June 12, 2015

REQUEST FOR PROPOSALS

NYS Local Technical Assistance Program (LTAP)

A Technology Transfer Program for Local Highway Agencies

Contract #C031303

Dear Sir or Madam:

SUBJECT: MODIFICATION #1 TO REQUEST FOR PROPOSALS – Contract #C031303

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

NOTE: NYSDOT IS EXTENDING THE DEADLINE FOR SUBMISSION OF PROPOSALS.

THE DEADLINE FOR SUBMISSION OF PROPOSALS IS NOW NOON ON FRIDAY, JUNE 26, 2015.

I. The following change is being made to Section I. B. of the RFP:

Delete paragraph 5 of Section I. B. in its entirety and Replace it with the following:

“For planning purposes and based on historical data, it is anticipated that the contract resulting from this RFP (C031303) may require approximately five full time equivalents (5 FTEs) to provide LTAP services annually. Firms shall consider this approximation when developing proposals for submission in response to the RFP. The level of complexity for these services is moderately complex.”

II. The following change is being made to Section III. A. of the RFP:

Delete item #9 in its entirety and Replace it with the following:


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

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

**Deliverable:** Deliverable entitled Comprehensive Assessment Report (CAR) shall be written by the Consultant for the previous year. A copy shall be given to FHWA on an annual basis.

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

**Deliverable:** Deliverable entitled New York State LTAP Center Assessment Report (NYSCAR) shall be written by the Consultant. It shall be provided to NYSDOT on an annual basis (for the previous year).

**Knowledge Transfer/Transition.** Knowledge transfer to any successor who will be performing services under the Local Technical Assistance Program under the successor contract to C031303 including but not limited to:

**Deliverable:** Draft a conveyance of knowledge plan and submit it to the NYSDOT Project Director sixty calendar days prior to the last day of Contract C031303. The NYSDOT Project Director shall either accept the plan or respond with request for modification(s) within ten calendar days. If the plan is not accepted by NYSDOT, the Consultant shall have ten (10) calendar days to modify the plan after receiving the request for modification from NYSDOT. Ten calendar days after the plan is accepted by NYSDOT, the Consultant shall have thirty calendar days to execute the plan.”

III. The following change is being made to Section IV. A. 5. of the RFP:

Delete the second bullet in its entirety and Replace it with the following (NYSDOT is adding the requirement of a draft work plan):

- “A description of the activities to be carried out by the LTAP program and hosting the LTAP Center. Address at a minimum the tasks outlined in the Project Objectives and Scope of Services sections (Sections II and III of the RFP). Provide a detailed scope of services which describes by task what will be done, presenting the activities, methods, procedures, and techniques to be used in carrying out the program’s activities; discuss and detail the proposer’s understanding of the deliverables. A proposer may suggest additional tasks which would improve the ability of the project to meet its objectives (these tasks shall be called out as additional tasks, shall not be included in Attachments 8 or 9 and may be discussed during negotiations with the firm designated for Contract award). Complete Task Deliverable Chart, Attachment 8 (for tasks 1 through 10 as included in Section III), which shall supplement the narrative and serve as a schedule for annually providing LTAP services and for hosting the LTAP Center. This chart shall show the duration of each task and include delivery of any deliverables. Provide a draft work plan for the first six months of the contract term (October 1, 2015 through March 30, 2016). NYSDOT is looking for a working draft that will be finalized in negotiations with the firm designated for contract award.”
IV. The following change is being made to Section IV. B. 1. c. of the RFP:

Delete Section IV. B. 1. c. in its entirety and Replace it with the following:

“c. Anticipated Supplemental Training Component Cost

As referenced in Sections I and III of the RFP, NYSDOT anticipates adding supplemental LTAP components annually. Historically, such components included safety trainings, Highway School Superintendents Conferences and Statewide Conferences on local Bridges. Although, the cost of these components is included in the $3.5 Million referenced previously, their inclusion is contingent upon available funding.

Based on historical data, NYSDOT has established an annual value of $150,000 to these supplemental training components. This $150,000 value includes but is not limited to such expenses as personnel (presenters/trainers/etc) for the training, site accommodations, etc. All expenditures shall be reviewed and pre-approved by NYSDOT using industry standards, historical data, etc.

For Cost proposal purposes and to establish a cost structure in the resulting Contract, NYSDOT has set the annual value for supplemental training components at $150,000. This $150,000 annual value has been included by NYSDOT in Attachment 12 and shall be included in Cost proposals submitted in response to this RFP.

The inclusion of an established Supplemental Training Component value enables NYSDOT to evaluate proposals equally and on even ground and at the same time provides a value for inclusion in the resulting Contract and a means to reimburse the Supplemental Training costs.

If during the life of a contract NYSDOT determines additional funding is required, NYSDOT, with concurrence of the designated firm, will advance a supplemental agreement, with justification, to OSC for review/approval/execution (note: that supplemental agreement would become final when/if executed by OSC).”

V. The following change is being made to Section IV. B. 1. d. of the RFP:

Delete the first paragraph in its entirety and Replace it with the following:

“The Summary of Costs Worksheet, Attachment 12, shall draw down (via use of formulas) the information for each year of the base term from the Proposed Rate and Cost for Labor Table, Attachment 10. Attachment 12 shall also include the designated costs for DNSCs ($200,000 annually) and supplemental training components ($150,000 annually).”

VI. NYSDOT is hereby publishing the questions received by the RFP question submittal deadline of May 29, 2015 along with the answers to those questions:

1. QUESTION: Referencing page 8 of the RFP, can the 2016 Plan of Work be submitted in the fall of 2015 rather than in the proposal? Please clarify the reference on page 8, are proposers to include a Plan of Work in the Technical proposal? This firm shall submit a budget in the proposal for the 2015-16 fiscal year as salaries are known, but the Plan of Work may have extra details that are best finalized after the fall training season.
ANSWER: Please note the reference on page 8 in the first paragraph of III. A. is “The work plan for the first of the three year base term shall be included in the Contract.” This is referring to the contract not the proposal.

Please also note that NYSDOT has modified the RFP via Modification #1 to include the requirement of a draft work plan in the Technical proposal submission for the first six months of the contract - reference Modification #1 for this change to RFP language in Section IV. A. 5. of the RFP.

NYSDOT has amended via Modification #1 the language of Section IV of the RFP to include the requirement of inclusion of a six month draft Plan of Work in the submission of a Technical proposal. A draft plan of work is required for evaluation purposes. It is understood that final details of the work plan shall be discussed during negotiations with the firm designated for contract award and those details shall meet the needs of the Department based on the specifications in the RFP.

As far as the budget reference in the question, specific hourly rates of pay shall be submitted for the labor portion of the contract (as specified in the RFP). NYSDOT has established an approximate cost for supplemental training and for the direct non-salary costs of the anticipated contract. If additional monies are needed during the term of the contract, a supplemental agreement may be advanced as determined by NYSDOT and in accordance with the RFP and the resulting contract. Labor costs associated with the supplemental training components shall be reviewed during the course of the contract as published in Modification #1 and pre-approved by NYSDOT based on historical data and industry standards.

2. QUESTION: How was the Supplemental Training Component determined and is it necessarily a fixed item in the cost portion of the RFP? (RFP pages 8, 19-20)

The 2014 RFP had a task for Additional Tasks. This is removed in the 2015 RFP and replaced with an item named Supplemental Training Component.

We ask that this Supplemental Training Component be removed from the cost portion of the RFP. If and when NYSDOT ask for additional tasks is the time to determine the costs of the activity.

ANSWER: This RFP for C031303 is its own procurement. Although NYSDOT has run in the past procurements for LTAP services, the specifications for this procurement shall be understood as separate and distinct from any other procurement. The last RFP may have referred to “additional tasks” that are now being referred to as “supplemental training components.” NYSDOT may at its discretion change terminology and/or program specifications based on need, funding, etc. NYSDOT encourages interested proposers to focus on the current procurement and the current RFP’s specifications and to submit proposals based on the current RFP (C031303)/specifications.

Furthermore, the Supplemental Training Component included in the RFP for C031303 includes two fall conferences – a Highway School Superintendents Conference and a Statewide Conference on Local Bridges - and any additional tasks NYSDOT may identify as priorities during the course of the contract. NYSDOT estimates the cost of the two conferences to be $100,000 (this value does not include any registration fees associated with the programs). This $100,000 value when deducted from the RFP designated estimated
value of $150,000 for Supplemental training, allows for an additional $50,000 reserved for addressing training priorities that will be identified by NYSDOT during the course of implementing the contract.

The designation of a set value, in this case $150,000, allows for fair and equal proposal evaluation which is required by law.

As published in the RFP/Modification #1, if during the life of a contract NYSDOT determines additional funding is required, NYSDOT, with concurrence of the designated firm, will advance a supplemental agreement, with justification, to OSC for review/approval/execution (note: that supplemental agreement would become final when/if executed by OSC).

3. **QUESTION:** How does NYSDOT propose to deal with variations in the DNSC and Supplemental Training Component cost when the contract states the “proposal shall set the value of the contract resulting from this solicitation (reference page 5 of the RFP)?

**ANSWER:** As published in the RFP/Modification #1 the values associated with Direct Non-salary Costs and Supplemental Training Components are estimations. If during the life of the contract NYSDOT determines additional funding is required, a supplemental agreement may be advanced.

4. **QUESTION:** Will NYSDOT reissue the spreadsheet provided for attachments 8-12 as it contains a calculation error in the formulas used?

**ANSWER:** Yes. NYSDOT will re-issue the spreadsheet. Thank you for bringing this to our attention. NYSDOT will re-issue Attachments 8 – 12 as “REVISED ATTACHMENTs 8 -12.” The revision shall include the modified value of the Supplemental Training Components as published in Modification #1 ($150,000).

5. **QUESTION:** Please clarify the reporting requirements listed by Tasks 8 and 9 (RFP pages 9-10).

Since originally implemented in 2008, the NYSCAR questions are substantially different than the CAR questions currently being asked by FHWA. This results in different information being provided to NYSDOT and FHWA. Only the section on Overall Program and Center Assessment (Section Four of the NYSCAR) is the same. This is also the only section of the CAR where we typically include confidential information for FHWA. The submittal to NYSDOT is a vetted for public consumption version. Cornell would be willing to submit to NYSDOT the CAR with this vetting of the last section.

In addition, the two deliverables in Task 8, Annual LTAP Program Evaluation and Annual LTAP Program Recommendations cover many of the items covered by the NYSCAR, especially with regards to specific program and center needs.

Task 9 asks for a Program Assessment Report (PAR) and a Comprehensive Assessment Report (CAR) for the last two years even though this is an annual requirement by FHWA. We also would like to have the RFP specifically list the confidential nature of the CAR.

**ANSWER:** NYSDOT acknowledges your comments regarding Task 8. Task 8 remains as
published in the RFP. NYSDOT has modified the language associated with Task 9. Please reference Modification #1 for the new language relative to Task 9.

6. QUESTION: Please clarify the following phrase from the RFP page 18.

“Any costs associated (including labor, travel, meals and lodging) with general continuing education, certification classes, or educational and professional activities are not reimbursable or chargeable to the project.”

ANSWER:

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

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

Again, if a DNSC item is needed specifically for LTAP services and ONLY LTAP services, and it meets with the pre-approval of the State’s project manager, than it would be reimbursable as a Direct Non-Salary Cost/expense under this contract.

7. QUESTION: Per Section VI.E. of the RFP, Contractor Tax Certification of the RFP, if the proposer is an educational corporation, not a "Contractor" as defined in Tax Law Section 5-a, and is therefore not required to file ST-220-CA or ST-220-TD when receiving NYS contracts, will this be problem with negotiation of the contract?

ANSWER: If the proposer is exempt from providing the certification the proposer shall not be required to provide it.

8. QUESTION: Regarding Article 12.10. Subconsultant’s Liability Insurance: Please confirm that the consultant may cover independent contractors under its insurance policy if desired. (RFP pages 41)

ANSWER: Consultant may cover independent contractors under its insurance policy.

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

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

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

10. **QUESTION:** Will NYSDOT provide some explanation as to the differences between Fringe Benefits, Overhead and Profit rates/fees as included in the RFP and corresponding cost exhibits?

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

- **Examples of Fringe Benefit items may include, but are not limited to:**
  - Life and health insurance plans, unemployment insurance, subsidized cafeterias, company cars, stock options, expense accounts, and profit-sharing programs;
  - Compensated absences, such as vacation, holidays, and sick leave;
  - Medical programs, such as health and dental insurance;
  - Retirement, such as the defined contribution portion toward retirement plan and plan service fees;
  - Long-term disability coverage;
  - Worker’s compensation coverage; and
  - Employee wellness programs, such as fitness club membership and other wellness programs.

- **Examples of Overhead items may include, but are not limited to:**
  - Regular operating expenses of a business such as: rent, utilities, upkeep, taxes, telephone, etc.

- **Explanation and/or use of the Profit rate/fee category:**
  - Additional money to grow, expand, invest, etc.

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

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

The proposed fringe benefits rate will be fixed during the term of the contract (base and extension years).”
11. **QUESTION:** When does the current contract that is providing LTAP services end and when does NYSDOT expect to have the new contract from this RFP in place?

**ANSWER:** The term of the existing contract ends September 30, 2015. As stated in the cover letter to the RFP dated May 15, 2015, NYSDOT estimates work for the successful proposing firm/firm team to commence in October 2015.

*No other provision of the solicitation is otherwise changed or modified. Please update your records accordingly.*
An authorized representative of your firm or organization MUST acknowledge receipt and acceptance of this Modification #1 by including a signed copy of this form with the Part II Cost and Contract Submission as a separate tab item.

ACKNOWLEDGED AND

NYS DEPARTMENT OF

ACCEPTED:

TRANSPORTATION

BY: ______________________________

BY: ______________________________

William A. Howe

NAME: ______________________________

Director, Contract Management

TITLE: ______________________________

FIRM: ______________________________

RFP:  NYS Local Technical Assistance Program (LTAP)- A Technology Transfer Program for Local Highway Agencies, C031303 - Modification #1