

NYSDOT Website Announcement
~ March 22, 2011 ~

Announcement of Release of the RFP for
**OVERSIGHT OF DRUG AND ALCOHOL TESTING PROGRAMS OF SUBRECIPIENTS FUNDED BY
FTA PROGRAMS SERVICES FOR NYSDOT**

Contract #C030788

The New York State Department of Transportation (NYSDOT) announces the release of a best-value Request for Proposals (RFP) seeking the services of a responsive and responsible consultant to provide Oversight of Drug and Alcohol Testing Programs of Subrecipients Funded by FTA Programs Services for NYSDOT for a 60 month time period (estimated 8/1/2012 through 7/31/17), under Contract #C030788. A source list of potentially interested firms has been prepared and will be available for downloading from NYSDOT's website in the near future.

The purpose of this Non-Engineering Best Value solicitation is to retain a firm to oversee drug & alcohol testing on federal programs including 5311, 5316, & 5317 recipients and service agents. NYSDOT currently has a need to conduct Drug and Alcohol Program Compliance Reviews for small/medium transit systems receiving 5311 funding, JARC and New Freedom funding recipients, and their service agents. Currently, there are 85 recipients, but that number is subject to change as recipients enter and exit the programs.

The RFP is posted to the NYSDOT website and contains all the information necessary for firms to submit a complete proposal.

A full description of this project and requirements, is provided in the RFP at the NYSDOT website at:

<https://www.dot.ny.gov/doing-business/opportunities/consult-ads> .

While not indicative of a proposer's individual merit (technical excellence, proposer's ability, experience, etc.), **NYSDOT encourages the participation of certified Disadvantaged Business Enterprise, Minority Business Enterprises and Women-Owned Business Enterprises in this solicitation.** The level of Disadvantaged Business Enterprise (DBE), Minority Business Enterprises (MBE) and Women-Owned Business Enterprises (WBE) participation will be relevant to the process of selecting proposals which will best achieve the overall goals of the Department.

NYSDOT has established a preliminary DBE subconsultant participation contract goal of seven (7) percent. This goal relates to the total cost of the project budget. Meaningful participation by a certified DBE **subconsultant** will count toward the contract goal for this solicitation. **Please refer to the RFP for specific information regarding the DBE subconsultant participation contract goal.**

PROCUREMENT LOBBYING LAW COMPLIANCE FOR CONTRACT #C030788

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/defaultSFL_139j-k.asp (Advisory Council FAQs)

<http://www.jcope.ny.gov/> (New York State Lobbying Act)

or contact the designated NYSDOT Contact Person:

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