This project will follow the department's electronic consultant selection process (Process II). Firm(s) proposed as the prime, must retain at least 60% of this projects work; Joint Ventures will not be allowed.

Note: As part of the negotiated contract requirements, the designated firm(s) must comply with items as outlined in Attachment #1, titled: “Draft Articles for Indemnification and Insurance 10-24-13” ARTICLE 20.

INDEMNIFICATION

1. Project Identification
   Contract: D031152  PIN: S090.35.3
   
   Title: Design Services Agreement for Capital Project Management & Engineering Services at Republic Airport

   Notice is hereby given that the New York State Department of Transportation (NYSDOT) is seeking to retain an engineering firm(s) to perform the following: Capital Project Management & Engineering Services at Republic Airport, Suffolk County, New York.

   The Department anticipates designating only one firm for this contract but reserves the right to make more than one designation. Designation(s) will be made from one shortlist with this contract number being designated to the highest ranked firm, and any additional designations being made in order from the same shortlist starting with the second ranked firm.

   The following items are of specific importance to potential consultant firms:

   1. Register in the CSSWeb application, including the provision of required salary roster information;

   2. Consistent with Consultant instruction CI 11-04, submit required annual overhead audit performed in accordance with Federal Acquisition Regulation. Refer to CI 11-04 for instructions regarding submission requirements:

   3. Obtain the appropriate registration and authorizations from the NYS Dept of State and the NYS Education Dept, Ofc of Professions (CI 93-10):

   4. For applicable firms, verify their certification status as Disadvantaged Business Enterprises (DBE):
      http://www.nysucp.net or https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp

2. General Description of Agreement
   Estimated Contract Duration: 5 years, with an option of an additional 2 year extension
   In the following county: Suffolk County

2a. Funding
   Expected to be Federally and State funded.

2b. Key Dates
   Construction Letting Date ----------- N/A
   Consultant Start Date -------------- April 2, 2014
   Consultant Completion Date --------- March 29, 2019
   Anticipated design approval Date ~ N/A
   Anticipated PS&E date ----------- N/A

2c. Electronic EOI
   For the purpose of submitting an electronic EOI only, use the KEY PIN value: S090.35.3
The firm has advised all team members that the contracting process will require that they possess an acceptable accounting system capable of segregating contract cost.

Chapter 10 of the Laws of 2006 amends State Finance Law §§ 8 and 163 by requiring:

State Contractors to disclose, by employment category, the number of persons employed to provide services under a contract for consultant services, the number of hours worked and the amount paid to the contractor by the State as compensation for work performed by these employees. This will include information on any person working under any subcontracts with the State Contractor.

If designated, firms will submit the following forms:

1. Due at the time of signing the contract: "State Consultant Services - Contractor's Planned Employment from Contract Start Date through the End of the Contract Term" (otherwise called Form A)
2. Due every year the contract is in force, on or before May 15th: "State Consultant Services - Contractor's Annual Employment Report" (otherwise called Form B)

Please note that, in contrast to the information to be included on Form A, which is a one-time report of planned employment data for the entire term of a consulting contract on a projected basis, Form B will be submitted each year the contract is in effect and will capture historical information, detailing actual employment data for the most recently concluded State fiscal year (April 1 - March 31).

For more information and copies of the forms, firms are advised to visit the following OSC web site: http://www.osc.state.ny.us/procurement/contractor_instr_forms_a_b.doc. Or the following NYSDOT web site links (Business Center Heading): https://www.dot.ny.gov/main/business-center/consultants/architectural-engineering/consultant-instructions/business-practices and/or http://www.dot.ny.gov/portal/page/portal/main/business-center/consultants/forms-publications-and-instructions

3. Description of Work
The purpose of this agreement is to provide a means for NYSDOT to accomplish its Airport-related mission that includes the acquisition, planning, design and construction of various air transportation facilities at the New York State owned Republic Airport. In order to address performance time frames affected by Airport tenant needs, new business opportunities, funding and resource availability, and year-end FAA project programming decisions, NYSDOT will determine the State’s and Contractor’s responsibilities best suited to the delivery of identified capital projects.

The selected consultant will be required to assume the Capital Project Management and any Engineering Service responsibilities, for projects, which were initiated under the current agreement C015548.

3a. Scope of Services
The agreement provides for Capital Project Management and Engineering Services (Capital Project Management & Engineering Services) in support of NYSDOT in its operation of the Republic Airport in East Farmingdale, New York. Services to include, but not limited to:

a. Assist the Department in the preparation, pre-application/application, administration and coordination of Federal and State grants for financial assistance, for capital costs projects.
b. Prepare Requests for Qualifications (RFQs) and Requests for Proposals (RFPs) for professional engineering, and/or architectural services and other professional services.
c. Coordinate and review construction drawings and specifications prepared by engineering and/or architectural firms selected by the Department or the designated consultant.
d. Assist the Department in the solicitation of construction bid proposals, invitation to bid proposals, and preparation of a bid comparison summary for award.
e. Contract directly with firms for consultant and construction services, purchase equipment, etc.
f. Coordinate construction activities with Airport operations and FAA Air Traffic Control Tower personnel.
g. Review construction contract change orders and amendments to consultant agreements and make recommendations for approval or disapproval.
h. Review payment requisitions and make recommendations for approval or disapproval.
i. Monitor the field construction.
j. Provide project management services for Capital Projects including project tracking, scheduling, and reporting.
m. Provide engineering and/or architectural services as may be requested and approved by the Department. Those services include, but are not limited to: Planning services, Design services, Construction Support services, Construction Inspection services and Resident Engineering services.
n. Attend all Capital Project meetings with contractors, consultants, the FAA, and provide consultation to the Department on an as needed basis.
o. Maintain Capital Project files and documentation on the behalf of the Department.

The designated firm must be able to provide all of these services either directly, by their proposed subconsultants or through sub-contract.

During the five year term of this Capital Project Management & Engineering Services Agreement work assignments will be identified, associated individual scope of services prepared, and agreement reached with the Consultant regarding staffing requirements, cost and schedule.

To be designated, the prime consultant must be authorized by the State of New York to practice engineering. For environmental assessments and studies, personnel must have the necessary qualifications, certifications, training and experience. Additionally, all right-of-way surveying and mapping shall be performed by a firm authorized to provide professional land surveying in the State of New York. The levels of complexity for the assignments which will be awarded under these agreements should not exceed ‘complex’.

3b. Description of the Design Services Agreement for Capital Project Management & Engineering Services

The contract will contain a generalized description of typical services to be provided, and will be executed for a term of five (5) years beginning approximately in April 2014. Following the execution of the agreement, individual project assignments will be identified and assigned, followed by a scope of services meeting, proposal preparation, negotiations and amendment to that firm’s contract. Work under this agreement is authorized when specific amendments are executed. Firms must anticipate attending a scope meeting in less than a week from designation of an individual project assignment.

Accordingly, a selected firm must be able to initiate work on new assignments as often as needed and maintain the required production throughout the contract. No guarantee of work assignments may be made, but the need for this contract is based on the Department’s projection of needed Capital Projects for Republic Airport.

3c. Assignment Process

Following the designation and execution of this Capital Project Management & Engineering Services Agreement, the Consultant will be notified of potential assignment(s). Through a mini-selection process, which includes the approval of the Office of Integrated Modal Services, the Consultant will be designated for specific Capital Project Management & Engineering assignments.

Additionally:

- The maximum Contract value does not in any way indicate that the designated firm will receive that amount of work.
- Assignment work is authorized after execution of the supplemental agreement and must be completed within the five (5) year term of the agreement. For larger assignments, which may not be completed within the initial term, and under special circumstances, the State may pursue special contractual arrangements to complete those assignments.
- Selected firms must be able to initiate work on new assignments as often as needed and maintain the required Services throughout the resulting contract’s term.

4. Guidance

4a. Staffing Requirements

1) **Key staff:** The selection and retention of a consultant will be contingent on the availability of the following proposed key staff, unless similarly qualified substitutes are approved during negotiation by NYSDOT.

<table>
<thead>
<tr>
<th>Staffing Role</th>
<th>Qty</th>
<th>Resume Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Project Manager (PE Required*)</td>
<td>1</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Firms must certify as part of the Shortlist Submittal form (NYSDOT 255C), the availability of the key staff listed above, which is part of Section 11 of the NYSDOT 255C.

2) Non-key staff requiring resumes to be submitted:

<table>
<thead>
<tr>
<th>Staffing Role</th>
<th>Qty</th>
<th>Resume Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Inspector (NICET IV)</td>
<td>1</td>
<td>Yes</td>
</tr>
<tr>
<td>Office Engineer (NICET III)</td>
<td>1</td>
<td>Yes</td>
</tr>
<tr>
<td>Lead Staff Person - Community Involvement/Government</td>
<td>1</td>
<td>Yes</td>
</tr>
</tbody>
</table>

3) Non-key staff NOT requiring resumes to be submitted, but may be required during the term of the contract, include, but are not limited to:

<table>
<thead>
<tr>
<th>Staffing Role</th>
<th>Qty</th>
<th>Resume Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead Staff Person - Landscape Architect</td>
<td>1</td>
<td>No</td>
</tr>
<tr>
<td>Lead Staff Person - CADD</td>
<td>1</td>
<td>No</td>
</tr>
<tr>
<td>Lead Staff Person - (M&amp;PT) Specialist</td>
<td>1</td>
<td>No</td>
</tr>
<tr>
<td>Lead Staff Person - Ecological Studies</td>
<td>1</td>
<td>No</td>
</tr>
<tr>
<td>Lead Staff Person - Survey</td>
<td>1</td>
<td>No</td>
</tr>
<tr>
<td>Lead Staff Person - Traffic Engineering (Air &amp; Land)</td>
<td>1</td>
<td>No</td>
</tr>
<tr>
<td>Lead Staff Person - ITS Signal Design &amp; Inspector</td>
<td>1</td>
<td>No</td>
</tr>
<tr>
<td>Lead Staff Person - Lighting Design</td>
<td>1</td>
<td>No</td>
</tr>
<tr>
<td>CPM/Scheduler</td>
<td>1</td>
<td>No</td>
</tr>
</tbody>
</table>

4b. Additional Staffing Notes:

(PE*) P.E. is required for this staffing. Must be currently registered with the New York State Education Department as a Professional Engineer (P.E.). An out-of-state P.E. registration may be substituted for a New York State P.E., provided that the individual received their P.E. based upon satisfactory completion of a 16 hour written examination, has applied for P.E. registration in New York State, and that the New York State Education Department has acknowledged receipt of the individual’s intent to practice in New York under subsection (b) of section 7208 of the Education Law.

1 This staffing title is required to be provided by the Prime firm.

4c. Resumes

1) Resumes must be provided within the NYSDOT 255C submission for all Key Staff; and Non-Key Staff requiring resumes to be submitted as listed in 4a. above. Submit resumes ONLY for those individuals to be used on the project.

2) The total number of resumes that may be included in the NYSDOT 255C for this project is: 9

4c. Proofs of Authority

When a firm is short-listed in the electronic selection process, the Proofs of Authority from the New York State Education Department and the Department of State, authorizing professional services for the Prime Consultant and all Team partners, must be downloaded from the appropriate websites with copies provided. If a Proof of Authority does not exist, the firm must provide a written explanation. For further details, refer to the short-list submittal instructions on the NYSDOT website: https://www.dot.ny.gov/portal/page/portal/main/business-center/consultants/general-info/electronic-consultant-selection-(process-2)
5. Cost and Complexity:
For scoring purposes the construction costs used will be:

   Work Class: Highway  
   Anticipated overall level of Complexity for this project: Complex  
   Estimated Highway/Appurtenances construction cost for this project: $25,000,000.00  
   Highway/Appurtenances Complexity: Complex

6. Selection Schedule: By responding to this advertisement the Consultant is committing to and will be expected to meet the following schedule. Days are calendar days. (This is a projected schedule that may be revised based on the needs of the State).

   Upon notification of being short-listed:
   Provide NYSDOT 255C with attachments, days from shortlist notification ---- 10

   If designated:
   Scope of services meeting, days from designation -------------------------- 7
   First proposal due, days from designation ------------------------------- 21
   Final proposal due, days from designation ------------------------------- 35
   Completion of financial negotiation, days from designation -------------- 51

7. Advertisement Data
   Key Contract Number: D031152
   Key Pin: S090.35.3
   Submission Due Date/Time: February 3, 2014 by noon

   Utilizing the Electronic Consultant Selection System web application (CSSWeb), submit the following information in PDF format. The following five (5) items are required by the Submission Due Date as either part of your Electronic Expression of Interest (E-EOI) or have on file:

   1) Electronic Expression of Interest (E-EOI) must be submitted electronically: utilizing the Electronic Consultant Selection System web application (CSSWeb) in PDF format.
   2) The Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b): utilizing the Electronic Consultant Selection System web application (CSSWeb) in PDF format.  
   4) The current CONR386 Workload Disclosure Form for each firm included on the team (must be submitted by the Prime and include all team members - prime, joint venture partner and subconsultants): (PDF)
   5) The current CONR-385 and FAR overhead Audit Report must have been submitted to NYSDOT for all team members before the time of the EOI submission.

   FAILURE TO SUBMIT ALL OF THE ABOVE MATERIAL UTILIZING THE ELECTRONIC CONSULTANT SELECTION SYSTEM WEB APPLICATION, WHEN IT IS DUE, MAY RESULT IN YOUR SUBMISSION TO BE FOUND NON-RESPONSIVE.

   Type of D/M/WBE Credit: DBE.
   D/M/WBE Credit Cap: 20%
   Number of Required D/M/WBE Alternatives: 1
   Small Firm Credit: None
   Electronic Inventory used: Design
When claiming DBE Credit, prime firms are responsible for ensuring all of their proposed DBE subconsultants are currently certified through NYS Unified Certification Program (NYSUCP) DBE Directory (http://www.nysucp.net for DBE credit) for the type of work they are being proposed to perform.

Claiming D/M/WBE credit for a non-certified firm at the time of E-EOI submission may be grounds for a non-responsibility determination.

8. Measuring Distance to the Project Site and the Regional/Functional Office
Consistent with the established scoring methodologies, for the purpose of estimating distances to the Project Site each team member must use one of their own registered offices as the Functional Office at which the Project Manager (or the person in charge of the subconsultants activities in the case of a subconsultant) is available on essentially a daily basis for direct and visual supervision of the firms staff that is providing the key elements of its assigned activities. The Functional Office must be currently in use and have been in existence for at least 3 months prior to its use for scoring purposes (or clearly demonstrated to be a relocation of a previously existing office meeting that same criteria), accessible to the public and staffed with a complement of full time employees.

Reimbursement for project related travel expenses will be determined consistent with the Program Area's current policies for the work activities being performed. Only NYSDOT directed project related travel is eligible for reimbursement. Reimbursement for directed travel will be calculated from Republic Airport, the firm’s office, or the employee’s home, whichever results in the lowest resulting travel cost.

Distance to the Project Site and the NYSDOT Regional Office should be measured from each Firm’s Functional Office to:

Republic Airport, 7150 Republic Airport, East Farmingdale, NY 11735

Distance must be measured in miles as you would drive a car -- not a straight line measurement. We require accurate numbers, either an actual odometer reading, through use of a map drawn to scale or a reputable database of distances. (Distance is subject to verification by NYSDOT.)

9. Evaluation Factors and Weights
Step 1 - automated shortlisting (all firms are scored)
Step 2 - committee review (only shortlisted firms are scored)

<table>
<thead>
<tr>
<th>Step 1 Weight</th>
<th>Step 2 Weight</th>
<th>Scoring Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>50%</td>
<td>15%</td>
<td>1. Prior Experience</td>
</tr>
<tr>
<td>0%</td>
<td>41%</td>
<td>B. Staff</td>
</tr>
<tr>
<td>0%</td>
<td>0%</td>
<td>C. With NYSDOT</td>
</tr>
<tr>
<td>11%</td>
<td>5%</td>
<td>2. Organizational capability for this type of work</td>
</tr>
<tr>
<td>1%</td>
<td>0%</td>
<td>(1). Project type workload with NYSDOT vs. capacity</td>
</tr>
<tr>
<td>3%</td>
<td>2%</td>
<td>(2). Total remaining workload with NYSDOT</td>
</tr>
<tr>
<td>15%</td>
<td>4%</td>
<td>3. Logistics &amp; Familiarity</td>
</tr>
<tr>
<td>0%</td>
<td>5%</td>
<td>B. Familiarity with the area</td>
</tr>
<tr>
<td>20%</td>
<td>8%</td>
<td>4. Other Factors</td>
</tr>
<tr>
<td>0%</td>
<td>5%</td>
<td>A. Standard</td>
</tr>
<tr>
<td>0%</td>
<td>5%</td>
<td>C1. Special Factor Question #1</td>
</tr>
<tr>
<td>0%</td>
<td>5%</td>
<td>C2. Special Factor Question #2</td>
</tr>
<tr>
<td>0%</td>
<td>5%</td>
<td>C3. Special Factor Question #3</td>
</tr>
<tr>
<td>0%</td>
<td>5%</td>
<td>C4. Special Factor Question #4</td>
</tr>
<tr>
<td>100%</td>
<td>100%</td>
<td>Total</td>
</tr>
</tbody>
</table>
It is expected that the Prime Firm will be assigned all weighted major tasks (M1 thru M09) unless otherwise noted below. A weight of "0" means that factor/task is given no weight, but the work is expected to be included in the project and must be assigned to at least one Team Member. All subconsultants must be assigned at least one (1) Task. **NYSDOT seeks the most efficient teaming combinations to provide these services. A large teaming proposal submitted for this project is not consistent with this approach.**

List all the M & E Series Sub-Factor Tasks and associated %s

<table>
<thead>
<tr>
<th>Tasks/Responsibilities Breakout for Prior Experience (Firm and NYSDOT) Above (1A, &amp; 1C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task</td>
</tr>
<tr>
<td>M01. Planning Study</td>
</tr>
<tr>
<td>M03. Project Scoping</td>
</tr>
<tr>
<td>M05. Preliminary Design</td>
</tr>
<tr>
<td>M07. Final Design</td>
</tr>
<tr>
<td>M09. Design Survey &amp; Mapping</td>
</tr>
<tr>
<td>M10. ROW Survey &amp; Mapping</td>
</tr>
<tr>
<td>E03. Noise Study</td>
</tr>
<tr>
<td>E04. Air Quality Study</td>
</tr>
<tr>
<td>E06. Endangered Species Study</td>
</tr>
<tr>
<td>E12. Storm Water Management</td>
</tr>
<tr>
<td>E18. Hazardous Waste Materials Screening</td>
</tr>
<tr>
<td>E19. Hazardous Waste Materials Assessment</td>
</tr>
<tr>
<td>E20. Asbestos Preliminary Investigation</td>
</tr>
<tr>
<td>E21. Asbestos Sampling, Testing and Specifications</td>
</tr>
</tbody>
</table>

Breakout for Standard Other Factors Above (4A.)

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Step 2</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weight</td>
<td>Weight</td>
<td>Factor</td>
</tr>
<tr>
<td>4%</td>
<td>2%</td>
<td>O02. Soil and Geologic Studies, Foundations</td>
</tr>
<tr>
<td>8%</td>
<td>3%</td>
<td>O11. Community Participation</td>
</tr>
<tr>
<td>8%</td>
<td>3%</td>
<td>O12. Involvement with New York City Agencies</td>
</tr>
<tr>
<td>20%</td>
<td>8%</td>
<td>Total</td>
</tr>
</tbody>
</table>

The following tasks may be included (but are not limited to) in assignments as they relate to airports. Firms should be prepared to provide these services on an assignment basis: EIS, EA, General Ecological Study, Traffic Forecasting, Final Design - Signal Design, Final Design - Lighting, ITS/Electronic Operations, and Intermodal Scoping/Design Analysis.

Breakout for Special Other Factors Above (4C.)

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Step 2</th>
<th>Special</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weight</td>
<td>Weight</td>
<td>Factor</td>
</tr>
<tr>
<td>0%</td>
<td>5%</td>
<td>4C SF Q.1. Special Factor Question #1:</td>
</tr>
<tr>
<td>0%</td>
<td>5%</td>
<td>4C SF Q.2. Special Factor Question #2:</td>
</tr>
<tr>
<td>0%</td>
<td>5%</td>
<td>4C SF Q.3. Special Factor Question #3:</td>
</tr>
<tr>
<td>0%</td>
<td>5%</td>
<td>4C SF Q.4. Special Factor Question #4</td>
</tr>
<tr>
<td>0%</td>
<td>20%</td>
<td>Total</td>
</tr>
</tbody>
</table>

9a. Special Factor Questions (4C) to be discussed by Shortlisted Firms in an Attachment A1 to the NYSDOT 255C:
Shortlisted Firms must demonstrate relevant experience in the four topic areas as listed above in questions 1 - 4, within the Attachment 1 to the NYSDOT 255C (include the what, where, when, and who).

4C SF Q.1. The Prime consultant must demonstrate their relevant experience in developing and managing multiple Capital Improvement Projects occurring within a specified vicinity or facility; preparing grant applications independently and in coordination with other entities; developing solicitations for required services (consistent with FAA, NYSDOT, NYSOSC and State Finance Law requirements); and handling the financial administration of projects by completing the Attachment 1 to the NYSDOT 255C, with information on projects that they successfully completed, describing the project, the firm’s role, what, where, when, who, etc.

4C SF Q.2. The Prime consultant must demonstrate their relevant experience with projects involving Planning, Design and Construction services where FAA was the Federal oversight agency. Experience must demonstrate familiarity with airport design concepts and federal and state requirements, and understanding of airport operations by completing the Attachment 1 to the NYSDOT 255C, with information on projects that they successfully completed, describing the project, the firm’s role, what, where, when, who, etc.

4C SF Q.3. The consultant Team must demonstrate their relevant experience in managing, coordinating, evaluating, and monitoring the environmental impacts resulting from multiple Capital Improvement Projects occurring simultaneously within a specified vicinity or facility. Experience must include noise analysis and abatement projects and analysis and mitigation of impacts to soils, air, and water; and coordination of public involvement activities by completing the Attachment 1 to the NYSDOT 255C, with information on projects that they successfully completed, describing the project, the firm’s role, what, where, when, who, etc.

4C SF Q.4. The Prime consultant must demonstrate their relevant experience in Construction Inspection Projects and Construction Management - including project tracking, scheduling, and reporting - involving multiple construction projects occurring simultaneously within a specified vicinity or facility and, by completing the Attachment 1 to the NYSDOT 255C, with information on projects that they successfully completed, describing the project, the firm’s role, what, where, when, who, etc.

Project Examples -
A. Pavement rehabilitation projects which involve aprons, taxiways, taxilanes, or runways. Project may include crack sealing, pavement repairs, resurfacing, runway markings, drainage work, asphalt and concrete paving.

B. Airport facilities construction or reconstruction projects including earthwork; drainage; storm water management; hangar construction or renovations; Aircraft Rescue and Firefighting (ARFF) building construction or renovations; hangar construction or relocation; airport lighting projects; navigational aids installation or repair; installation of Engineered Materials Arresting System (EMAS) beds; landscaping; parking lots; obstruction analysis and removal, or other routine construction contracts.

C. Installation or purchase of airport equipment consisting of: ARFF equipment, snow removal equipment, runway signs and lighting equipment, maintenance vehicles, terminal facilities equipment and infrastructure including HVAC, lighting, and security systems, etc.

Under this agreement, Assignments may vary in duration as well as the number and type of staff per assignment.

Attachment – A1 Instructions:
1) Each answer will not exceed one (1) page. NYSDOT reserves the right to request additional clarification information and back up material from the firms at a later date. This information request may come with a compressed response turnaround time. Firms should be prepared for such requests.
2) There shall be no graphics. Do not embed, attach, affix or include any links, graphics or similar items in the submission.
3) Attachment A1 must be submitted electronically as the last few pages of the NYSDOT 255C Submittal Form.  
4) Not part of Item 9 or 12 in the NYSDOT 255C.
5) In order to assist evaluators in scoring each issue separately, we ask that the response to each issue be numbered and individually addressed.
6) The text font size must be 10 point or larger.
#Criteria for determining relevant experience for questions above and Section 12 of the NYSDOT 255C -

- The firm was the prime or major sub (over 20%), the firm directly performed the activity as requested above in each of the four bolded topic areas, and each of which meets all of the following:
  - NYSDOT prefers firms to use appropriately related projects from their NYSDOT Inventory of Experience. Where the project being claimed for relevant experience is already verified, listed in the firms Inventory, and was used in the past for scoring of a NYSDOT project. Where this is not possible, firms should make every effort to have verifiable references for each claimed project.
  - The firm must have done some of the “M”, “E” and “O” Tasks as listed in Section 9, while performing work in the following topic areas: “Developing and managing multiple Capital Improvement Projects”; “Planning, Design and Construction projects”; performing “Construction Inspection or Construction Management”; reporting/designing remediation plans for “environmental impacts.”
  - The project owner was NYSDOT; a transportation agency in NYS; a municipality within NYS or the primary transportation agency of another U.S. state, state departments of transportation, local governmental entities and major transportation agencies/authorities, if Federally funded.
  - The project was completed within the last ten (10) years.

9a1. Section 12 of the NYSDOT 255C

Use Section 12 of the NYSDOT 255C to provide a list of current and prior projects which demonstrate your firm's relevant experience in Capital Improvement Project Management. Indicate management team members and any other proposed key personnel (including subconsultant members) who are assigned to, or have worked on, such efforts. Also indicate the extent to which management personnel to be assigned to this project, have previously worked as a team. Factors 1A, 1C, and 4C are evaluated in part, on the information provided in the NYSDOT255C in Sections 9 and 12 and any pertinent information presented in the Attachment 1. Criteria for including a project should follow the guidelines as set forth above #.

9b. D/M/WBE Factors (added to overall score)

1) Percentage of participation assigned to D/M/WBE subs = 10% (x D/M/WBE % of participation)

2) Experience and prior NYSDOT performance = 5.5% (x D/M/WBE % of participation)

3) Workload with the Division (Design) = 4.5% (x D/M/WBE % of participation)

9c. Last Designation Factor (subtracted from overall score)

There is no Last Designation Factor. Weight: (0%)

10. Joint Ventures

Joint Ventures shall not be proposed due to the scope of the work and the size of the agreement.

11. General Information

11a. Process, Policies and Conventions

The New York State Department of Transportation (NYSDOT), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A. Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to a written NYSDOT solicitation, request for proposal or invitation for bid that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and income status in consideration for an award.

It is the policy of New York State to encourage the use of New York State subcontractors and suppliers and to promote the participation of minority and women-owned businesses, where possible, in the procurement of goods and services. Information concerning the availability of New York State subcontractors and suppliers is available from the NYS
Department of Economic Development

Please Note: See CI 11-04 (Revised), effective June 22, 2011, Title "Requirements for Submission of FAR Overhead Audit & CONR385 & FAR Overhead Audit Report required prior to selection for Engineering Services Work." See our website for more details: https://www.dot.ny.gov/main/business-center/consultants/architectural-engineering/consultant-instructions/overhead

Under normal situations the following process is used:

1. To qualify to perform surveying services, all firms must be duly authorized to provide those services by the State Department of Education. Refer to CI 93-10: https://www.dot.ny.gov/main/business-center/consultants/architectural-engineering/consultant-instructions/business-practices

2. It is the consultant's responsibility to ensure they propose staff that is eligible to work on the proposed project. It is an individual's responsibility to comply with the Public Officer's Law.

3. All proposers are afforded an opportunity to receive a debriefing. Arrangements for a debriefing must be requested through the Contract Management Bureau at (518) 457-2600. An announcement of the Department's designation(s) will be posted to the NYS DOT Web site: (https://www.dot.ny.gov/business)

4. Designated Prime consultants and Joint Ventures must be able to demonstrate proof of coverage or exemption for Workers Compensation and Disability Benefits prior to the execution of the resulting contract. An ACORD Form is not an acceptable document for proof of this coverage.

5. The New York State Department of Transportation (NYS DOT) has an administrative procedure for protest established which may be utilized by an interested party in challenging an Architectural / Engineering consultant designation made by NYS DOT. The complete procedure can be accessed via: http://www.dot.ny.gov/main/business-center/consultants/consultants-repository/misrep_protest.pdf

6. If you are included on another firm's proposal for more than 20% of the work, you may not include that firm on your proposal. Should this infraction occur one team must withdraw; firms will be contacted to resolve the situation. If not resolved by the firms, NYS DOT will reject both firms' proposals. A redistribution of the offered percent of work will not be accepted as a means of resolution after the proposal due date.

7. Proposed firms without Prior NYS DOT performance ratings will receive a score of 5 for Factor 2A.

11b. Submitting the NYS DOT255
When requested by NYS DOT shortlisted firms will submit a NYS DOT255 as a single electronic document in Adobe Acrobat (.pdf) format, utilizing the CSSWeb application. File names shall be seven (7) characters beginning with a four-character abbreviation of your firm name and ending with the three (3) digits: "255" (e.g. "ABCD255.pdf"). Do not embed or affix any links, or include any graphics, except as needed for the organizational chart (Item 7); or as may be requested by NYS DOT.

11c. Compliance Procurement Lobbying Law

11c1. Required Form: "Permissible Contacts Certification Form"

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

   b) Offerer Disclosure of Prior Non-Responsibility Determinations

11c2. NYS DOT Guidelines and Procedures
Under the requirements of the State Procurement Act all communications regarding advertised projects are to be channeled through the Contract Management Bureau (*Designated Contacts). Until a designation is made, communication with any other NYS DOT employee concerning this project that is determined to be an attempt to influence the procurement may result in disqualification. Refer to "NYS DOT Procurement Lobbying Law Guidelines and Procedures" - see the NYS DOT web site: https://www.dot.ny.gov/portal/page/portal/main/business-center/consultants/general-info/electronic-consultant-selection-(process-2)
11c3. Summary of the policy and prohibitions regarding permissible contacts

Contacts prior to designation

Any communications involving an attempt to influence the procurement are only permitted with the following Designated Contact Persons:

The Contract Management Designation Specialist
The Contract Management Designation Specialist Supervisor
The Contract Management Assistant Directors
The Contract Management Director
The Contract Management Civil Rights Unit Supervisor
The Contract Management Administrative Staff

These are some communications exempted from this restriction:

Participation in a pre-proposal conference
Protests, complaints of improper conduct or misrepresentation

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

Contacts after designation

NYSDOT identifies its primary negotiation contacts. The designated contacts include:

The Contract Management Negotiation Specialist
The Contract Management Negotiation Specialist Supervisor
The Contract Management Assistant Directors
The Contract Management Director
The Consultant Job Manager
The Contract Management Civil Rights Unit Supervisor
The Contract Management Administrative Staff
The Consultant Job Manager's immediate Supervisor

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

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

Information Required from Offerers that contact NYSDOT staff, prior to contract approval by the Office of the State Comptroller

The individuals contacting NYSDOT should refer and shall be prepared to provide the following information, either by email or fax as directed by NYSDOT: Person's name, firm person works for, address of employer, telephone number, occupation, firm they are representing, and whether owner, employee, retained by or designated by the firm to appear before or contact the NYSDOT.

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

11c4. Rules and regulations and more information on this law, please visit:


12. Iran Divestment Act
As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. This act may be viewed in its entirety at http://www.ogs.ny.gov/about/regs/docs/ida2012.pdf. Pursuant to SFL § 165-a(3)(b), the Commissioner of the Office of General Services (OGS) has developed and maintains a list (prohibited entities list) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law).

The list may be found on the OGS website at: http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that, it will not utilize, on such Contract, any subcontractor that is identified on the prohibited entities list.

Additionally, any Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this solicitation, must certify at the time the Contract is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract, should the New York State Department of Transportation (NYSDOT) receive information that a Bidder/Contractor (or any assignee) is in violation of the above-referenced certification, NYSDOT will offer the Bidder/Contractor (or any assignee) an opportunity to respond. If the Bidder/Contractor (or any assignee) fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then NYSDOT shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

NYSDOT reserves the right to reject any bid or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

13. Conflicts of Interest for Design-Build Contracts
Please refer to Title 23 Section 636.116 of the Code of Federal Regulations, as quoted in full below. Consultants and subconsultants who perform design-related work on a project may not be allowed to compete as part of a design-build team for the same project. The Department will make such determinations on a case by case basis. Consultants should request a determination from the Department whenever a decision is made to progress a contract as design-build and the consultant is interested in proposing as part of a design-build team.

23 CFR 636.116 - What organizational conflict of interest requirements apply to design-build projects?

A. State statutes or policies concerning organizational conflict of interest should be specified or referenced in the design-build RFQ or RFP document as well as any contract for engineering services, inspection or technical support in the administration of the design-build contract. All design-build solicitations should address the following situations as appropriate:

1) Consultants and/or sub-consultants who assist the owner in the preparation of a RFP document will not be allowed to participate as an offeror or join a team submitting a proposal in response to the RFP. However, a contracting agency may determine there is not an organizational conflict of interest for a consultant or sub-consultant where:
i. The role of the consultant or sub-consultant was limited to provision of preliminary design, reports, or similar "low-level" documents that will be incorporated into the RFP, and did not include assistance in development of instructions to offerors or evaluation criteria, or

ii. Where all documents and reports delivered to the agency by the consultant or sub-consultant are made available to all offerors.

2) All solicitations for design-build contracts, including related contracts for inspection, administration or auditing services, must include a provision which:

i. Directs offerors attention to this subpart;

ii. States the nature of the potential conflict as seen by the owner;

iii. States the nature of the proposed restraint or restrictions (and duration) upon future contracting activities, if appropriate;

iv. Depending on the nature of the acquisition, states whether or not the terms of any proposed clause and the application of this subpart to the contract are subject to negotiation; and

v. Requires offerors to provide information concerning potential organizational conflicts of interest in their proposals. The apparent successful offerors must disclose all relevant facts concerning any past, present or currently planned interests which may present an organizational conflict of interest. Such firms must state how their interests, or those of their chief executives, directors, key project personnel, or any proposed consultant, contractor or subcontractor may result, or could be viewed as, an organizational conflict of interest. The information may be in the form of a disclosure statement or a certification.

3) Based upon a review of the information submitted, the owner should make a written determination of whether the offeror's interests create an actual or potential organizational conflict of interest and identify any actions that must be taken to avoid, neutralize, or mitigate such conflict. The owner should award the contract to the apparent successful offeror unless an organizational conflict of interest is determined to exist that cannot be avoided, neutralized, or mitigated.

B. The organizational conflict of interest provisions in this subpart provide minimum standards for STDs to identify mitigate or eliminate apparent or actual organizational conflicts of interest. To the extent that State-developed organizational conflict of interest standards are more stringent than that contained in this subpart, the State standards prevail.

C. If the NEPA process has been completed prior to issuing the RFP, the contracting agency may allow a consultant or subconsultant who prepared the NEPA document to submit a proposal in response to the RFP.

D. If the NEPA process has not been completed prior to issuing the RFP, the contracting agency may allow a subconsultant to the preparer of the NEPA document to participate as an offeror or join a team submitting a proposal in response to the RFP only if the contracting agency releases such subconsultant from further responsibilities with respect to the preparation of the NEPA document.

For more information, go to NYSDOT's web site at: http://www.dot.ny.gov
Or contact: Scott Nussbaum
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