

NYSDOT Website Announcement
Materials Inspection, Sampling and Testing Consultant Services
September 4, 2019

Contract #C037857 – Region 7

The New York State Department of Transportation (NYSDOT) anticipates the release of a Non-Engineering Request for Proposals (RFP) to competitively select qualified, responsive and responsible consultant(s) for Materials Inspection, Sampling and Testing Consultant Services.

Responsive and responsible consultants interested in receiving the RFP must submit a brief, one-page Letter of Interest (LOI) to: Shalina.Mallory@dot.ny.gov. The LOI must 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. It is anticipated that the RFP will be released on **September 6, 2019**. If the release of the RFP is delayed for any reason, the due date for proposals will be extended appropriately.

The base term of this contract is 58 months, beginning on or about March 1, 2020. The contract may be extended for up to one year. The contract will be incrementally funded.

The proposal due date of **October 1, 2019** is subject to change.

Consultants shall perform sampling, inspection, and testing services at manufacturing sites, supply sites and fabrication sites as materials are being manufactured, supplied or fabricated for use in Department construction projects. The materials to be sampled, inspected and/or tested include: Portland cement concrete pipe, concrete pavers, concrete brick, concrete block, structural steel, miscellaneous metals, bridge bearings, piling, timber, cement, steel reinforcement for concrete, coatings, overhead sign structures, epoxies, fasteners and other manufactured or fabricated materials.

Selected consultants will be required to provide qualified and trained personnel, respond to assignments on an as-needed basis in a timely fashion, provide the necessary administrative and technical supervision to their employees, and work in a cooperative fashion with Department personnel.

Services are to be provided in accordance with the Department's written instructions and procedures, including:

- The construction contract documents
- "Standard Specifications" (<https://www.dot.ny.gov/main/business-center/engineering/specifications>)
- the "Steel Construction Manual" (<https://www.dot.ny.gov/divisions/engineering/structures/manuals/scm>),

- "Prestressed Concrete Construction Manual"
(<https://www.dot.ny.gov/divisions/engineering/structures/manuals/pccm>),
- Materials Methods (<https://www.dot.ny.gov/divisions/engineering/technical-services/materials-bureau/forms-manuals>).
- Materials Procedures (<https://www.dot.ny.gov/divisions/engineering/technical-services/materials-bureau/forms-manuals>).

These services will be required at various locations throughout Region 7 of New York State.

Under the requirements of the State Procurement Act, all communications regarding advertised projects are to be channeled through the NYSDOT Contract Management Bureau Designated Contact Person. 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/portal/page/portal/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 Designation Contract Analyst
- The Contract Management Designation Analyst Supervisor
- The Contract Management Civil Rights Unit Supervisor
- The Contract Management Assistant Directors
- The Contract Management 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 Negotiation Contract Analyst
- The Contract Management Negotiation Analyst Supervisor
- The Contract Management Civil Rights Unit Supervisor
- The Contract Management Assistant Directors
- The Contract Management 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/advisoryCouncil/Faq.htm> (Advisory Council FAQs)
<http://jcope.ny.gov/law/lob/lobbying2.html>
<http://ogs.ny.gov/ACPL>
<http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/MtgReportTable.htm>

or contact the designated NYSDOT Contact Person:

Shalina L. Mallory

NYSDOT Contract Management

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Albany, New York 12232

E-mail: shalina.mallory@dot.ny.gov

Phone: (518) 457-9101