The New York State Department of Transportation (NYSDOT) anticipates the release of a Non-Engineering Request for Proposals (RFP) seeking the services of an experienced, knowledgeable, responsive and responsible consultant to oversee drug and alcohol testing on federal programs administered by NYSDOT, including §5311/5311(f) (Non-urbanized Area Formula Program for rural transit and intercity bus systems).

It is anticipated that the RFP will be released on or after October 2, 2017, with proposals tentatively due October 25, 2017. If the release of the RFP is delayed for any reason, the due date for proposals will be extended appropriately.

A brief summary of the services to be provided in the Drug & Alcohol Testing Oversight Program includes, but will not be limited to:

- Program Oversight Review, Technical Assistance and Regulatory Compliance, including reviewing sub-recipients and their service agents and providing technical assistance to ensure regulatory compliance.
- Program Training and Technical Assistance which includes providing training and technical assistance to funding sub-recipients on any program or regulatory changes during the course of the contract.
- Annual MIS Reporting which includes requesting, reviewing and recommendation reports for approval by NYSDOY and FTA.
- Audit Assistance which includes assistance should NYSDOT be selected by the FTA for a Drug & Alcohol Testing Program Oversight Audit.
- Reporting, which includes, but not limited to, quarterly reports, summary of site visits performed reporting, etc.

LETTERS OF INTEREST: Responsive and responsible consultants interested in receiving the RFP should submit a brief, one-page Letter of Interest (LOI) to Micheleen.Gregware@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.

CONTRACT TERM: The base term of this contract will be for thirty-six (36) months. The contract may be extended for up to two (2) additional one-year periods upon written agreement of both parties and approval by the NYS Office of the State Comptroller.

SINGLE CONTRACT AWARD: The objective is to retain one responsive, responsible, experienced and knowledgeable prime consultant (or a team of Consultants) under Contract #C037704.

Disadvantaged Business Enterprise Participation (DBE): The DBE subconsultant participation contract goal for this solicitation is 18 percent of total contract value over the base term of the contract and any modifications to extend the contract term. Firms must be certified and listed on the NYSUCP DBE Directory by the bid submission due date in accordance with 49 CFR Part 26.
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 or https://www.dot.ny.gov/doing-business/opportunities/consult-ads. 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: Micheleen Gregware, NYSDOT Contract Management, e-mail: Micheleen.Gregware@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 Contact. 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.

Refer to “NYSDOT PROCUREMENT LOBBYING LAW GUIDELINES AND PROCEDURES” – see the Consultant’s page at NYSDOT’s “Doing Business with DOT” web site: https://www.dot.ny.gov/main/business-center/consultants/non-architectural-engineering

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 Management 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 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 Bureau Negotiation Contract Management 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 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/defaultAdvisoryCouncil.html (Advisory Council FAQs)

http://www.jcope.ny.gov/

http://www.jcope.ny.gov/law/lob/guidelines.html (New York State Lobbying Act)

or contact the designated NYSDOT Contact Person:

Micheleen Gregware, C037704
NYSDOT Contract Management
50 Wolf Road, 6th Floor
Albany, New York 12232-0203
E-mail: Micheleen.Gregware@dot.ny.gov