The New York State Department of Transportation ("Department") invites Proposals from qualified Providers to plan, design, construct, finance, operate, and maintain solar photovoltaic ("PV") energy generating facilities at multiple locations across the State within Department and New York State Thruway Authority (NYSTA) highway rights-of-way and other properties. These locations throughout the state have been split into seven bundles grouped by electricity Load Zones. Providers may submit a proposal for each individual bundle, and may submit a proposal for one bundle, two bundles, three bundles, four bundles, five bundles, six bundles, or all seven bundles; however a maximum of three bundles will be awarded to any one Provider.

The Provider will sell the electricity output to either the Department or NYSTA through Master Power Purchase Agreements (the “PPA”). The Department’s portion of the project will require the Provider to build 16 MW DC aggregated capacity across the state capable of generating approximately 20 million kWh AC per year. NYSTA’s portion of the project will require the Provider to build 2.6 MW DC aggregated capacity across the state capable of generating approximately 3.3 million kWh AC per year.

It is the Department’s and NYSTA’s intent that solar PV design, construction, operation and maintenance be one hundred percent (100%) financed by the Provider. No Department or NYSTA funds will be expended to pay for the design, construction, activation, operation, maintenance, repair, or decommissioning and removal of any Facility.

It is expected that the RFP will be released on or after April 15, 2016 with proposals tentatively due May 13, 2016. If the release of the RFP is delayed for any reason, the due date for proposals will be extended appropriately.

LETTERS OF INTEREST: Responsive and responsible consultants interested in receiving the RFP should submit a [mandatory/non-mandatory] brief, one-page Letter of Interest (LOI) to the e-mail address of the Contact Person listed below. The LOI should include, at a minimum, the firm name, address, e-mail address, and phone number of a contact person at your firm. A letter announcing the release of the RFP will be mailed to all parties submitting a LOI. When ready, the RFP will be posted to the NYSDOT website and will contain all the information necessary for firms to submit a complete proposal.

For a full description of the project and requirements, please visit the NYSDOT website at: https://www.dot.ny.gov/business click on “Consulting Services”. An e-mail shall be sent to all parties who register in advance that the RFP has been posted to NYSDOT’s website and is now ready for downloading.

DESIGNATED CONTACT PERSON: Peter Russell, NYSDOT Contract Management, e-mail Peter.Russell@dot.ny.gov. Under the requirements of the State Procurement Act, all communications regarding advertised projects are to be channeled through NYSDOT Contract Management’s Designated Contacts. Until a contract is approved by the State Comptroller,
contact with any other NYSDOT employee concerning this project should not be made unless otherwise directed by NYSDOT Contract Management. Communications made contrary to this policy and deemed an attempt to influence the outcome, may result in disqualification.

**Procurement Lobbying Law Compliance**

**Required Forms:** The consultant shall sign and e-mail/fax the following forms. These forms are part of and due with the consultants’ proposals.

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”.

**NYSDOT Guidelines and Procedures**

Under the requirements of the State Procurement Act all communications regarding advertised projects are to be channeled through NYSDOT Contract Management (*Designated Contacts). Until a designation is made, communication with any other NYSDOT employee concerning this project that is determined to be an attempt to influence the procurement may result in disqualification.


**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 Contract Analyst
- The Contract Management Designation Analyst Supervisor
- The Contract Management Civil Rights Unit Supervisor
- The Contract Management Assistant Directors
- The Contract Management Director

These are some communications exempted from this restriction:

- Participation in a pre-proposal conference
- Submittal of written questions when written responses will be provided to all offerers
- 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 Contract Analyst
- The Contract Management Negotiation Analyst Supervisor
- The Contract Management Civil Rights Unit Supervisor
- The Contract Management Assistant Directors
The Contract Management Director
The Consultant Management Bureau consultant job manager
The Consultant Management Bureau 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 e-mail 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.

**Rules and Regulations and More Information on this Law, Please Visit:**
http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/Faq.htm (Advisory Council FAQs)
http://jcope.ny.gov/law/lob/lobbying2.html
http://ogs.ny.gov/ACPL
http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/MtgReportTable.htm

or contact the designated NYSDOT Contact Person noted above.