Request for Expressions of Interest #2018-04

Development of Federally-Required Travel/Traffic -Demand Monitoring Tools for the New York Metropolitan Transportation Council (NYMTC)
Contract #C037713

ATTACHMENT 4

ADDITIONAL CONTRACT EXECUTION INFORMATION and FORMS:

1. State’s Rights
2. Consultant Employment Disclosure Forms A & B
3. Executive Order 177
4. Consultant Information and Certifications
5. Non-Collusive Bidding Certificate
6. Vendor Assurance of No Conflict of Interest or Detrimental Effect

State’s Rights

All RFEI #2018-04 responses, upon submission to NYSDOT, shall become its property for use as deemed appropriate. By submitting an RFEI response, the consultant covenants not to make any claim for or have any right to damages because of any misinterpretation or misunderstanding of the specification, or because of any misinformation or lack of information. With regard to RFEI responses submitted, NYSDOT asserts the following prerogatives:

1. To accept or reject any or all RFEI responses;
2. To correct any arithmetic errors in any or all RFEI responses;
3. To change the RFEI responses due date upon appropriate notification to interested firms;
4. To eliminate any mandatory RFP requirement or specification unmet by all offerors in the evaluation of received RFEI responses;
5. To adopt any or all of a successful offeror’s RFEI responses;
6. To negotiate modifications to the scope, milestone payment schedule and total cost, and contract terms and conditions with the selected offeror prior to contract award only if it is in the best interest of the state to do so;
7. To disqualify an offeror from receiving the award if such offeror, or anyone in the offeror’s employ, has previously failed to perform satisfactorily in connection with public bidding or contracts;
8. To revise/amend any provision of this RFEI by written notification to offerors, prior to RFEI response submission;
9. To eliminate any requirement that is found to be unmet by all offerors;
10. To make inquiries, by means it may choose, into the offeror’s background or statements made in the RFEI responses to determine the truth and accuracy of all statements made therein;
11. To select and award the contract to the offeror whose RFEI responses represents the best value to NYSDOT;
12. Should NYSDOT determine that the negotiations with the selected offeror will not result in a contract, to begin contract negotiations with the next-best-value offeror(s) responsive to this RFP — without again requesting RFEI responses;
13. Any contract entered into pursuant to an award of this solicitation shall contain a provision which grants the option to extend the terms and conditions of such contract to any other New York state agency, MPO host or authority. However, any response to this solicitation shall be based solely on the purpose of this solicitation and shall not factor in the possibility that this contract may, in the future, be applicable to other state agencies or authorities. Please be advised that any award made pursuant to this solicitation shall be based on the specific requirements of this solicitation only.
FORM A

State Consultant Services – Contractor’s Planned Employment
From Contract Start Date Through The End Of The Contract Term

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<th>O<em>NET Employment Category Number and O</em>NET Job Title</th>
<th>Number of Employees</th>
<th>Number of hours to be worked</th>
<th>Amount Payable Under the Contract</th>
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Grand Total

Name of person who prepared this report:
Title: 
Preparer’s Signature: 
Date Prepared: / /

(Use additional pages, if necessary)
State Consultant Services
Contractor’s Annual Employment Report

Report Period: April 1, 2023 to March 31, 2023

Contracting State Agency Name: Transportation
Contract Number: C037713
Contract Term: to
Contractor Name: [Contractor Name]
Contractor Address: [Contractor Address]
Description of Services Being Provided: Development of Federally-Required Travel/Traffic -Demand Monitoring Tools for the New York Metropolitan Transportation Council (NYMTC)

Scope of Contract (Choose one that best fits):
- Analysis
- Evaluation
- Research
- Training
- Data Processing
- Computer Programming
- Other IT consulting
- Engineering
- Architect Services
- Surveying
- Environmental Services
- Health Services
- Mental Health Services
- Accounting
- Auditing
- Paralegal
- Legal
- Other Consulting

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Grand Total

Name of person who prepared this report: [Name of person]
Preparer’s Signature: [Signature]
Title: [Title]
Phone #: [Phone Number]
Date Prepared: [Date]

(Use additional pages if necessary)
Executive Order 177 Certification

INFORMATIONAL ONLY. DO NOT SUBMIT WITH YOUR PROPOSAL. ONLY FOR THE SELECTED CONSULTANT.

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics.

The Human Rights Law may also require reasonable accommodation for persons with disabilities and pregnancy-related conditions. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. The Human Rights Law may also require reasonable accommodation in employment on the basis of Sabbath observance or religious practices.

Generally, the Human Rights Law applies to:
- all employers of four or more people, employment agencies, labor organizations and apprenticeship training programs in all instances of discrimination or harassment;
- employers with fewer than four employees in all cases involving sexual harassment; and,
- any employer of domestic workers in cases involving sexual harassment or harassment based on gender, race, religion or national origin.

In accordance with Executive Order No. 177, the Proposer/Bidder hereby certifies that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.

Executive Order No. 177 and this certification do not affect institutional policies or practices that are protected by existing law, including but not limited to the First Amendment of the United States Constitution, Article 1, Section 3 of the New York State Constitution, and Section 296(11) of the New York State Human Rights Law.

Consultant: ____________________________________

By [signature]: ____________________________________

Name [print]: ____________________________________

Title: ____________________________________

Date: _______________ __ , 20__
Consultant Information and Certifications

CONTRACT NUMBER:  RFEI #2018-04/C037713

PROJECT TITLE:  Development of Federally-Required Travel/Traffic -Demand Monitoring Tools for the New York Metropolitan Transportation Council (NYMTC)

I.  CONSULTANT INFORMATION

FIRM NAME:  ____________________________________________________________

ADDRESS:  ____________________________________________________________

CITY:  ___________________________ STATE:  ___________________________

ZIP CODE:  ____________ - ____________

TELEPHONE #: (_____) _____ - ____________ FAX#: (_____) _____ - ____________

E-MAIL ADDRESS:  ______________________________________________________

CONTACT PERSON:  _____________________________________________________

Consultant's Federal Identification Number (FIN):  __________________________

Consultant's Consultant Identification Number (CIN):  _______________________

Consultant’s SFS Vendor Identification Number:  ___________________________

- Please indicate below the name, title, address, and telephone/fax numbers of the person who prepared this RFEI response, as well as any other individual(s) with authority to negotiate and contractually bind the offeror and also who may be contacted during the period of RFEI response evaluation:

Preparer’s Name/Title:  __________________________________________________

Address:  _____________________________________________________________

Telephone #:  _______________ FAX #:  _______________ E-Mail  _______________

Other Authorized Individual(s):

Name/Title:  _____________________________________________________________

Address:  _____________________________________________________________

Telephone #:  _______________ FAX #:  _______________ E-Mail  _______________

Add additional pages if necessary.

II.  CONSULTANT CERTIFICATIONS

By signing below, I, ____________________________________________________, authorized individual (NAME)

Of ____________________________________________________, make the following certifications (FIRM) regarding the subject RFEI responses:

1.  365-Day Firm Offer:  This RFEI response is a firm offer for a 365-day (or more) period from the date of submission.

2.  Former NYSDOT Employee:  The firm has read and will follow the procedure outlined below if it proposes the services of a former NYSDOT employee(s).
3. **Vendor Responsibility**: In accordance with New York State law, if selected for contract award, the firm will complete and submit the required Vendor Responsibility questionnaire through the Office of the State Comptroller VendRep system, which is accessible via: [http://www.osc.state.ny.us/vendrep/index.htm](http://www.osc.state.ny.us/vendrep/index.htm). Vendors must certify the accuracy of the information they provide in the questionnaire and must file their VRQ within 10 days of notification of designation. NYSDOT cannot sign a contract if a firm’s vendor responsibility certification is more than 12 months old.

4. **ST-220**: If selected for contract award greater than $100,000, the firm will complete and submit the required Forms ST-220-TD and ST-220-CA during negotiations with NYSDOT. The ST-220 forms with instructions are downloadable from the following websites:

5. **Warranties and Representations**: The Consultant certifies that:
   1. The Consultant shall perform all services in accordance with high professional standards in the industry
   2. The Consultant shall use adequate numbers of qualified individuals with suitable training, education, experience, and skill to perform the services
   3. The Consultant shall use its best efforts to use efficiently any resources or services necessary to provide the services that are separately chargeable to the State
   4. The Consultant shall use its best efforts to perform the services in the most cost effective manner consistent with the required level of quality and performance
   5. The Consultant shall perform the services in a manner that does not infringe the proprietary rights of any third party
   6. The Consultant shall perform the services in a manner that complies with all applicable laws and regulations
   7. The Consultant has duly authorized the execution, delivery, and performance of the Contract
   8. The Consultant has not provided any gifts, payments, or other inducements to any officer, employee, or agent of the State

   **Signature**: ___________________________________________  **Date**: ________________

   **Name (Spelled Out)**: ___________________________________  **Title**: ______________________

**III. ACCEPTANCE OF AGREEMENT**

By signing below, I, _________________________________________, authorized individual (NAME) of _______________________________ (FIRM) hereby ACCEPT all terms and conditions contained in the Draft Contract (including Appendix A), which is included this Request for Expressions of Interest.

   **Signature**: ________________________________

   (NAME OF ACCEPTOR)
Consultant Responsibility when Proposing Former NYSDOT Employees

It is the consultant’s responsibility to ensure they propose staff that is eligible to work on the proposed project. It is an individual’s responsibility to comply with the Public Officer’s Law. The following procedure applies if either of the following criteria is met.

- It is two years or less between the date that the individual is proposed and the individual’s date of separation from the State.
- The individual proposed has worked on the project while employed by NYSDOT regardless of how long ago they left NYSDOT.

Procedure:

1. Before the consultant proposes an individual, the individual must obtain an opinion from the New York State Joint Commission on Public Ethics (http://www.jcope.ny.gov/) that approves their participation in the project as they are proposed.
2. A copy of this opinion must be on file in the consultant’s office and available for review by NYSDOT if requested.
3. Failure to obtain New York State Joint Commission on Public Ethics approval for an individual’s participation in a project may jeopardize the firm’s designation for that project.
NON-COLLUSIVE BIDDING CERTIFICATION REQUIRED BY
SECTION 139-D OF THE STATE FINANCE LAW

SECTION 139-D, Statement of Non-Collusion in bids to the State:

BY SUBMISSION OF THIS BID, BIDDER AND EACH PERSON SIGNING ON BEHALF OF
BIDDER CERTIFIES, AND IN THE CASE OF JOINT BID, EACH PARTY THERE TO
CERTIFIES AS TO ITS OWN ORGANIZATION, UNDER PENALTY OF PERJURY, THAT TO
THE BEST OF HIS/HER KNOWLEDGE AND BELIEF:

[1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor;

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and

[3] No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE
MADE WHERE [1], [2], [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED
HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE
FOREGOING CERTIFICATION, THE BIDDER SHALL SO STATE AND SHALL
FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE
REASONS THEREFORE:

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.]

Subscribed to under penalty of perjury under the laws of the State of New York, this _______ day of ____________, 20____ as the act and deed of said corporation of partnership.
NON-COLLUSIVE BIDDING CERTIFICATION REQUIRED BY
SECTION 139-D OF THE STATE FINANCE LAW

IF BIDDER(S) (ARE) A PARTNERSHIP, COMPLETE THE FOLLOWING:

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<th>NAMES OF PARTNERS OR PRINCIPALS</th>
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IF BIDDER(S) (ARE) A CORPORATION, COMPLETE THE FOLLOWING:

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<th>NAME</th>
<th>LEGAL RESIDENCE</th>
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NON-COLLUSIVE BIDDING CERTIFICATION REQUIRED BY SECTION 139-D OF THE STATE FINANCE LAW

**Identifying Data**

Potential Consultant: _______________________________________________________

Address: _______________________________________________________________

Street

_______________________________________________________________

City, Town, etc.

Telephone: _______________ Title: ____________________________

If applicable, Responsible Corporate Officer

Name: _____________________ Title: ____________________________

Signature: ____________________________

Joint or combined bids by companies or firms must be certified on behalf of each participant.

Legal name of person, firm or corporation

Legal name of person, firm or corporation

By: ____________________________

Name

Name

Title

Title

Address: ____________________________

Street

________________________________________

City State

Address: ____________________________

Street

________________________________________

City State
Vendor Assurance of No Conflict of Interest or Detrimental Effect

The Firm offering to provide services pursuant to this RFP, as a contractor, joint venture contractor, subcontractor, or consultant, attests that its performance of the services outlined in this [RFP/Contract] does not and will not create a conflict of interest with nor position the Firm to breach any other contract currently in force with the State of New York.

Furthermore, the Firm attests that it will not act in any manner that is detrimental to any State project on which the Firm is rendering services. Specifically, the Firm attests that:

1. The fulfillment of obligations by the Firm, as proposed in the response, does not violate any existing contracts or agreements between the Firm and the State;

2. The fulfillment of obligations by the Firm, as proposed in the response, does not and will not create any conflict of interest, or perception thereof, with any current role or responsibility that the Firm has with regard to any existing contracts or agreements between the Firm and the State;

3. The fulfillment of obligations by the Firm, as proposed in the response, does not and will not compromise the Firm’s ability to carry out its obligations under any existing contracts between the Firm and the State;

4. The fulfillment of any other contractual obligations that the Firm has with the State will not affect or influence its ability to perform under any contract with the State resulting from this RFP;

5. During the negotiation and execution of any contract resulting from this RFP, the Firm will not knowingly take any action or make any decision which creates a potential for conflict of interest or might cause a detrimental impact to the State as a whole including, but not limited to, any action or decision to divert resources from one State project to another;

6. In fulfilling obligations under each of its State contracts, including any contract which results from this RFP, the Firm will act in accordance with the terms of each of its State contracts and will not knowingly take any action or make any decision which might cause a detrimental impact to the State as a whole including, but not limited to, any action or decision to divert resources from one State project to another;

7. No former officer or employee of the State who is now employed by the Firm, nor any former officer or employee of the Firm who is now employed by the State, has played a role with regard to the administration of this contract procurement in a manner that may violate section 73(8)(a) of the State Ethics Law; and

8. The Firm has not and shall not offer to any employee, member or director of the State any gift, whether in the form of money, service, loan, travel, entertainment,
hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence said employee, member or director, or could reasonably be expected to influence said employee, member or director, in the performance of the official duty of said employee, member or director or was intended as a reward for any official action on the part of said employee, member or director.

9. Firms responding to this RFP should note that the State recognizes that conflicts may occur in the future because a Firm may have existing or new relationships. The State will review the nature of any such new relationship and reserves the right to terminate the contract for cause if, in its judgment, a real or potential conflict of interest cannot be cured.

Name, Title: _________________________________________

Signature:  ______________________________ Date: ______________________________

Firm Name: ________________________________________________

This form must be signed by an authorized executive or legal representative.