CONSULTANT PLANNING SERVICES FOR NYMTC RFP
NYS Contract Reporter Announcement
NYSDOT Website Announcement
Contract #C000785 (through possible C000789, inclusive)
December 20, 2011

The New York Metropolitan Transportation Council (NYMTC), through the resulting contracts to be held by its host agency: the New York State Department of Transportation (NYSDOT), seeks to retain at least three but no more than five responsive, responsible and fully qualified Planning Consultants or Teams of Planning Consultants (the Consultants) under an FHWA-funded, FTA-funded and potentially New York State-funded planning services term-type agreement for Consultant Planning Services. NYMTC/NYSDOT anticipates the release of the Consultant Planning Services for NYMTC Request for Proposals on or about December 29, 2011.

TIER I/TIER II CONSULTANT SELECTION: There will be two consultant selection processes: The Tier I consultant selection process shall produce three or more (up to a maximum of five) selected Consultants; The selected Tier I consultants shall form a competitive pool from which NYMTC will request professional planning services via task assignment mini-bid requests (Tier II consultant selection method). Tier I consultants shall competitively respond to mini-bid task assignment requests with a proposed scope of services, a project schedule and proposed labor and other costs (labor based on personnel titles and salary rates proposed in response to this RFP). NYMTC/NYSDOT will conduct an abridged best-value method mini-bid evaluation process. Selected Tier II consultants shall be designated by NYSDOT and their selected task assignments added to their contracts via supplemental agreements.

TASK ASSIGNMENT TYPES: NYMTC anticipates that mini-bid task assignment requests will either be planning studies or staff assistance with projects and work at NYMTC’s offices (under NYMTC’s annual Unified Planning Work Program), with emphasis on the latter.

CONTRACT TERM: The base term of this contract will be for sixty (60) months commencing from the contract start date with no contract extensions. The level of complexity for this project is moderately complex.

MULTIPLE AWARDS. Multiple awards shall be made – the objective is to retain at least three (and up to a maximum of five) fully qualified Consulting Consultants (or Teams of Consultants). Initial total contract value (or maximum amount payable/MAP) to any one Consultant will be set at $0 and increased by the total value of each task assignment budget awarded via the Tier II selection process.

DBE GOAL: The DBE subconsultant participation goal for this solicitation is 10 percent of total contract value over the five year life of the contract.

LETTERS OF INTEREST: Responsive and responsible consultants interested in responding to the RFP should submit a brief, one-page Letter of Interest (LOI) to the e-mail address of the Contact Person listed below. The LOI should include, at a minimum, the firm name, address, e-mail address, and phone number of a contact person at your firm, as well as the contract title and
number being responded to. An electronic letter announcing the release of the RFP will be e-mailed to all parties submitting a LOI. When ready, the RFP will be posted to the NYMTC and NYSDOT websites and will contain all the information necessary for firms to submit a complete proposal. **It is expected that the RFP will be released on or after December 29, 2011.** If the release of the RFP is delayed for any reason, the due date for proposals will be extended appropriately. A pre-proposal conference will be scheduled for January 19, 2012, 2:00 PM at NYMTC’s office at 199 Water Street, 22nd Floor, New York, NY. **The anticipated due date of the receipt of proposals is February 2, 2012.** A notice of regarding this professional planning consultant opportunity has been posted onto NYSDOT’s website (listed below). Once available, a full description of the advertisement (RFP) for this project and its requirements will be posted to NYMTC’s website at: [http://www.nymtc.org/files.cfm?thecategory=Request+for+Proposals](http://www.nymtc.org/files.cfm?thecategory=Request+for+Proposals) and will also be posted to NYSDOT’s website at: [https://www.nysdot.gov/business](https://www.nysdot.gov/business), select ‘Consulting Service Opportunities’.

**OFFICIAL CONTACT PERSONS:**
NYMTC: Mr. Ismet Apdiroglu at: iapdiroglu@dot.state.ny.us
NYSDOT: Mr. Al Hasenkopf at: ahasenkopf@dot.state.ny.us

**NYS Procurement Lobbying Law Compliance for Contract #C000785**

**NYS DOT Policy Summation:**
Under the requirements of the State Procurement Act, all communications regarding advertised projects are to be channeled through the applicable Contract Management staff (*Designated NYSDOT Contact Management, or to the **NYMTC Designated Contracts). Until a contract is approved by the State Comptroller, contact with any other NYSDOT or NYMTC employee concerning this project should not be made unless otherwise directed by the NYSDOT Contract Management. Communications made contrary to this policy and deemed an attempt to influence the outcome, may result in disqualification.

**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 applicable Contract Management staff (*Designated NYSDOT Contacts or to the **NYMTC Designated Contracts). Until a designation is made, communication with any other NYSDOT or NYMTC 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 following NYSDOT web site: [https://www.nysdot.gov/portal/page/portal/main/business-center/consultants/non-architectural-engineering/active-solicitations](https://www.nysdot.gov/portal/page/portal/main/business-center/consultants/non-architectural-engineering/active-solicitations)
Contacts Prior To Designation:
Any communications involving an attempt to influence the procurement are only permitted with the following Designated Contact Persons:

- The NYSDOT Contract Management designation analyst *
- The NYSDOT Contract Management designation analyst supervisor *
- The NYSDOT Contract Management Assistant Directors *
- The NYSDOT Contract Management Director *
- The NYMTC Contract Liaison and Assistant**
- The NYMTC Project Manager **

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 or NYMTC 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/NYMTC 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 and NYMTC identify the primary negotiation contacts. The designated contacts include:

- The NYSDOT Contract Management negotiation analyst *
- The NYSDOT Contract Management negotiation analyst supervisor *
- The NYSDOT Contract Management Assistant Directors *
- The NYSDOT Contract Management Director *
- The Consultant Management Bureau consultant job manager *
- The Consultant Management Bureau consultant job manager’s immediate supervisor *
- The NYMTC Contract Liaison and Assistant **
- The NYMTC Project Manager **

Individual(s) that the Department or NYMTC may identify at or after designation

The law does not limit who may be contacted during the negotiation process. However, if any NYSDOT or NYMTC 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/NYMTC employee.

Information Required from Offerers that Contact NYSDOT/NYMTC staff, Prior to Contract Approval by the Office of the State Comptroller:
The individuals contacting NYSDOT or NYMTC should refer and shall be prepared to provide the following information, either by e-mail or fax as directed by NYSDOT or NYMTC.

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 NYSDOT or NYMTC.
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 or NYMTC may identify other contact persons for each of these processes.

Rules and Regulations and For More Information on this Law, Please Visit:
http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/Faq.htm (Advisory Council FAQs)
http://www.nylobby.state.ny.us/ (New York State Lobbying Act)
http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html