REQUEST FOR PROPOSALS
RFP MODIFICATION No. 2
NYSDOT State Safety Oversight
Program for Rail Transit Agencies
Contract #C037706

October 25, 2017

Dear Interested Parties:

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

1. RFP, Page 22, Section 5.2.2.6, No Conflict of Interest: Strike entire section and replace with
   (a) For purposes of section 5.2.2.6, a contractor, sub-contractor, and/or sub-consultant may not concurrently provide services to both a State Safety Oversight Agency and a rail fixed guideway public transportation system under the oversight of that State Safety Oversight Agency. The term “provide services” shall include any contract, directly or indirectly, with the rail fixed guideway public transportation system or parent organization, including but not limited to a division or subdivision of such parent organization. Accordingly, a contractor, sub-contractor, and/or sub-consultant may not have any contractual relationship, directly or indirectly, with (1) the MTA, for any service, including but not limited to those related to New York City Transit or Staten Island Railway, or (2) Niagara Frontier Transportation Authority, during any period running from the date proposals are due to NYSDOT, through the evaluation and award period, and throughout the duration of the contract term. NYSDOT reserves the right to request documentation as necessary, to verify compliance with this requirement.

   (b) For purposes of section 5.2.2.6, if a contractor, sub-contractor, and/or sub-consultant does not comply with 5.2.2.6(a), a conflict of interest is present. Notwithstanding the foregoing, if a conflict of interest under this section 5.2.2.6—which was not present, nor reasonably foreseeable, at the time of proposal—shall arise after April 15, 2019, such conflict of interest shall be governed by 49 CFR 674.41.

2. RFP, Attachment 23: List of Past & Current Contracts, 1st paragraph, Reporting for Special Conflict of Interest Restrictions: Strike entire paragraph and replace with The State Safety Oversight Agency shall prohibit a party or entity from providing services to both the oversight agency (NYSDOT’s PTSB) and the MTA or Niagara Frontier Transportation Authority (NFTA). Therefore, NYSDOT requests that any Prime and Sub-Consultant proposers to this RFP submit a list of contracts for services provided, directly or indirectly, to MTA, and/or Niagara Frontier Transportation Authority, for the calendar years of 2011-present. Prime and
Sub-Consultants must include the contract completion date. If no such contracts for services have been awarded during the referenced interval, please provide a statement attesting to such.