The New York State Department of Transportation anticipates the release of a Non-Engineering Request for Proposals (RFP) to competitively select one qualified, responsive, and responsible Transit Operator to provide a turnkey and expandable intercounty Bus Rapid Transit System for the Lower Hudson Transit Link (LHTL) project.

Responsive and responsible consultants interested in receiving the RFP should submit a brief, one-page Letter of Interest (LOI) to: Patricia.Kappeller@dot.ny.gov. The LOI should include, at a minimum, the firm name, address, e-mail address, and phone number of a contact person at your firm. An e-mail announcing the release of the RFP will be sent 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. It is anticipated that the RFP will be released on June 8, 2017. If the release of the RFP is delayed for any reason, the due date for proposals will be extended appropriately.

The base term of this contract is one (1) year. The contract may be extended for one year. The Contract has a 30% M/WBE subconsulting participation goal. The proposal due date of July 21, 2017, which is subject to change.

Once the RFP gets released and for a full description of the project and requirements, please visit the NYSDOT website at: https://www.dot.ny.gov/business and click on ‘Consulting Service Opportunities’ then click on ‘Ads’ then click on the date associated with C037626 (to be available once posted).

Under the requirements of the State Procurement Act, all communications regarding advertised projects are to be channeled through the NYSDOT Contract Management Bureau Designated Contact Person. 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) “Offeror’s Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)”

b) “Offeror 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 Bureau (*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 Bureau Designation Contract Specialist
- The Contract Management Bureau Designation Analyst Supervisor
- The Contract Management Bureau Civil Rights Unit Supervisor
- The Contract Management Bureau Assistant Directors
- The Contract Management Bureau 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 offerors
- 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 offeror cannot be awarded the contract. A second violation would lead to a four-year bar on the award of public contracts to the offeror.

Contacts after designation
NYSDOT identifies its primary negotiation contacts. The designated contacts include:
- The Contract Management Bureau Negotiation Contract Specialist
- The Contract Management Bureau Negotiation Analyst Supervisor
- The Contract Management Bureau Civil Rights Unit Supervisor
- The Contract Management Bureau Assistant Directors
- The Contract Management Bureau 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 Offerors 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 offeror. 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:
https://www3.ogs.state.ny.us/legal/lobbyinglawfaq/default.asp (Advisory Council FAQs)
http://www.nyintegrity.org
http://www.nyintegrity.org/law/lob/guidelines.html (New York State Lobbying Act)
http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html

or contact the designated NYSDOT Contact Person:
Ms. Patricia Kappeller, Contract Management Specialist I
NYSDOT Contract Management Bureau
50 Wolf Road, 6th Floor
Albany, New York 12232-0203
E-mail: Patricia.Kappeller@dot.ny.gov
Fax: (518) 474-6562