16. Contractor requests the indemnity obligation to be limited to claims resulting from contractor’s negligence in performing the services hereunder. 

ANS: This question is not sufficiently described to adequately address the contractor’s request. However, the Contractor’s scope of liability is addressed in Article 11, whereby the contractor’s “[O]bligation to indemnify in the foregoing paragraph does not extend to those suits, actions, damages and costs of every name that arise out of the sole negligence of the State, or the negligence of any municipality and/or any public benefit corporation, railroad or public utility whose property or facilities are affected by the contract work, or the negligence of any consultants working for the State, their agents or employees, relative to the construction, alteration, or repair or maintenance of a building, highway or structure or appurtenances and appliances thereof including moving, demolition and excavating connected therewith.” As such, the indemnification provisions set forth in the contract shall remain, as written.

17. Contractor requests direct damages to be limited to amount of the contract. 

ANS: Damages are set forth in the contract and shall remain, as written.

18. Contractor requests exclusion of special and consequential damages. 

ANS: Damages are set forth in the contract and shall remain, as written.

19. Section 5.2.2.1 references “System Operator I – (Trainee) $19.50”. The provided cost proposal lists System Operator 1 - $19.50 and System Operator Trainee - $18.00. Can the state please confirm if there are one or two positions and the required salary for them? 
ANS: These are 2 separate positions. Section 5.2.2.1 has been revised through modification #3 to add minimum salary amount of $18.00 for System Operator Trainee.

20. If the consultants propose part time positions should those be entered into the Cost Proposal “# of proposed staff” as 1.0 or as a fraction of 1.0 based on hours proposed divided by 2080? 
ANS: It is up to the Consultant to decide how to staff the required positions with either full time or part time staff. The # of staff listed and straight time hours proposed on the Cost Proposal should calculate to match the Staffing Levels in Section 4.2.2 (Revised in Modification #2). Example: 2 part time System Operator I could be presented as “# of staff = 2” and “Straight time hours = 1040” Or the full time equivalent (FTE) would be presented as “# of staff ‘= 1” and “Straight time hours = 2080”.

February 5, 2019

REQUESTS FOR PROPOSALS
Operation of Transportation Management Centers in Rochester and Syracuse
Contract #C037690 – Rochester, #C037691 - Syracuse
Questions #16-22
21. Contractor requests a 30-day extension to the deadline of submission of proposals.  
ANS: Proposal due date has been extended to February 27, 2019.

22. Can site visits to both the Rochester and Syracuse TMC’s be arranged? Site visits would be used to better understand the operational environment of both TMC’s in an effort to provide New York State Department of Transportation with the optimal operational solution.  
ANS: Site visits may be arranged by contacting the TMC facility. Questions asked shall be limited to the scope of work in the RFP. Any questions asked must also be submitted in writing to the Designated Contact as listed in the RFP. Site visits should be scheduled for no later than 10 days prior to the proposal due date to allow time for questions and answers to be posted publicly.  
All questions and answers will be publicly posted on the department website. Please contact the following to schedule a site visit:

<table>
<thead>
<tr>
<th>Region 3 TMC</th>
<th>Region 4 TMC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ryan Meagher</td>
<td>Daniel McCusker</td>
</tr>
<tr>
<td>(315) 426-2131</td>
<td>(585) 753-7779</td>
</tr>
<tr>
<td><a href="mailto:Ryan.Meagher@dot.ny.gov">Ryan.Meagher@dot.ny.gov</a></td>
<td><a href="mailto:Daniel.McCusker@dot.ny.gov">Daniel.McCusker@dot.ny.gov</a></td>
</tr>
</tbody>
</table>