NEW YORK STATE DEPARTMENT OF TRANSPORTATION

REQUEST FOR INFORMATION #2019-02

UTILITY MANAGEMENT SERVICES

May 1, 2019

1.0 Description

1.1 The New York State Department of Transportation (NYSDOT) in support of the Office of Right of Way is seeking information on how an interested contractor could provide utility in the right of way management services for utilities currently installed and seeking permission to install equipment in and occupy the right of way.

1.2 THIS IS A REQUEST FOR INFORMATION (RFI) ONLY. This RFI is issued solely for information and planning purposes – it does not constitute a Request for Proposal (RFP) or a promise to issue an RFP in the future. This request for information does not commit NYSDOT to contract for any supply or service whatsoever. NYSDOT is not at this time seeking proposals and will not accept unsolicited proposals. Respondes are advised that NYSDOT will not pay for any information or administrative costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the interested party’s expense. Not responding to this RFI does not preclude participation in any future RFP, if any is issued. If a solicitation is released, it will be posted on the New York State Contract Reporter website and on the NYSDOT website. It is the responsibility of the potential offerors to monitor these sites for additional information pertaining to this requirement.

2.0 Background

NYSDOT is a New York State agency which builds and maintains state owned highways and bridges within the State of New York. It has eleven regional offices around the state which service multiple counties. Regional offices are located in Albany, Utica, Syracuse, Rochester, Buffalo, Hornell, Watertown, Poughkeepsie, Binghamton, Hauppauge, and Long Island City.

Earlier this year, New York State law was amended to allow NYSDOT to contract with firms for the installation of fiber optic equipment in the right of way and to charge a fee. With the passage of these laws, NYSDOT anticipates creating a new Utility Program. In accordance with Transportation Corporation Law, NYSDOT has allowed public and municipal utilities to install equipment in the right of way at no cost, and frequently without obtaining a use and occupancy permit. Therefore, the inventory of existing utilities in the right of way will need to be documented and updated.
3.0 Requested Information

NYSDOT is requesting information for utility management services that could support the following activities related to the above:

1. Implementation of Highway Law Section 10 (24-e) and Transportation Corporation Law Section 7 (language provided below in Section 8)
2. Agreement template
3. Fee schedule
4. Creation and Management of Utility Permit System for fiber and other utilities
5. Conduct inventory of existing fiber and other utilities in the Right of Way
6. Write policies, regulations and guidance
7. Responders to this RFI are asked to describe your business model and provide examples of work

4.0 Responses

4.1 Interested parties are requested to respond to this RFI with a brief narrative no more than 10 pages of the services they offer and a hypothetical fee structure.

4.2 Responses may be e-mailed in pdf format to paul.midey@dot.ny.gov no later than May 31, 2019, 5:00 pm EST. Proprietary information, if any, should be minimized and MUST BE CLEARLY MARKED AND SEGREGATED. Please be advised that all submissions become NYSDOT property and will not be returned.

4.3. The narrative shall include the following as a minimum:

4.3.1. Name and title, mailing address, overnight delivery address (if different from mailing address), phone number, and e-mail of designated point of contact for questions about the information provided.
4.3.2. The remainder of the narrative shall describe the services addressed in Section 3 of this RFI.
4.3.3. Firms may provide pre-existing marketing material which shall not be included in the 10 page count.

5.0 Industry Discussions

NYSDOT representatives may or may not choose to meet with potential offerors. Such discussions would only be intended to get further clarification of potential capability to meet the requirements.

6.0 Questions

Questions regarding this announcement shall be submitted in writing by e-mail to Paul Midey at the email address above. Verbal questions will NOT be accepted. Questions will be answered in aggregated form by sending answers to all participants posting answers to the New York State
Contract Reporter website; accordingly, questions shall NOT contain proprietary or classified information. It will be incumbent upon participants to periodically check the Contract Reporter website for updated concerning this RFI. NYSDOT does not guarantee that questions received after May 20, 2019 5:00 pm will be answered.

7.0 Summary

THIS IS A REQUEST FOR INFORMATION (RFI) ONLY to identify sources that can provide utility management and inventory services. The information provided in the RFI is subject to change and is not binding on NYSDOT. NYSDOT has not made a commitment to procure any of the items discussed, and release of this RFI should not be construed as such a commitment or as authorization to incur cost for which reimbursement would be required or sought. All submissions become Government property and will not be returned.

8.0 Authorizing State Legislation

Section 1. Section 10 of the highway law is amended by adding a new subdivision 24-e to read as follows:

24-e. The commissioner of transportation is hereby authorized to enter into an agreement with any fiber optic utility for use and occupancy of the state right of way for the purposes of installing, modifying, relocating, repairing, operating, or maintaining fiber optic facilities. Such agreement may include a fee for use and occupancy of the right of way, provided, however, such fee shall not be greater than fair market value. Any provider using or occupying a right of way in fulfillment of a state grant award through the New NY Broadband Program shall not be subject to a fee for such use or occupancy. Any fee for use or occupancy charged to a fiber optic utility shall not be passed through in whole or in part as a fee, charge, increased service cost, or by any other means by a fiber optic utility to any person or entity that contracts with such fiber optic utility for service. Any compensation received by the state pursuant to such agreement shall be deposited by the comptroller into the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law. Nothing herein shall impair, inhibit, or otherwise affect the ability of any municipality to regulate zoning, land use, or any other power or authority granted under the law. For purposes of this subdivision, "municipality" shall include a county, city, village, or town.

Section 2. The transportation corporations law is amended by adding a new section 7 to read as follows:

§ 7. Agreement for fiber optic utility use and occupancy of state right of way. The commissioner of transportation is hereby authorized to enter into an agreement with any fiber optic utility for use and occupancy of the state right of way for the purposes of installing, modifying, relocating, repairing, operating, or maintaining fiber optic facilities. Such agreement may include a fee for use and occupancy of the right of way, provided, however, such fee shall not be greater than fair market value. Any provider using or occupying a right of way in fulfillment of a state grant award through the New NY Broadband Program shall not be subject to a fee for such use or occupancy. Any fee for use or occupancy charged to a fiber optic utility shall not be passed through in
whole or in part as a fee, charge, increased service cost, or by any other means by a
fiber optic utility to any person or entity that contracts with such fiber optic utility for
service. Any compensation received by the state pursuant to such agreement shall be
deposited by the comptroller into the special obligation reserve and payment account of
the dedicated highway and bridge trust fund established pursuant to section eighty-nine-
b of the state finance law. Nothing herein shall impair, inhibit, or otherwise affect the
ability of any municipality to regulate zoning, land use, or any other power or authority
granted under the law. For purposes of this section, "municipality" shall include a
county, city, village, or town.

Section 3. This act shall take effect immediately and shall expire and be deemed repealed five
years after such date, provided that agreements executed prior to such repeal shall be permitted
to continue for the term of the agreement executed under this act notwithstanding such repeal.