Proposal Format and Content Requirements

General Proposal Submission Information

Please be sure that these instructions are followed to ensure that your proposal is considered responsive to be eligible for contract award.

Contractors must submit complete technical and cost proposals in separate, sealed labeled packages. A Table of Contents shall be presented for both parts. Both parts must be bound in separate three-ring binders (spiral-bound also acceptable). Sections within each part shall be divided by labeled tabs. Do not submit proposals bound any other way (e.g., stapled, or cloth-bound). Clearly identify any attachment with the Contractor’s and the RFP’s name on a cover sheet that is firmly attached to the document. Clearly identify any unattached documents with the Contractor’s and the RFP’s name on each page of the document.

In order to promote uniformity of preparation and to facilitate review, proposals should be printed on standard 8½ by 11-inch white paper and be organized in accordance with the format set forth in this RFP. Proposal text should be 11 point font or larger, except where necessitated for readability of tables, figures, schedules, or special graphics. 12 point fonts are preferred. Please avoid printing schedules using fonts smaller that 8 point. Illustrations that support the text must be simple and direct and be either sized to fit on 8 ½ by 11-inch paper or printed on 11 inch by 17 inch paper as long as the pages are folded to the 8 ½ by 11-inch size.

Illustrations and photographs must be reproducible in black and white without obscuring their distinctive information. Double sided printing is allowed. Color printing is allowed.

Proposals must be self-contained and should not reference web-links. Should web links be unavoidable, you must identify what specific information is being referenced via the link and must detail the location/path instructions required to locate this specific information. Non-specific link information shall not be considered.

Contractors must submit one complete proposal in response to this RFP (or multiple proposals), using the format and forms provided in the tables in Attachment 20. In addition to Attachment 6 Contractor Information and Certification, submission of the contractor’s proposal shall be construed by NYSDOT as the Contractor’s acceptance of the RFP’s procedures, evaluation criteria, and other administrative instructions.

You may submit more than one proposal. Should you decide to submit multiple proposals (based on multiple business development approaches), you musty submit an accurate cost proposal that is fully supported by all of the services described in each corresponding technical proposal. Alternative cost proposal submissions are allowed, provided that each cost proposal is accurately supported and reflected in its own technical proposal. Depending upon which feature of your cost proposal you choose to offer alternatives (Schedule A, Schedule B and/or Schedule C), you may submit an alternative and accurate cost proposal such that each pair or technical and cost proposal stands on its own as a complete proposal submission, In other words, submit each alternative cost and supporting technical proposals in pairs or simply submit one cost proposal to support your one technical proposal.

For evaluation purposes, each proposal must be submitted in two separate parts. A responsive proposal shall consist of a complete Technical Proposal, and a complete Cost and Contract
Proposal. The technical proposals shall include the respondent’s plan for development and marketing of the vacant properties at the airport. The Cost and Contract proposal shall detail the firm’s revenue-sharing plan for years 11 through 40 of the contract. **NYSDOT may deem a proposal non-responsive and remove that contractor and its proposal from further consideration for failure to provide the information required or for failure to submit a proposal in the required format.** Contractors must deliver proposals to the NYSDOT Contract Management’s office no later than 2:00 PM ET on the specified proposal due date. Contractors mailing proposals should allow sufficient mail delivery time to ensure timely receipt of their proposal. **NYSDOT will not accept faxed proposals. Submissions may be e-mailed and one official signed copy (with two complete hard copies) mailed to the designated contact person. The contractor’s proposal must meet the response requirements listed in this Section.**

**Technical and Management Proposal Submittal**

The Technical proposal response requirements are listed below. Your proposal must follow the format listed below.

<table>
<thead>
<tr>
<th>Technical and Management Proposal Submittal Checklist</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ One original printed and bound hardcopy plus two complete hardcopy originals plus a complete soft copy in MS Word compatible format and PDF format via e-mail and/or CD</td>
</tr>
<tr>
<td>☐ Securely sealed and clearly labeled with the contractor’s name, address, and telephone number and the words “Republic Airport Technical Proposal C031382”</td>
</tr>
<tr>
<td>☐ Name of person(s) who prepared proposal</td>
</tr>
<tr>
<td>☐ Contact person(s), email addresses and telephone numbers</td>
</tr>
<tr>
<td>☐ Signed Cover Letter on official business letterhead</td>
</tr>
<tr>
<td>☐ Table of Contents identifying each major section and initial-page numbers</td>
</tr>
<tr>
<td>☐ Technical and management approach for the delivery of services while under contract, including MWBE management plan</td>
</tr>
<tr>
<td>☐ Detailed scope of services for the operational management and business development services,</td>
</tr>
<tr>
<td>☐ Complete and submit <strong>Attachment 1</strong> Company Experience and References for each firm conducting operations and management services. Complete and submit Attachment 1 Company Experience and References for each firm if a separate firm will provide business development services.</td>
</tr>
<tr>
<td>☐ Complete and submit <strong>Attachment 2</strong> Key Personnel Experience and References for all proposed Key Personnel, identifying the firm each person came from.</td>
</tr>
</tbody>
</table>

**Note:** Cost information is **not** to be included in your technical proposal, and technical information is **not** to be included in your cost proposal.

NYSDOT reserves the right to make clarifications to the Scope of Services to be performed under this Agreement, via RFP Section 3 and **Attachment 13**, Scope of Service Clarifications, during contract negotiations with the selected Contractor.

March 23, 2015
Cover Letter

The Contractor must submit a signed Cover Letter on official business letterhead. The Cover Letter must accompany each volume and include the following:

1. The signature of an official authorized to bind the Contractor to all of its provisions.

2. A statement that, if awarded the contract, the Contractor will comply with all the requirements set forth in the RFP.

3. A statement that the offered named key personnel will be provided once NYSDOT issues a notice to proceed. The NYSDOT does not allow unapproved substitutes.

4. Any claims of confidential and proprietary information should also be identified and addressed in this section. NYSDOT may 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, provided that NYSDOT agrees beforehand to shield the release of proposed information. If a proposer 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”. **Labeling all pages as “confidential” or “proprietary” is unacceptable – such proposals will not be accepted** unless the proposer re-labels their proposal to only identify what specific material to shield from public scrutiny. All proposers shall explain the material and substantive 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 included in the Executive Summary of your proposal. NYSDOT reserves the right to only consider those FOIL exemption requests for which public release of such information would truly be injurious to a firm. The State will only consider those items confidential and proprietary which it agrees are confidential and proprietary based on the proof provided by the Contractor and responses to the State’s questions regarding any such claims.

5. The following information regarding the Contractor’s official representative for its proposal:
   a. Name of Contractor’s official representative
   b. Title
   c. Name of company
   d. Address
   e. Telephone number
   f. FAX number
   g. E-mail address of the Contractor’s representative

   (If there are multiple offices of the Contractor, indicate which one will be primarily responsible for the contract. Indicate which other offices are also involved.)

6. The full, legal names of all Subcontractors or Consultant Team Members involved in the Contractor’s response.

7. A brief description of how the combined 30% M/WBE goal for contract #C031382 shall be managed and met over the life of these contracts.
Table of Contents

The Table of Contents should identify each major section of the contractor’s proposal, along with its initial-page number. Any offered attachments or addendums shall be cited here.

Management Organization and Staffing

This section will be broken into two sections: Section A for the Operations and Management Services team and Section B for the Real Estate Development and Property Marketing team. Section A must include your management plan for the entire engagement. For each section, briefly outline the substance of your proposal. For each section, (modified as needed to fit the purpose of each section) provide the following information:

1. An organizational chart which lists all proposed staff, including key personnel and any subcontractors and subconsultants, including M/WBEs. The chart must clearly identify job titles, the number of persons needed to perform the duties for each title and the total number of staff hours of effort by title required to operate the Airport annually. Job descriptions for each title must be included.

2. Description of the proposed management team, who will provide operations and management/property marketing services at Republic Airport. Proposed Airport Manager: present the qualifications of the individual who will be responsible for communicating with NYSDOT on all Airport operational matters. It is a RFP requirement that the Contractor’s Airport Manager and operations personnel be physically located on the Airport; however, NYSDOT will not provide office space at the airport for property development staff.

3. For Section A, provide an operations and management plan which identifies and describes how Airport operations will be planned, directed and controlled; detail the approach your firm will take in implementing its Affirmative Action Plan at the Airport; arrangements for, and coordination of, any subcontractors; and the anticipated relationship of NYSDOT management to proposed Key Personnel including the responsibilities of each, and how overall coordination will be achieved. Include and describe your proposed M/WBE Management Plan. For Section B, provide a property marketing plan identifying the basic approach to be followed in marketing the properties inside and outside the Airport Operations Area in coordination with NYSDOT and the Empire State Development Corporation (ESD). The plan should detail the marketing methods and media envisioned and target populations for marketing.

4. Provide a letter of confirmation from individuals that are being proposed for positions in each team where that person is not an employee of the offering firm at the time the proposal is submitted. The letter’s purpose is to confirm that all such persons shall be available for employment by the new firm when the resulting contract is approved and notice to proceed is granted. Firms (primes and subcontractors) that propose staff who are not current employee(s) of the offering firm (prime or subcontractor) at the time proposals are due for this RFP must obtain written confirmation from each of those persons that they are willing to accept employment with the proposing firm should the offering team be designated for contract award. It must further state that they will accept
the reimbursement rate provided in the submitted Cost Proposal. These confirmation documents are to be submitted as an attachment to the Technical Proposal. Firms are encouraged to consider whether any staff they are intending to propose are subject to any restrictions from accepting employment with that firm (i.e. non-competition clauses). As a point of clarification, at contractor designation and at the start of the contract, NYSDOT may contact the proposing Prime Contractor/firm to produce the employment-ready confirmation documentation.

**Experience and References**

The qualifications and prior experience of the selected Contractor, all additional team members, and all proposed Key Personnel are of great importance to NYSDOT. Direct, prior and relevant experience in the provision of airport operation and maintenance decision support systems, and real estate development and property marketing, respectively, is highly desirable. NYSDOT specifically is seeking longstanding experience with providing services at general aviation and commercial airports, with NYSDOT requiring substantial relevant experience and expertise. Contractors must demonstrate offered experience through past and current project attestations and must provide reachable, verifiable references. Experience information should be provided for all proposed firm(s) and for all proposed key personnel.

Provide a list of current and prior references which demonstrate relevant experience of all firms in the operation of general aviation and commercial airports. Demonstrate relevant experience in real estate development and property marketing. Indicate which proposed key personnel (including subcontractors or other team members) who are assigned to, or have worked on, such efforts. Also indicate the extent to which proposed operational personnel to be assigned to this project have previously worked as a team. Include names, titles, mailing addresses, e-mail addresses, and telephone numbers of reachable client references.

If subcontracting is proposed, it is critical that the Prime Contractor demonstrate experience with such an operation, preferably of comparable scale and scope. The contractor must demonstrate a sound subcontractor management plan to ensure subcontractor’s compliance with all contract provisions, including meeting the contract’s 30% combined MWBE goal. The contractor is expected to provide reachable references to verify all offered experience. NYSDOT reserves the right to request information from any source so named, and further reserves the right to contact additional references (including appropriate references not specifically named by contractors) to completely verify all offered experience as well as to request additional references. Failure to provide reachable and responsive references will lead to the downgrading of an contractor’s experience score. NYSDOT reserves the right to request information from any source so named. NYSDOT also reserves the right to contact additional references should those provided fail to adequately confirm a firm’s offered experience. The requirements in this paragraph are also applicable to consultant team members participating in the real estate development and property marketing tasks.

**Conflict of Interest**

If your firm or team members currently operate an airport or if your firm or team members manage and/or market properties within 200 miles of Republic Airport, then the proposal must include an explanation of how the firm(s) can effectively provide the requested Airport
operational and management and development and marketing services while avoiding a possible conflict or the appearance of a conflict of interest.

**Technical Approach and Proposed Scope of Services**

**Technical Approach:** Your proposal shall contain a Technical Approach section, in which you shall describe your approach for performing the work and delivering the requested operation and management as well as delivering development and marketing services while meeting the project and contract objectives as identified in the RFP. Section A of the Technical Approach discussion should clearly demonstrate your understanding of NYSDOT’s goals and objectives, including opportunities to achieve increased operational (or other) efficiencies. In addition, please provide a description, in as much detail as you believe appropriate, of your approach for meeting the operational requirements of the Airport identified in RFP Section 3, Scope of Services and detailed in Attachment 13. In Section B, your proposal will need to outline the approach to develop airport properties according to NYSDOT and Empire State Development (ESD) goals and objectives. This section must address how your firm, or consultant team member, will work with these two agencies to achieve highest and best land use proposals over the contract’s entire 40 year term while ensuring the appropriate uses of airport property (i.e. aviation and non-aviation uses).

Highlight the strengths and capabilities of your firm and how they can be used to address the operational, management and business development issues at Republic Airport. Provide a discussion on the important issues involved with delivering the requested services. Include enough substantive discussion to demonstrate an understanding of NYSDOT’s project objectives and familiarity with applicable laws, rules, practices, procedural requirements, risks, etc., both from operational and from land development perspectives. Highlight how the 30% combined M/WBE goal will be met. Explain in sufficient detail how your proposal will ensure compliance with all FAA Part 139 requirements and updating an Airport manual as required. Feel free to concisely discuss emerging trends and relevant issues in the areas of operations, real estate development and property management.

**Proposed Scope of Services:**

Please indicate either your acceptance of the scope of services outlined in RFP Section 3 and Attachment 13 or whether you propose any modifications. NYSDOT encourages suggestions or modifications which would better achieve its goals and objectives.

Either way, please provide a detailed scope of services which describes by task what will be provided to operate, manage, and promote Republic Airport. A general scope of services is outlined under RFP Section 3/Attachment 13. Describe involvement of M/WBEs in the proposed scope of services and how the proposed scope of services will ensure the combined 30% M/WBE goal for contract #C031382 will be met over the contract’s life.

You may base your scope of services on RFP’s Section 3 and Attachment 13 tasks and responsibilities, or suggest alternative tasks which could improve the ability of NYSDOT to meet its objectives and obligations. NYSDOT wants to allow maximum flexibility for the ideas, initiative and creativity of the proposer. Alternative tasks and suggestions are encouraged and will be reviewed within the framework of the stated objectives and scope of the project. If significant departures from the RFP’s scope are recommended, fully explain and justify your
approach. Alternative approaches which lack sufficient detail will receive lower technical scores.

NYSDOT reserves the right to make minor clarifications to the Scope of Services to be performed under this Agreement as described in RFP Section 3 and in Attachment 13 Scope of Services (to be come Schedule A of the agreement). Scope melding may occur during negotiations (subsequent to the opening of proposals but prior to contract execution).

**Financial Information**

For each of the forty years of the contract’s term, provide a pro-forma revenue and expense statement. This statement must contain all assumptions, including those activities and development plans you recommend be undertaken to enable the Contractor to progress from a cost-sharing model in the first ten years to a revenue-sharing model in the remaining 30 years of the contract. To assist NYSDOT in its evaluation of these statements, present a proposed one-year operating budget (for the first contract year) for the initial ten year term of Contract #C031382, including a description of direct non-salary expenses which would be incurred under your proposal. Note that, for the initial ten-year term, travel and per diem expenses will be reimbursed at cost or maximum rates approved by the Office of the State Comptroller, whichever is less. Operating costs after the initial ten-year period will be the responsibility of the Contractor, so the proposal must show that the Contractor has the financial capability to support the operation and make it self-sustainable in the longer term.

Provide a Statement of financial capability, including certified financial statements for the past two fiscal years and Form 10K, submitted to the U.S. Securities and Exchange Commission, if any, for the past two years.

**Cost and Contract Proposal Submittal**

*The RFP’s Cost/Revenue-Sharing proposal response requirements are listed below. Please be sure that these instructions are followed to ensure that your proposal is considered responsive to be eligible for contract award:*

<table>
<thead>
<tr>
<th>Cost and Contract Proposal Submittal Checklist</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ One original signed printed hardcopy plus two complete bound extra hardcopies plus a complete electronic copy via e-mail and/or CD (MS Word/MS Excel and PDF compatible formats)</td>
</tr>
<tr>
<td>☐ Securely sealed and clearly labeled with the words “Republic Airport Cost Proposal C031382”</td>
</tr>
<tr>
<td>☐ Required Cost information - complete and submit Attachment 3 Cost/Revenue-Sharing Proposal</td>
</tr>
<tr>
<td>☐ Name, title, address, email, and telephone number of person(s) with authority to negotiate, and who may be contacted during proposal evaluation</td>
</tr>
<tr>
<td>☐ Complete and submit Attachment 4 MWBE Participation Information</td>
</tr>
<tr>
<td>☐ Complete and submit (if applicable) Attachment 5 MWBE Participation Solicitation Log</td>
</tr>
</tbody>
</table>

March 23, 2015
Complete and submit Attachment 6 Contractor Information and Certification (Prime Contractor must sign both Sections II and III). Complete the first page of Attachment 6 for all firms named within your proposal (for both operations and real estate development and property marketing) and submit such in the contract section of your cost proposal.

Complete and submit the Attachment 7 Procurement Lobbying Law Compliance (Offeror’s Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b) and Offeror Disclosure of Prior Non-Responsibility Determinations).

- These two forms are required with a firm’s RFP Response.
- The contract number has been pre-entered on each form in Attachment 7
- These forms are also available at: https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions and enter contract number C031382 on each form

**Note:** Failure to submit the completed PLL forms with your proposal will result in elimination from consideration for contract award

Complete and submit Attachment 8 Non-Collusive Bidding Information or Certification

Complete and submit all future RFP Modification Acknowledgement Forms as instructed

<table>
<thead>
<tr>
<th>Date</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 23, 2015</td>
<td>Your cost proposal shall consist of three sections: (1) a Cost Section, which sets forth the proposed labor rates for performing the work in the scope of services for the first ten years under contract #C031382 (Schedule B) as well as a Revenue-Sharing information which outlines your firm’s best proposal to assume the costs of operating the airport in the remaining 30 years of the contract and provides NYSDOT with a share of all revenues at the airport (Schedule C), and (2) the Contract Section, which provides the required State certification and required RFP administrative forms. At least one copy must contain original signatures. Cost information is not to be included in your technical proposal, and Technical and Management information is not to be included in your cost proposal. The contractor must submit three (3) bound paper complete copies of your cost proposal, and one complete soft copy in Microsoft Office 2007 compatible format and in PDF format (on CD, thumb drive, etc.) — each clearly identified on the cover or label with the contractor’s name and the words “Republic Airport Cost Proposal C031382”. All cost/revenue-sharing proposal copies must be packaged separately from your technical proposal copies. Proposals shall be securely sealed and clearly labeled. Any outside packaging containing cost proposal copies must be clearly marked with the words “Republic Airport Cost Proposal C031382”. Include the name of your firm. You may submit more than one cost proposal. Should you decide to submit multiple proposals (based on multiple business development approaches), you must submit an accurate cost proposal that is fully supported by all of the services described in each corresponding technical proposal. Alternative cost proposal submissions are allowed, provided that each cost proposal is accurately supported and reflected in its own technical proposal. Depending upon which feature of your cost proposal you choose to offer alternatives (Schedule A, Schedule B and/or Schedule C), you may submit an alternative and accurate cost proposal such that each pair or technical and cost proposal stands on its own as a complete proposal submission. In other words, submit each alternative cost and supporting technical proposals in pairs or simply submit one cost proposal to support your one technical proposal.</td>
</tr>
</tbody>
</table>
Cost Section (Schedule B)

Complete and submit Attachment 3 to present your proposed operations labor rates by RFP job title for the first year of the resulting contract. Payment for services provided under the project shall be by fully loaded, specific hourly rates reimbursement plus reasonable compensation for actual, approved direct non-salary costs incurred in the performance of the scope of services. The last and final payment of the initial ten-year period will become due and payable within thirty (30) days after delivery of the final deliverable(s) and a standard NYS voucher. Requests for progress and final payments shall be made by the designated Contractor on standard NYS vouchers.

A. Proposed Specific Hourly Rate Schedule

Present your proposed Salary Schedule, which will list not-too-exceed, fully loaded hourly rates for each RFP job titles for the 2015-16 contract year. Present one table for all proposed staff by firm, present separate tables for the prime contractor one for each subcontractor. Present a break down of each proposed rate into base salary, overhead additive and fixed labor fee additive. For proposal preparation and submission purposes, assume no overtime payment policies and assume no holiday payment policies. The resulting negotiated agreement’s labor cost shall include overtime allowances per the agreed-upon method (during negotiations). You are specifically instructed to present your firm’s proposed overtime payment policies and holiday payment policies. Employee benefits, such as leave, health insurance, retirement, etc., shall be included in a firm’s proposed overhead. A firm’s labor fee may not exceed 10 percent. If additional titles are used but are not assigned, they should be listed. All responding firm must use the Specific Hourly Rate Schedule (Attachment 3).

For the 2nd and subsequent years of the contract’s term, rates may be adjusted by the lower of either the percent change for the Producer Price Index – Architectural, Engineering and Related Services (Series ID: PCU5413-5413; for the most recent 12 month period as calculated by the U.S. Department of Labor – Bureau of Labor Statistics), or 1.5 percent, subject to current market conditions.

B. Direct Non-Salary Cost (DNSC) Schedule

Direct Non-Salary Cost (DNSC) expenses shall not be competitively proposed under C031382. Except for electricity, all direct non-salary expenses provided by the selected Contractor shall be procured following a procurement process consistent with those of NYSDOT’s. Estimates of direct non-salary cost (DNSC) expenses shall be added to the selected contractor’s proposal to generate the resulting Republic Airport operations and management services contract #C031382. DNSC items shall be discussed and agreed-to with the selected Contractor during contract negotiations. Travel, meals and lodging reimbursements shall be limited to the prevailing maximum rates established by the State Comptroller. The latest state and nationwide rates are available via http://www.gsa.gov/.

Revenue-Sharing Section (Schedule C)

This section must detail the firm’s best proposal for revenue-sharing options in years 11 through 40 of the contract. As mentioned in the RFP, the intent of NYSDOT is for the contract to follow a cost-sharing model in the first ten years of the contract and a revenue-sharing model for the
remainder of the contract. The Contractor’s technical proposal must outline the firm’s approach to improve the airport’s operations and revenues to enable the Contractor to cover all costs in years 11 through 40 and provide NYSDOT with a portion of the revenues. Revenue projections must be based on a sound plan to enhance airport business activity, implement operational efficiencies, and maximize the utility of existing infrastructure and currently available parcels.

The firm must outline the plan for marketing the available parcels for appropriate uses and generate revenue for the airport. It will be critical that, while operational efficiencies are encouraged, operations at the airport must meet all federal, state, and local requirements, regulations, and laws applicable throughout the contract period and the airport remain open on a 24/7 basis. It is permissible to present varying revenue generating options, provided that each stands on its own merits. NYSDOT is seeking maximum flexibility regarding how to generate sufficient revenue to viably operate the Airport while sharing a portion of excess revenues with the State.

There is no prescriptive format to use; present your proposed revenue sharing information in a manner which makes sense to both parties. What NYSDOT prefers to receive is a proposal to share a percentage of revenues on a monthly basis with this percentage being allowed to fluctuate in accordance with your proposed business development approach.

**Contract Section**

NYSDOT anticipates that the resulting contract will be amended annually to add the State’s operational expenses for the first 10 years; NYSDOT further anticipates amending the resulting agreement to allow for elements of the selected Contractor’s business plan to grow and mature.

1. **M/WBE Participation (Attachments 4 and 5)**

Interested proposers should verify their attainment of C031382’s M/WBE subcontractor participation goal by completing and submitting one Attachment 4 M/WBE Participation Information for Contract #C031382. Provide the full legal names of all certified M/WBE contractors (prime and/or subcontractor). The 30% combined M/WBE goal can be met by either subcontracting opportunities, by delegating a portion of the prime contractor’s work, or a combination of these.

To count towards the combined 30% M/WBE goal, a firm offering M/WBE participation must be currently certified per the NYS ESD and registered in ESD’s on-line M/WBE Directory. A directory of certified Minority Business Enterprises (MBEs) and certified Women-Owned Business Enterprises (WBEs) is available from ESD’s searchable database website: [http://www.esd.ny.gov/MWBE.html](http://www.esd.ny.gov/MWBE.html).

If the proposal does not meet the 30% combined M/WBE participation goal for Contract #C031382, the firm must provide evidence of a good faith effort by completing Attachment 5 M/WBE Subconsultant Participation Solicitation Log. Additionally, if the firm does not meet the specified contract goal, the firm must include in its submission a M/WBE Goal Attainment Explanation Letter explaining why the firm was unable to meet the M/WBE goal (in full or if partially), which serves to substantiate the firm’s good faith efforts. The letter(s) should include sufficient justification as to why the goal or goals were not met or were met partially and should at a minimum address the following factors:

1. the potential firm’s method of accomplishing the work,
2. the subcontracting opportunities associated with the proposed approach and scope of services,
3. and the availability of certified firms for the work to be performed by either a prime contractor or via subcontract.

Additionally, prime contractors certified as a M/WBE who propose are not relieved from seeking participation of certified M/WBEs for subcontractable services in this solicitation. In these situations, it is expected that unless M/WBE outreach efforts by the prime result in proposed M/WBE subcontractors, that the prime contractor provide evidence of a good faith effort by completing Attachment 5, MWBE Participation Solicitation Log.

The above forms and letter must be included in your Contract section of your cost/revenue/sharing proposal. Firms are advised to refer to RFP Section 5 for the procedure NYSDOT will follow in evaluating a firm’s proposed M/WBE participation.

Contractors are encouraged to ask questions regarding the M/WBE aspect of the solicitation.

2. Contractor Information and Certifications (Attachment 6)

The Contractor shall specifically state its acceptance of all Terms and Conditions of the RFP’s Draft Contract for C031382 (Attachment 9) by completing and submitting the Contractor Information and Certifications Form (Attachment 6). This draft contract forms the basis for the final Contract to be negotiated between NYSDOT and the Contractor. Altering this form without the prior expressed written approval of the New York State Department of Transportation is prohibited and will lead to the proposal being deemed non-responsive and subsequently dismissed. The Cost Proposal shall include a completed and signed Attachment 2 Consultant Information and Certifications. All proposing Consultant must indicate their acceptance of all of C031290 Draft Contract’s terms and conditions.

Via submission of a completed and signed Attachment 2, the Consultant shall specifically state its acceptance of all Terms and Conditions, appendices and exhibits contained in Attachment 9 Draft Contract. NYSDOT shall not consider requests to change the draft contract prior to and after consultant selection (except for a few items left blank; to be filled in later). Firms that are considering tendering a competitive proposal are encouraged to ask questions regarding the RFP’s draft contract during the question and answer phase of the solicitation process (before proposals are due). The Q&A period opens with the RFP’s release and closes with the submissions of proposals. Taking exception to the RFP’s draft contract is not allowed. NYSDOT will not entertain questions regarding the RFP’s draft contract brought to its attention after the close of the question-and-answer period. NYSDOT will not entertain exceptions during contract negotiations. The Consultant’s proposal and/or proposed cost must not be contingent upon any draft contract exceptions or project assumptions. During negotiations with the selected vendor, NYSDOT reserves the right to make minor clarifications to the scope of services to be performed under contract #C031290 via Attachment 9’s Schedule A Scope of Services prior to contract execution.

SFS Vendor ID Number & Consultant Identification Number:

Each consultant must reference its SFS Vendor Identification Number in its cost proposal. If a contractor does not have an SFS number and is selected for contract award, it will be
required to obtain one through NYSDOT sponsorship. Having an SFS ID number is necessary to do business in New York State.

If applicable, each contractor must reference its Consultant Identification Number (CIN) in Attachment 6. If you do not have a CIN, then leave this blank. If a contractor does not have a CIN and is selected for contract award, it will be required to obtain one through the following NYSDOT web site prior to negotiation of the contract:

Altering Attachment 2 without the prior express, written approval of NYSDOT is prohibited and will lead to the proposal being deemed non-responsive and subsequently dismissed. Be sure to include the full, legal name of all proposed firms.

3. PLL Forms (Attachment 7)
The Cost Proposal shall include a completed Attachment 3 Procurement Lobbying Law (PLL) Compliance Forms (Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b) and Offerer Disclosure of Prior Non-Responsibility Determinations). These forms are required with the RFP Response Form or if you do not submit an RFP Response Form then the PLL forms are required with the Proposal. These forms are also available at: https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions (Compliance Procurement Lobbying Law). Note: Failure to submit the completed PLL forms with your proposal will result in elimination from consideration for contract award.

4. Non-Collusive Bidding Certification (Attachment 8)
Each Contractor is required to complete and submit this attachment.

5. RFP Modification Acknowledgements
The proposer shall complete and submit all future RFP Modification Acknowledgement Forms (if any) as instructed. Receiving an acknowledgement that you’ve read and understood the changes the RFP Modification have are important to receiving a fair and competitive proposal. Missing or not following changes to the RFP could lead to lowering of a proposal responsiveness score or at worst proposal dismissal.