonstrates local knowledge/experience of commuting habits of target NYS regions and/or comparable regions or parts of the USA [or other comparable metro areas in other countries]) applies to all of the RFP’s experience requirements. Firms with demonstrable, verifiable experience from comparable metropolitan areas are eligible to equitably compete against a firm with NYS experience.

Question #12: RFP Page 32, Company and Key Personnel Experience table states “The proposal shall include Key Personnel resumes and references…for all proposed key personnel…that are assigned to the following roles: Main Project Account Manager, Region 8, Region 10 and Region 11 Project Account Managers.” However, the instructions for Attachment 7, Key Personnel Resumes and References states “complete and submit resumes for all other proposed staff (non-key personnel).” Can NYSDOT confirm offerors are only required to submit resumes for key personnel?
Answer: Submission of resumes for non-key personnel is optional and is not required. Please be sure to identify who all non-key personnel are (by name or title).

Question #13: RFP page 29, Section 4.2 Proposal Formatting states “The proposer shall submit…one (1) complete electronic copy of its Cost Proposal on CD/DVD in a Microsoft Office compatible format (Adobe PDF format is not acceptable).” However, RFP page 37, 4.7.1 Cost Section, states “PDF is acceptable as long as an Excel version is submitted.” Can you please clarify these? Can you please confirm that offerors may submit PDF files as part of their electronic (CD/DVD) submission for both Technical and Cost Proposals?
Answer: The second parenthetical in the above 1st sentence is being amended to read as follows: “…(Adobe PDF format is acceptable as long as a complete Excel copy is provided)...”. Proposal can include PDF files as part of the electronic submission for both Technical and Cost proposals.

Question #14: Why does the first sentence under 4.7.1 seems to indicate that an excel spreadsheet of Attachment 8 should have been included as part of the solicitation release?
Answer: This statement is in error and is being amended to read that no excel spreadsheet lies within Attachment 8.

Question #15: Please provide additional clarification on Section 4.7.1, (3.) on RFP page 37 which requests that we “affirm that the propose cost for all scope of services delivery will remain fixed over the life of the contract (except for those reasonable expected to change – please itemize).” The sentence (bolded for reference) appears to be truncated or missing a word?
Answer: The missing words are: “…for those proposed costs reasonable expected to...”.

Question #16: Can you clarify the consultant reporting hierarchy structure, as well as name NYSDOT’s current managers?
Answer: The new agreement will be a single agreement with the hierarchy structure explained on RFP page 11 (see org. chart). The consultant will name four managers (one for each Region and one for the Main Office) who will be leading the teams and reporting directly to the respective NYSDOT Regional and Main Office designated Managers. Prime consultants are required to propose their management and
service delivery structure in the proposals to comply with the above. Statewide-related matters will be decided by the NYSDOT Program Management Committee (please see RFP pages 11-12 for further clarification). The current NYSDOT managers are, for Region 8: Dan Coots, for Region 10: Tatyana Golikova, for Region 11: Ed Mark, for Main Office: Jim Davis; these persons meet regularly to coordinate TDM policies, programs, projects and service delivery.

**Question #17:** Can you please give the location of the three current contract TDM offices?

**Answer:** Region 8 uses hosted site locations for field staff; the primary Regional Office site is MetroPool’s new NY headquarters located at 10 New King Street, Suite 211, White Plains, NY 10604; Region 10’s location is: 35 Pinelawn Road, Melville, NY; Region 11’s office location is: 120-32 Queens Blvd., 3rd Fl., Kew Gardens, NY 11415.

**Question #18:** What performance measures currently exist with regards to the number of employers, etc? What performance measures are possible? Can you indicate how success is measured for NYSDOT’s TDM programs?

**Answer:** NYSDOT is seeking recommendations based on a firm’s expertise in this area. As mentioned in the webinar, some of NYSDOT’s TDM performance measures pertains to estimated reductions in CAAA air quality pollutants (through FHWA’s CMAQ program). Another is number of conversions, from SOV to any kind of rideshare mode, including transit. Another is estimated VMT reduction. NYSDOT also measures results of the employer outreach (i.e. number of site visits, worksite events and portal deployments per month). Other measures are in play to various degrees and NYSDOT has researched this matter for some time, yet is looking forward to hearing what responding firms have to offer. NYSDOT also measures results of the employer portals in terms of the number of portals created, potential number of employees, students, visitors or members of the public which would benefit from a deployed portal, number of ridematching applications, recorded ridematches, etc. In addition, other performance measures have been utilized including but not limited to: number of site visits, worksite events registrations, ridematching applications, etc.

**Question #19:** How do you currently measure success of the program?

**Answer:** The Program Performance Monitoring, Evaluation and Reporting Task (Task 10 on pages 25 and 26 describe the performance measurement objectives and example measures. The current program relies on many of these listed measures and has worked toward incorporating most of these measures in program management and evaluation.

**Question #20:** What have been the goals for the current program and what progress have you made?

**Answer:** The project objectives as described on P. 2 of the RFP are to: “improve mobility, accessibility, system optimization and quality of life by improving alternatives to driving alone, effectively promoting and supporting these alternatives and reducing reliance on single occupant vehicle travel.”
The Department has made much progress toward these objectives “Over the past five years the New York State Department of Transportation (NYSDOT) has procured integrated Travel Demand Management (TDM) products and services “

“NYSDOT’s integrated TDM program developed, has led to many program management and service delivery efficiencies including the consolidation of a single, integrated ride-matching system within the 511NY traveler information portal, more consistent management of multi-region common functions such as customer support program administration, and better integration and management of information related to modal assets such as park and ride and transit.”

Question #21: How many employees have you been able to convert to other alternatives to driving alone to work? Can you break this done by vanpools and carpools formed, increases in use of transit, bicycling, telecommuting, etc.?

Answer: Program registrations, ride match system usage and increased cross promotion with employer and agency partners have all increased dramatically over the course of the current program. At the same time, goals vary from region to region. For example, unlike the Long Island and Mid-Hudson South regions, the NYC region has a robust transit system and, therefore, the emphasis there is on switching from SOV to transit. The main objective for the Upstate NY region is to increase mobility for certain groups of people. The actual SOV conversion data will be provided to the new contractor during the transition period.

Question #22: Do you have a goal for what market penetration you are looking to achieve in each region and statewide for your employer program?

Answer: There is not a uniform standard target for employer participation under the current program. Each Downstate NYSDOT Region has its own goals that are reflected in the Work Programs.

Question #23: Have you done an evaluation of the results of the consolidation of the programs thus far and, if so, can you share that with us?

Answer: NYSDOT has not done a formal before/after analysis isolating the benefit of consolidation. Such an evaluation is not possible because the program itself has significantly changed since the consolidation took place. For example, the employer portal program was developed.

Question #24: Can you please describe the communications platform(s), applications and number of agents in the Customer Support Center(s)?

Answer: There are 6 agents currently working in the Customer Support Center. The Technological Development program is set to deploy a new platform which will be a non-proprietary system as outlined in Task 5 and in RFP Attachments 6 and 17. NYSDOT seeks recommendations from respondents proposing what they will use (ie, it isn’t a turn-key operation).

Question #25: Do you have a training program in place for customer service agents? What measures do you use to maintain a consistent level of service for your call center?

Answer: The current Consultant does provide regular training to customer service agents that is tailored to regional and local transportation market conditions, modal
options and updated information from 511NY regarding incidents and disruptions. The NYSDOT’s staff does closely monitor the service which may include making periodic quality control checks consisting of hypothetical travel assistance requests to assure a consistent level of customer service.

Question #26: Would a member of the consultant’s staff be expected to be a media spokesperson for the 511 NY Rideshare program?

Answer: As an element of routine program operations and outreach there is an expectation that the consultant will be able to be available to work in consultation with NYSDOT Public Information Officer(s), to represent program activities and initiatives to media.

Question #27: In Task 2 (Page 15), under Paragraph H and I – is NYSDOT looking for media spokespersons for these types of emergency operations, or an operational liaison to work with the RMS system?

Answer: When emergency operations are required, consistent with answer 26, the consultant may be called upon to support media communications. To the extent that emergency operations lead to tailored application of the RMS system or features to respond to emergency conditions there may be a communication or liaison aspect to informing the public or coordinating with agency stakeholders regarding the application of RMS to the event.

Question #28: Will the selected consultant be expected to manage social media/networking proactively on a day-to-day basis or will the consultant be expected only to provide content and/or recommendations on messaging?

Answer: Yes. Consistent with the outreach program plan and in coordination with other outreach avenues as appropriate (NYSDOT PIO, 511NY contractor, agency partner PIOs, etc.).

Question #29: Does NYSDOT current have a formal Telework and/or Telecommute Outreach Program? If so, what market segment is targeted and what services are offered? Is program or promotional material available?

Answer: NYSDOT’s TDM program elements tend to be goals and objectives versus formal or mandated elements. Technical support to employers is a part of existing outreach as one element of employer site analysis.

Question #30: Task 4(c): For what purpose is subscriber information being integrated?

Answer: There is discussion of the perceived value and rationale for this integration in the Materials included as attachment 14. The primary objective is user convenience in establishing preferences and settings for information that is available from across the 511NY, ATDM and Clean Air programs.

Question #31: Task 4 Deliverables (Page 18), second bullet: At what point in the process is the current program, on integrating links, feeds, etc. with RMS?

Answer: The current program is fully operational with links and feeds in place. The deliverable described on Page 18 pertains to the need for ongoing coordination as changes or additional content feeds or enhancements occur under the 511NY program or under this TDM contract.
*Question #32:* Task 5: What Ride-match Software system do you use?

*Answer:* The ridematching system is based upon the Komotor software developed for the Metropolitan Washington Council of Governments (COG; please noted that this software has been orphaned). The non-proprietary software has been enhanced and tailored to meet the objectives of the 511NY Rideshare program deployment as described in Task 5 and in attachments 17 and 16.

*Question #33:* What is the Upstate TDM partner program, and what services or products have been developed? Who are the current upstate partners that the incumbent works with to develop or deploy TDM services?

*Answer:* Under the current program the RMS platform, initially deployed in the Downstate Regions in support of their TDM programs, has been made available to upstate Regions and partners for use in their local, regional or employer TDM programs. Outside of Regions 8, 10 and 11 NYSDOT does not have a directly managed outreach program. Instead NYSDOT supports regionally-led programs (a listing of such programs is included in Attachment 16). Typically these programs utilize their own resources to support regionally branded (or co-branded) outreach and promotion. In this new contract, NYSDOT is looking to strengthen and support the continued development of additional partner programs but the intent is to continue a partnership model rather than extending a directly administered program along the lines of the Region 8, 10 and 11 programs.

*Question #34:* Can you list your current partners that you work with in each region?

*Answer:* Attachment 16 provides such a list.

*Question #35:* Will the contractor be expected to seek partnerships with organizations from other states to effectively deal with congested travel patterns during commuting and other times that emanate from out of state drivers such in northern New Jersey or Southwestern Connecticut?

*Answer:* Bi-state partnerships with adjoining states are among the possible partnerships NYSDOT is interested in fostering further. There is not an explicit expectation that the consultant seek these specific partnerships outside of the overall intent to pursue effective partnerships with employers, local governments, agencies, etc. The expectation is that the consultant will support NYSDOT in identifying and pursuing effective partnerships that leverage the ATDM program to achieve program objectives.

*Question #36:* How many employers participate in the Regional and Statewide TDM programs currently? If possible, can you please provide by region and statewide separately?

*Answer:* Attachment 16 lists employers (and other partners) who have implemented or are actively pursuing deployment of an RMS portal. In addition to those listed the current program conducts regular outreach to employers and events where employees are encouraged to and supported in registering for ridematching at the 511NY rideshare website.

*Question #37:* What are the current consolidated services that are administered centrally for all regions and statewide besides the RMS?
Answer: The current consolidated services administered centrally for NYSDOT Regions 8, 10 & 11 and Statewide besides the RMS are: customer support center, technological development program, development of tool / outreach program utilized during transportation emergencies, media marketing material development, employer portal support, park and ride data management, etc.

Question #38: Will vanpooling and/or vanpool formation be the responsibility of the selected consultant?
Answer: Yes. There is not a uniform approach to vanpooling under this program across Regions 8, 10, 11 and upstate Regions. However it is program element within each of Regions 8, 10 and 11.

Question #39: Can you give examples of what ETDs have been already established? Are they related to any zoning or regulatory requirements?
Answer: The idea was to organize multiple companies located in close proximity to each other into the Transportation Districts to be able to target a large number of employees at once. So far Region 10’s efforts in establishing ETDs proved to be unsuccessful.

Question #40: With the direction and oversight of each region conducted through the regional office is there an opportunity for cross-regional programs and how is that currently done?
Answer: Yes. These opportunities are routinely pursued as common program elements coordinated among the three Downstate Regions and Main Office Program Managers.

Question #41: Have you developed any ATDM products or services under the current contract and, if so, what are they?
Answer: ATDM is a new concept focused on integrating system optimization and demand management strategies to improve mobility (NYSDOT may add construction mitigation as an ATDM element). Many of the elements of the existing TDM program are building blocks to ATDM. Incorporating the TDM program into 511NY, tailoring information and services to specific employers in emergencies (NYC hospitals during Hurricane Sandy) or dynamic incident management (LIRR strike park and ride map) have been done under the current program. The Statewide program is presently completing and ATDM Strategic Framework that is producing a set of recommendations for advancing ATDM strategies as elements to ICM in I-495 and I-190 Corridors and as a integral element of the Governor’s Drivers First Initiative.

Question #42: Page 35: Can you give examples of innovative ADM and ATM products and services that you have already deployed?
Answer: Noted in previous answer to question 41.

Question #43: When you say you are looking to increase the use of ATDM, what is being sought? Is it (a) to develop new types of ATDM services and products; (b) an increase in the participation in current ATDM services and products; or (c) to improve effectiveness of current services and products?
Answer: All three of these dimensions are being sought.
**Question #44:** The RFP indicates that you are looking at congested corridors for ATDM deployment. Have you identified the corridors you want to pursue and, if so, which ones are they? Will these ATDM products and services for these selected corridors be managed at the regional or state level?

**Answer:** There are many candidate corridors, particularly in the Downstate Regions but formal corridors have not as yet been designated beyond I-495 (NYC/R11), I-190 (Buffalo/R5) corridors that have been submitted to USDOT in the Integrated Corridor Management (ICM) Concept of Operations development competition. Recently NYSDOT has elected to also add the I-287 (Rockland/Westchester Counties/R8) corridor to the list of ICM corridors to be developed and deployed within the next five years by NYSDOT in partnership with its agency partners.

**Question #45:** Can you provide examples of marketing that you consider successful for CANY and why do you consider it successful?

**Answer:** CANY has been scaled back to a minimal program following the expiration of the CANY program contract in 2011. This contract intends to reintroduce and integrate the program as a complementary integrated element and combine messaging with 511NY and the TDM program. While there are notable successes in CANY marketing, as noted in Attachment 14 materials, the emergence and transformative nature of social media strategies present opportunities that were not fully available during the CANY program. This RFP seeks expert guidance on the most effective return on investment strategies for marketing of an integrated program. Attachment 14 materials document the current thinking on how such a program may be constituted.

**Question #46:** Do you have specific and measured goals for CANY and, if so, what are they?

**Answer:** Attachment 14 materials will provide insight into this question consistent with the performance metrics referred to in Task 10 on pages 25 and 26.

**Question #47:** Do you partner with any organizations whether governmental or nongovernmental for the CANY program?

**Answer:** The previous CANY program did partner with other agencies, such as the EPA, etc. Consistent with the approach taken to the overall TDM program, a new 511NY clean Air program would seek to leverage partnerships.

**Question #48:** Is any of the market research done under the three Regional TDM contracts available?

**Answer:** There has not been extensive formal market research conducted beyond occasional surveying and limited web analytics.

**Question #49:** Have you conducted any market research on the commuting behavior of employees in any of the regions? If so, can you share this research?

**Answer:** There has not been extensive formal market research conducted beyond occasional surveying and limited web analytics.

**Question #50:** Have you done any research on best practices for TDM and/or ATDM and, if so, can you share those findings?
**Answer:** Under the Statewide TDM contract current task assignments are underway that include best practice elements. These assignments are not completed at this time but address such topics as: Incentives, Park and Ride strategies, ATDM and Human Service Coordination. The expectation is that these topics are areas of expertise for potential bidders.

**Question #51:** Is there any market or operational research that the incumbent has access to that could be shared with us?

**Answer:** The expectation is that potential bidders have a degree of familiarity with the subject of this RFP such that there is limited additional detail necessary from the current program beyond what has been released in the RFP, its attachments and these responses to questions.

**Question #52:** Is the Program Management Committee an existing committee under the current contract or is it new for this contract? If it is an existing committee, what types of program advisors and SMEs are on it? If it will be newly constituted under the proposed contract, what types of program advisors and SMEs are you contemplating?

**Answer:** The Program Management Committee, the way it is described in the RFP, is a new concept introduced in the upcoming contract. Currently, MO and the Regional Program Managers have regular meetings and meet as needed to coordinate and provide an update on the local efforts. NYSDOT will seek to access subject matter expertise from within its organization and from among partner organizations as necessary to guide the Management Committee or to carry out specific tasks that require subject matter expertise. Possible examples of subject matter expertise may include: ITS/Operations, Transit, Environmental Measurement, Marketing and Outreach, Engineering and Design, Information Technology, etc.

**Question #53:** What authority will the Program Management Committee have vis a vis the NYSDOT Division Program Manager and the NYSDOT Regional Managers? For example, the Committee, the Division Program Manager, the Regional Managers, the advisors and SMEs all seem to have authority to review invoices. How is this resolved?

**Answer:** The Program Management Committee will discuss state-wide issues and make recommendations. Lead Main Office (MO) and Regional Managers will oversee implementation, as appropriate. These Managers will have access to subject matter experts as needed. Additionally, the lead MO and the Regional PMs will review and approve invoices. With the approval of the MO and Regional Program Managers invoices will be submitted to the Contract Manager to be processed for payment.

**Question #54:** Do you currently use SMEs, and in which areas are they experts? If this is a new element of the program, what areas will be covered?

**Answer:** The current program does utilize subject matter experts, primarily in an advisory capacity although SMEs also have been assigned to manage specific task assignments under the Statewide contract. That practice will continue in the new contract.

**BUDGET:**

**Question #55:** On pages 9 - 10 of the RFP you indicate that the first year budget will be the budget of the current contract. Does this mean year one’s budget (once submitted and
approved) will remain the budget for each of the three or four subsequent years of the program?

Answer: No. Budgets for contract years two through four will be discussed and established with the selected Consultant and will be agreed upon by both parties via annual supplemental agreement, which will formally amend the contract. The budget for contract year one will be based on what the selected Consultant proposed in conjunction with NYSDOT’s ATMDS program needs.

Question #56: Is there an over all budget amount available?
Answer: It is not NYSDOT’s policy to release budget information for the new contract (seeking competitively costed proposals) yet NYSDOT will release some historical budget information for its current TDM contracts.

Question #57: For cost estimation purposes, will NYSDOT’s existing TDM contract budgets be made available?
Answer: Yes. NYSDOT will release allowable, historical information from its current TDM service contracts (C030710-713). Regional funds are also programmed in NYSDOT’s Transportation Improvement Program (TIP/STIP), which is public information.

Question #58: Please explain the budgeting process between the State and the regions for this contract. Do separate approval processes occur at the regional level(s) and the state level for each annual and/or regional budget? To whom is the contractor accountable, for spending under each region’s budget?
Answer: The yearly budget for this contract will be allocated by each Region and the MO separately. The contractor will be accountable to the respective Regional Managers for spending under the regional budget. The Regional Managers will have to approve the monthly invoices prior to them being paid by the Main Office.

COST PROPOSAL:
Question #59: RFP page 108 (Attachment 8) defines Fee Additive as Salary X Fee Percentage. Typically fee is applied to total costs where total costs include Direct labor plus the applicable application of indirect rates. Please clarify that offerors are allowed to apply fee on the total cost for labor (including indirect rates) and not just on the salary base?
Answer: The RFP describes an incorrect fee calculation rule. The correct fee calculation rule is as follows: The calculation of the fee component is: C = M times (Direct Labor Cost + Overhead Cost), or C = M X (A + B), where M = the fee multiplier and C is the fee component, where the maximum fee multiplier that a firm can use is limited to 10%.

Question #60: RFP page 108 (Attachment 8), the final sentence under Rate Schedule (Exhibit 1) states “For proposal evaluation purposes, assume a total of 10 total hours for any proposed IT titles.” This seems unusually low. Please clarify?
Answer: NYSDOT does not expect any new IT project work under C031290 yet want to be prepared in case any new IT project development becomes required. The estimate of 10 hours, while seemingly low, reflects a balance between nothing and an undeterminable higher estimate for an actual IT job; it also preserves fair and
equitable treatment for all firms competing for contract award (regardless of the number of assumed hours).

**Question #61:** Is it possible for NYSDOT# to provide an LOE estimate as a basis for developing cost proposals with comparable assumptions? For instance, Task 11 involves task order-based assignments that are not yet defined. Past assignments on the Statewide TDM contract may not be reflective of future work assignments, since each assignment has involved different skill sets and staffing requirements. The current Statewide TDM contract is budgeted at a capacity of $500,000 per year. If one bidder proposes $250,000 for this task while another proposes $500,000, under the current scoring, the low bidder would receive the maximum points. However, this lower cost may not serve the best interests for NYSDOT to advance innovative TDM practices, nor would it be reflective of best value for completing work. Providing a standard LOE would provide consistent assumptions and provide a better basis for comparing proposals on the basis of best value?

**Answer:** Yes. Via Announcement #1, NYSDOT has released original contract and subsequent task assignment information from its C030710 (Statewide TDM Services) contract with ICF International as well as selected budget and hours information from its Regional TDM services contracts with MetroPool (C030711 Region 8, C030712 Region 10 & C030713 Region 11).

**Question #62:** Can you please confirm that Attachment 8 needs to be signed? The checklist for the Cost Proposal (pg. 3) indicates in block 3 that Attachment 8 needs to be signed but there are no signature blocks on the form.

**Answer:** Attachment 8 is not required to be signed.

**PROPOSAL EVALUATION:**

**Question #63:** Can you explain how the RFP defines ‘best value’?

**Answer:** Using a 100 total point scale, the RFP defines best value as lowest proposed total cost (25 points) plus highest most responsive written technical proposal (60 points) plus the most responsive technical interview (15 points). Which ever proposal receives the highest combined final best value score is most mathematically susceptible to contract award. An initial best value will be established based on sum of written technical proposal score plus cost proposal score (short list determination). Proposals with initial best value scores much less than 15 points of the highest initial best value proposal are not initially eligible for contract award. Technical responsiveness is measured using the evaluation factors located in RFP section 5; cost is measured by multiplying the total proposed cost for the contract’s first year times four (to estimate full cost of the contract’s four-year base term). Costs are limited to the first contract year only given that this is historically how the current contracts operate: budgets are set annually based on labor and direct non-salary expense estimates programmed at the task and subtask level. Best value is relative, based on the measured attractiveness of proposal received in comparison to each other, and is subject to possible change via proposal withdrawal, proposal re-scoring (after interviews) and optional best and final offers.

**Question #64:** Can you please clarify how NYSDOT will incorporate cost realism into its evaluation of level of effort estimates in resulting cost proposals? The RFP’s cost
proposal evaluation process (page 24) is inconsistent with a best value determination. Level of effort estimated may be unrealistic based on proposed task technical approach.

**Answer:** By releasing the budgets and hours by task information for NYSDOT’s current TDM contracts for the past 5 years, it is hoped that firms can get some gage to estimate level of effort for the new contract. The scope of services for the current agreements is not exactly the same as the one advertised under C031290, so some care needs to be exercised when estimating level of effort. However, it this expertise (the ability to estimate level of effort based on one’s proposed team) which NYSDOT is seeking, and relying to gage degree of realism in one technical approach by task as well as cost to deliver such over one year. Yes, it is an evaluative assumption that the first contract year may not be exactly what gets programmed in the three remaining base term years, but by releasing the scope of services for its current TDM agreements, NYSDOT believes that proposing firms should have sufficient information on which to tender competitive technical and cost proposals. Spending information is being released on a life-to-date basis for each current contract.

**ADMINISTRATIVE ITEMS:**

**Question #65:** Item 12 of Section 6.3 (State’s Rights to Proposal) on page 48 states, “Should NYSDOT determine that the negotiations with the selected offeror will not result in a contract, to begin contract negotiations with the next-best-value offeror(s) responsive to this RFP – without again requesting proposals.” Additionally, Section 6.4 (Tentative Schedule of Key Events) on page 49 of the RFP provides that “Negotiation” will take place in December 2014. Will the terms and conditions of the draft contract be negotiated with the successful Consultant?

**Answer:** NYSDOT now expects negotiations with the selected Consultant to occur in late January/early February 2015. As stated during the October 9th webinar: For a submitted proposal to be deemed responsive, the offeror must accept all of the RFP’s draft contract’s terms and conditions. This is indicated by completing and signing the second page of RFP Attachment 2. Firms are only allowed to pose questions regarding the RFP’s draft contract prior to the submission of proposals. Firms are not allowed to negotiate the draft contract after being selected for tentative contract award. Further, it is encouraged that an interested firm’s legal counsel fully examine all of the draft contract’s terms and conditions prior to the submission of proposal, as there will not be an opportunity to change the contract’s terms and conditions once NYSDOT accepts the deal offered by the selected Consultant.

**RFP DRAFT CONTRACT:**

**Question #66:** Please confirm that the end date included in Article 6 of the draft contract (RFP Attachment 1) will be December 31, 2015. Our understanding is that rate adjustments are permitted annually through NYSDOT’s supplemental agreement process?

**Answer:** The end date of Article 4 in the RFP’s draft contract has yet to be officially established (that’s why it is blank). Article 6 references Article 4’s contract end date. Your understanding is correct: rate adjustments, subject to NYSDOT approval, are permitted annually through NYSDOT’s supplemental agreement process.
**Question #67:** Under Article 6 of the Draft Contract, it states that “The Specific Hourly rates are not subject to audit.” Given this language and NYSDOT’s intent to award a T&M contract, please clarify the need for offerors to include applicable Overhead % in Exhibit 1 of Attachment 8. May offerors provide fully loaded rates in Exhibit 1 instead?

**Answer:** It is required that all proposers submit a cost proposal which delineates how the fully loaded rate was derived, including overhead and fee components. Offerors are not permitted to only offer fully loaded rates without providing an accurate breakdown.

**Question #68:** Will the Department accept the following additions to the RFP’s draft contract relating to limitations on liability, particularly limitations on indemnity liability or liability for indirect, incidental, special or consequential damages (including but not limited to lost profits or interruption of business):

a. “Except for liability for death, bodily injury, damage to tangible or real property or intellectual property infringement caused by the negligence or willful misconduct of the Consultant, the aggregate liability of Consultant under this Agreement shall not exceed the amount payable hereunder.”

b. “In no event shall consultant be liable for any indirect, incidental, special or consequential damages whatsoever (including but not limited to lost profits or interruption of business) arising out of or related to the services provided under this agreement, even if advised of the possibility of such damages.”?

**Answer:** NYSDOT will not accept this change.

**Question #69:** Article 11.A.1 of the draft Contract on page 57 of the RFP appears to require the successful Consultant to place project-specific insurance for all required insurance, which may add significantly to the project costs. Is Article 11.A.1 of the draft Contract requiring the successful Consultant to place project-specific coverage for all required insurance? Can NYSDOT clarify what is intended by this requirement?

**Answer:** Costs for insurance generally carried by a firm should be carried in a firm’s overhead. All additional insurances specifically required for C031290 are direct non-salary reimbursable expenses (for example, additional rider policy(ies) for leased park & ride lots (inventory/exposure will vary) are eligible as direct non-salary expenses). For a proposal to be deemed responsive, all of Article 11’s insurances must be in place by the time of consultant selection. Failure to properly certify the RFP’s draft contract’s required insurances may lead to proposal dismissal.

**Question #70:** Can NYSDOT clarify whether the requirements of Article 33 (IT Project Requirements) of the draft contract on pages 65 through 73 of the RFP pertain and/or are applicable to the services contemplated under this RFP?

**Answer:** The answer is a conditional yes: Should any IT project development work arise during C031290’s term, the selected Consultant shall be required to provide qualified IT resources and shall be responsible for assigned IT project delivery services with all of the RFP’s IT project requirements possibly coming into play.

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**End Of Round One Questions and Answers**
Beginning Of Round Two Questions and Answers

**Question #71:** Is it allowable for a prime Consultant to apply a general and administrative rate to subconsultant (or third party service contract) costs?

**Answer:** Is it only allowable for a prime Consultant to apply a general and administrative rate to billing for services provided by subconsultant (or third party service contract) costs if added value is provided by the prime consultant. Otherwise it is expected that all subconsultant and/or third party service contract costs shall be passed on with no markup.

**Question #72:** Can we get a detailed staffing chart for all current positions funded under this program?

**Answer:** The list of titles for all consultant positions has been provided via RFP Modification #1.

**Question #73:** Are there evaluation reports that can be made available, showing the performance metrics achieved by the program during each of the last 5 years?

**Answer:** Such a program report is not available.

End Of Round Two Questions and Answers