
**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR PROPOSALS
Advanced Traffic Management System
Contract #C030789**

REVISED Attachment 16

Questions and Answers

[Administrative Note: The Q&A is organized into three sections: Before Site Visit Questions, Site Visit Questions, and After Site Visit Questions (which includes questions posed during the Pre-Proposal Conference).]

[Additional Administrative Note: Questions #1 through 241 were released via RFP Modification #1. Questions # 242 through 258 are released via RFP Modification #2. There a demarcation line separating the Q&A of Mod#1 from Mod#2.]

BEFORE SITE VISIT QUESTIONS

Question #1: My firm is planning to be a subconsultant. We are planning to attend only the Region 8 site visit. If we are not the Prime, is it mandatory that we attend both tours??

Answer: Yes, it is mandatory that the prime consultants attend both site visits. It is not mandatory that subconsultants attend both visits.

Question #2: In the context of the RFP response form, does intention of submitting a proposal mean as a prime only, or also as part of a subcontracted team.

Answer: Intention of submitting a proposal mean as a prime only. Subconsultants do not submit proposals – their submissions are part of a subcontracted team.

Question #3: Does stating we do not intend to submit a proposal prevent us from receiving future correspondence?

Answer: A firm which states it does not intend to submit a proposal does not prevent that firm from receiving future correspondence.

Question #4: As a NYS Certified MBE, is there a method for us to identify ourselves to larger primes to help them meet MBE goals as a subcontractor under this solicitation or is our only option to submit a full proposal?

Answer: Yes there is. It was recently announced and posted to NYSDOT's website: the list of firms who've officially expressed interest in this solicitation (source list). Here's that web address: <https://www.dot.ny.gov/portal/page/portal/doing-business/opportunities/consult-ads#1165>.

Question #5: As the Region 3 & 8 meetings are mandatory, all the potential Primes will be in attendance. The optional Albany meeting may or may not capture all the Primes. My

plan (if acceptable to NYS) is to go to a mandatory meeting to see who everyone is who plans to submit a proposal. Of course, if there will be an attendance sheet that is available for the mandatory meeting then I could attend the Albany meeting and have all my bases covered.?

***Answer:* You have a good, acceptable plan.**

Question #6: Are these dates from the RFP still valid? It seems like short notice for the site visits.

***Answer:* The ATMS RFP schedule has been adjusted, with an additional week given to schedule the 2 mandatory site visits. Announcement #4 was sent to all parties on NYSDOT official list of parties expressing interest in this RFP as well as posted to NYSDOT's website.**

Question #7: Do you have an expected duration for each of the two visits?

***Answer:* One and one-half hours to two hours of time have been allocated to each site visit.**

SITE VISIT QUESTIONS:***Overview of how the site visits were managed:***

At both site visits, vendors entered the room and signed in on the sign-in sheet. The sheets were reviewed prior to beginning to ensure that each Primary Consultant had pre-registered for the site visit. Becky Gibson then introduced the vendors to the major equipment at the TMC, some basic information about the TMC, and the fact that TrafficLand has servers at the TMC to get video to their system (slides 10 – 15 on the Pre-Proposal Conference PowerPoint).

After the initial presentation, at each TMC the group was divided into two groups. They were instructed that they were to hold all questions until they returned to the main meeting room, and that all questions must be facility-related and that RFP questions were to either be e-mail to Al Hasenkopf, or saved until the Pre-Proposal Conference. The two groups were then led through the Operations Floor of the TMC, and then to the area where the servers were housed.

Upon returning to the main meeting room, vendors were allowed to ask questions, where they were answered either by NYSDOT TMC staff, or by Becky Gibson.

Region 3 – Syracuse

System Overview – Syracuse TMC has 26 CCTV video feeds coming to the State Office Building. We utilize both licensed and unlicensed frequency radio links to bring these video feeds back to the TMC. We are using MPEG2 streaming video. The video streams are multicast from the field to the router (layer 3 switch) in the 9th floor cabinet. There is a fiber patch panel that connects the router on the 9th floor to a switch in the basement. This switch connects to the workstations in the TMC and our firewall. The firewall connects to a DMZ switch on the untrusted side of the firewall. The DMZ switch distributes our videos to TrafficLand and the Onondaga County 911 center, and connects our ITS network to the internet via a roadrunner internet service. Everything is Ethernet based.

Because of a flood, there is a switch and a firewall in the basement cabinet that are on the DOT network. This switch and firewall provide the TMC with access to the DOT network. There are 2 computers at each workstation – one on the NYSDOT network and one on the ITS network. It is anticipated that it will remain that way.

Staffing at the TMC is 24/7/365 using state forces. There are generally 2 people on during the day (peak hours) and one person on nights and weekends. This TMC also does snow and ice dispatch for a couple residencies in the winter.

The TMC uses CARS as an ATIS and OEM software to control field equipment.

Question #8: Define the TMC staff.

Answer: There is a TMC manager, an ITS Manager, a Principle Engineering Technician, and five operators.

Question #9: Does the TMC handle all 6 counties in the Region?

Answer: The TMC responds to all incidents in all of the counties. Onondaga and Oswego County have ITS equipment that is controlled by the TMC. The TMC also controls equipment in Jefferson County for Region 7.

Question #10: About how many incidents per year?

Answer: We don't recall.

To Further Clarify: In 2011, the Region 3 TMC managed approximately 300 accidents.

Question #11: Does the TMC control Traffic Signals?

Answer: No, not from the TMC. We anticipate doing this in the future, but for now we coordinate everything through the NYSDOT signal crews.

Question #12: Does the TMC coordinate with 911?

Answer: The TMC coordinates with 911. Most coordination is via telephone and they do have access to the video feeds from the TMC. If the Operator sees something on their (911's) website, they will post it to CARS.

Question #13: What capabilities would the TMC like to have that they currently don't? What's unique about this region?

Answer: The Region is looking for what's outlined in the Requirements. They are looking forward to bringing everything into one system, both within the region and across regions.

Question #14: Can the TMC control equipment in other regions?

Answer: Yes, it is outlined in the RFP.

Question #15: What are the operational procedures for interoperability?

Answer: Operational procedures for interoperability between TMC's have not been developed. See the Concept of Operations document in Attachment 6 for a high-level plan for interoperability.

Question #16: What do we need for an ATIS system?

Answer: We are not prepared to discuss that, it is out of the scope of this project.

Question #17: Has the TMC ever lost power?

Answer: Yes, due to the replacement of the main switch gear for the electrical service in the State Office Building. We are on generator backup, but due to the nature of the work being performed, we were very concerned over voltage and current spikes and opted to physically unplug all of our equipment in the State Office Building. We took the router on the 9th floor and plugged it into another point on our network and were able to maintain the majority of our video coverage during this time.

Question #18: Where do you draw the line between IT support and the software solution?

Answer: There are two separate networks. ITS remains on its own network so as to avoid interfering with NYSDOT ITD network. As part of this RFP, ITD's role will expand to include more involvement. The NYSDOT and TMC are concerned about security. If ITD

requested it, we could connect the NYSDOT firewall to the ITS DMZ switch in the basement cabinet to connect the two networks together.

To Further Clarify: ITD will spec, procure, install and maintain server infrastructure components as per the vendor specifications. The infrastructure, Operating System and virtualization layer (if applicable) are the responsibility of ITD. The software application and its functionality is the vendor's responsibility.

Question #19: Are there any plans to co-locate with the 911 Center?

Answer: It was anticipated about 8 years ago, but hasn't happened. It's periodically been discussed, but is not in the foreseeable future.

Question #20: How do you envision switching over from the current system to the new?

Answer: That is something that will be discussed with the vendor. It has not been discussed at this point.

To Further Clarify: NYSDOT anticipates developing a cooperative plan in coordination with the selected vendor.

Question #21: Is it possible to have two different software systems communicate with the field equipment?

Answer: Yes, the field equipment can support that.

Question #22: After the system is up and running, what technical support do you want to have?

Answer: That information is available in the RFP.

To Further Clarify: Most of the support requirements are discussed in Section 3.5.8 of the RFP.

Question #23: Does the ITS network interconnect between regions?

Answer: No. There is an internet connection, and TrafficLand connects to most regions. TMC's using similar VMS can provide command and control through the internet connection.

Question #24: Explain the workstation networks.

Answer: There is a separate computer for each workstation that's on the ITS network. TMC staff has Admin rights to the ITS computers, but not to the NYSDOT computers at each workstation.

Question #25: What do you want to do with the data?

Answer: We'd like to see speed maps in the TMC. The data is also useful to the NYSDOT planning group. Currently, the data is sent to NYSDOT Planning.

Question #26: Are you feeding 511?

Answer: Yes - video (through TrafficLand), incident information (using CARS). The TMC is not currently feeding volume and speed information to 511.

To Further Clarify: It is a goal of this project to provide all traffic-related information and data to 511NY (speed, volume, etc).

Question #27: Is there Transmit?

Answer: No.

Question #28: Are there plans to replace CARS?

Answer: It has been discussed.

To Further Clarify: The current version of CARS is no longer supported. It is anticipated that CARS will be replaced during the life of this project.

Question #29: How do you handle temporary fluctuations to the traffic network?

Answer: TMC staff does a centralized conflict review of construction and maintenance activities. If something is discovered, the TMC puts the parties involved in contact to resolve the conflict. Information is entered into the CARS system, media is alerted.

Question #30: What about more permanent fluctuations?

Answer: Information is entered into CARS and the media watches 511.

Question #31: Does the TMC input data into TRANSCOM's Regional Architecture?

Answer: No, just CARS.

To Further Clarify: TRANSCOM no longer uses Regional Architecture, they use a new system called OpenReach. Region 3 does not input information into OpenReach.

Question #32: Are you doing Travel Time on your VMS?

Answer: No, we don't have the infrastructure in place. There is no near future plan to do so.

To Further Clarify: It is a goal of this project to provide travel time on key corridors as the infrastructure is put in place.

Question #33: Does the TMC have a connection with the Thruway?

Answer: The TMC works closely with the Thruway, but there is no network connection. There is a plan to share video. A radio connection is also coming, but the network issues are still being worked out. Most coordination is done over the phone. They have an HAR in Lafayette that they activate if we (NYSDOT) have something happening on our system.

Question #34: Do you have a connection with the State or Local Police? Is there any sharing of information?

Answer: State and local Police are dispatched by the Onondaga County 911 Center, and we share our video with the 911 Center. We do not share video directly with State and local police. The police can view our video through TrafficLand and we promote 511 to them.

Question #35: Do you have a contract with TrafficLand?

Answer: We are working with them to possibly extend our contract.

Question #36: Could we support multiple "TrafficLand's" – other entities looking to partner with us for our video?

Answer: From a technical aspect, yes. There are some regions that work directly with the media. TrafficLand works with the media to get them to pull the video from TrafficLand.

To Further Clarify: TrafficLand does not have exclusive rights to NYSDOT's video. NYSDOT is willing to partner with other entities to make video available.

Question #37: Do you have examples of a major event requiring coordination with other regions and/or Main Office?

Answer: Yes – the TMC will work closely with the Statewide Transportation Information and Coordination Center (STICC) to provide response and make the appropriate notifications for a major event. An example is a train derailment that occurred in Region 2 a few years ago. The Region 3 office sent out portable VMS to help provide the detours around the incident site.

Question #38: Is the fully deployed ATMS system envisioned to be installed at the Thruway?

Answer: That is not in the scope of this project.

Question #39: How much of the ITS network is consumed?

Answer: There is plenty of bandwidth currently. If it became a problem, we could switch from MPEG2 to MPEG4 to substantially reduce our bandwidth utilization. We are using software to do the video decoding, and MPEG 2 uses less processing power than MPEG 4 and that is why we haven't switched already. There is no more than 25% bandwidth utilization on any licensed radio links that make up our communications backbone. Some of the unlicensed links are running near capacity but this is not an issue for us. There has been some interference on the unlicensed radio links, but it has never really become an issue – we just wait it out and eventually, the interference disappears.

Question #40: Will copies of the sign in sheet be made available?

Answer: They will either be posted on the web or e-mail.

To Further Clarify: Copies of the sign-in sheets for the two site visits and the pre-proposal conference will be posted on the web. <https://www.dot.ny.gov/portal/page/portal/doing-business/opportunities/consult-opportunities#c1125>

Question #41: Is there temperature control at the cabinets?

Answer: The TMC has controlled temperature, but the basement and 9th floor locations are building-controlled.

Question #42: How will the vendors know what space is available for the equipment?

Answer: As part of the RFP, the vendor will propose the equipment required to maintain the new system. NYSDOT will need to understand what space is needed for this equipment and will then determine where the system would fit. There is plenty of fiber available between the 9th floor and the basement if that communication was necessary.

Question #43: You described some older equipment – is there a current standard list of equipment?

Answer: OGS has a list of current equipment, information is available in the RFP.

To Further Clarify: Some IT related OGS Contracts can be found on the OGS website at: <http://www.ogs.state.ny.us/Purchase/Search/default.asp> ; <http://www.ogs.ny.gov/purchase/snt/lists/infotech.asp>

Question #44: Has there been any thought given to putting in environmentally controlled racks?

Answer: No, the cabinets do not have temperature control and it has never been an issue. Space is a big constraint.

Question #45: There is a list of existing software at the TMC's – have you rated the software for these systems?

Answer: No. We don't understand the question, please submit it in writing. The OEM systems will remain on the ITS network as backup.

Question #46: There is a mandatory requirement for ramp metering, but it isn't required until 10 years out. Will that be required right away, even though it's not needed right away?

Answer: Please submit the question in writing to be answered later.

To Further Clarify: Yes, the Ramp Metering is necessary as part of the requirements in Attachment 5. Although it is not currently installed in Regions 3 or 8, it is possible that certain regions may install it during the life of this contract. It is unclear at this time what vendor and software would be used to install the possible, future systems.

Refer to Questions #92 and #93 for more information.

Question #47: What is the proposed roll-out between Region 8 and Region 3?

Answer: To be discussed with the vendor at award. It has not been determined.

To Further Clarify: NYSDOT's preferred schedule would be to install the system in Region 8 first. This can be discussed further with the selected vendor.

Question #48: Is the region excited about being guinea pigs for this project?

Answer: We are excited about getting a system. It will be a big change, especially for the Operators. It is a good opportunity to start standardizing.

Question #49: You've mentioned a relationship with the Thruway and the Police, what about the City of Syracuse? What is the backup TMC?

Answer: The TMC has a working relationship with the City of Syracuse. There is a project going on in the City with signal interconnect, we will share video with them and get their video to the TMC. The backup TMC is at the Equipment Management Shop in North Syracuse.

Question #50: How do you manage the wireless communication?

Answer: The network reroutes itself. There is a central router, wherever that resides is where communication goes. We have a wireless backbone with numerous license frequency links. If one link goes down, communication will reroute to other links. The only loss is a couple videos that come directly into the TMC.

Question #51: What is the redundancy for the Center? Should there be an identical system as backup?

Answer: Submit the question in writing to be answered later.

To Further Clarify: The proposed system must be capable of redundancy, and must be able to provide redundancy and failover as described in Section 3.4 and Attachment 5, Section 8 of the RFP. For example, attachment 5, section 8.1 states that the "System shall provide local and remote (over a Wide Area Network – WAN) redundant servers with automatic, semi-automatic, and manual failover options:". We interpret this to mean that

the redundant server could be hosted at a remote location, either at the Main Office or another Region, and be accessible over the internet.

Question #52: Does the TMC have any other connections to other cities within the region? Do you anticipate ever connecting to them?

Answer: No. There are no plans to connect to any other cities anytime soon. It would be important to connect the I-81 corridor and communicate with Region 9. Currently, the TMC does reach out to other TMC's.

To Further Clarify: Additional information is available in the Concept of Operations document in Attachment 6.

Question #53: Who will make the decision?

Answer: We can't answer that.

To Further Clarify: The evaluation process is discussed in the RFP beginning on Page 46.

Region 8 – Lower Hudson Valley

Question #54: What communication is used?

Answer: Fiber optic, T1, and cellular. We also have some radio communications from point to point at ITS field locations.

Question #55: What is the plan to cut over to the new system?

Answer: Run the two systems simultaneously, compare the data.

To Further Clarify: NYSDOT's preferred schedule would be to install the system in Region 8 first. This can be discussed further with the vendor.

Question #56: Do your field devices have the ability to talk to two systems concurrently?

Answer: Some do, some don't. VMS, yes; acoustic detectors, no.

Question #57: Space is not an issue?

Answer: Servers are getting smaller for more power. Everything should fit. You should be reasonable and efficient with the space available. Vendor must follow the guidelines for the space – rack must be attached to the concrete floor, etc.

To Further Clarify: Hardware will be provided by NYSDOT. Vendors should keep space concerns in mind when making recommendations for hardware.

Question #58: Is there comprehensive documentation about the field and TMC equipment?

Answer: There is information regarding field and TMC equipment in Attachment 15.

Question #59: Why are there two locations in the operations floor for the State Police?

Answer: One is 911 call taking, the other is dispatch.

Question #60: What is unique about Region 8 operations?

Answer: Our relationship with the New York State Police (NYSP). We are co-located and work closely on Traffic Incident Management (TIM). Other facilities have more field

infrastructure, Region 8 concentrated on building relationships and housing staff. It is a diverse region – urban and rural – with numerous partner agencies. The region acts as a funnel for traffic traveling to New York City (NYC) – partnerships are important.

Question #61: Are there any functions done here that are not done elsewhere?

Answer: We are the first region actively using Bluetooth road sensors to provide travel time information to the public. This information is disseminated to the public on a corridor-based level.

Question #62: Are you aware of any requirements that are not used by the TMC?

Answer: Ramp metering – there are no current plans to incorporate this function at this time.

Question #63: What requirements must be accommodated?

Answer: The video wall is not controlled by the ATMS system. NYSP Computer Aided Dispatch (CAD) is integrated into the ATMS – it should continue to interface. It currently interfaces using an XML feed. The CAD data from the NYSP is filtered automatically. This can also be done manually. The field equipment must be integrated.

Refer to Question #82 for more information.

Question #64: What CAD system is the NYSP using?

Answer: Currently, HTE

Refer to Question #68 for more information.

Question #65: What functions are wanted that the TMC doesn't currently have?

Answer: Sensors integrated into a system map – we want to see a speed map on the Operations floor and on 511NY. Sensors include – SmarTek, BlueTOAD, TRANSMIT, loops... it's listed in the RFP. We want to develop Travel Time in a phased approach. We also need automatic messaging for important incidents – we are currently doing dual input with the ATMS system and entering the information again in several e-mail notifications.

Question #66: What is the density the detectors are maintained at?

Answer: It depends on the detection – ½ to 3 miles for acoustic detectors (Westchester County). Loops are added on a construction job basis. BlueTOAD is project specific – 2 miles. TRANSMIT – 5 miles. There is no current integration between different sensor technologies, there is some overlap.

Question #67: You said you do dual entry – is that in OpenReach and the ATMS? What else?

Answer: NY-Alert and the "Big 10" e-mail (a regional e-mail sent to management) and traffic signal malfunctions (CarteGraph) and STICC notification forms.

Question #68: There is talk that the NYSP is upgrading their CAD system...

Answer: Yes, they are. We have a good relationship with the NYSP and must keep this interface. The selected vendor and NYSDOT will need to discuss with the NYSP – especially about timing. We would like to bring back the in-vehicle video to the TMC, it is not currently integrated into the TMC.

To Further Clarify: The NYSP will be moving to Intergraph, possibly later this fall. The schedule is to be determined.

Question #69: What is the interaction with ITD? Is there a separate NYSDOT network from ITS network? Where is the demarcation line?

Answer: There is a clear, defined line. There are two networks – the NYSDOT network and the ATMS network – OpenReach, the ATMS, and the OEM software is on the ATMS network. The DOT network is used for e-mail, printers, and internet. ITD does not currently manage the ATMS network.

To Further Clarify: ITD will spec, procure, install and maintain server infrastructure components as per the vendor specifications. The infrastructure, Operating System and virtualization layer (if applicable) are the responsibility of ITD. The software application and its functionality is the vendor's responsibility.

Question #70: Is there a need to operate equipment in other regions?

Answer: It is our desire to be interoperable.

Question #71: What is the level of operations between different regions?

Answer: In a perfect world, we could operate any region from any other region.

Question #72: Have you ever lost power here?

Answer: Yes, there is UPS backup and a generator. The UPS is designed to last for 90 minutes for core systems. There is a 4 second switchover. The generator can last for 3 days depending on fuel supply. It serves the whole building and runs the entire system.

Question #73: Has there ever been any flooding?

Answer: Some small leaks in the roof, some pipes, but no unmanageable flooding.

Question #74: There are two pallets of Dell equipment in the server room – what is it for?

Answer: They are servers meant to replace older servers.

Refer to Question #105, 141 and 228 for more information.

Question #75: So does the spreadsheet show the old equipment, or the new (Attachment 15)?

Answer: It shows the old. This work will be completed within the next couple months – we will update the spreadsheet.

Question #76: Is there a plan to upgrade any equipment in Region 3?

Answer: We will find out and let you know.

To Further Clarify: There is some ITS equipment that will come on-line by the end of this summer. We will update Attachment 15 with the information.

Question #77: Is it possible that these servers could still be viable and used for the new ATMS system?

Answer: We will discuss and let you know.

To Further Clarify: The vendor must propose all of the hardware required to run their proposed solution. The hardware that is currently in place shall not be considered as part of the solution.

Refer to Question #105 for more information.

Question #78: Is redundancy set up?

Answer: In some cases yes, others it was determined not to be necessary. Clarify the question further in e-mail and we can answer in more detail.

Question #79: Will the vendor be expected to operate and maintain the software or the software and ITS equipment.

Answer: Please send an e-mail and we can answer in more detail.

To Further Clarify: The ITS field equipment is maintained separately and is not part of this contract. The hardware required to run the system will be purchased, installed and maintained by NYSDOT. The vendor is responsible for installation and maintenance of their software solution.

Question #80: Is there value in owning the source code vs just licensing the software? What about at an operations level?

Answer: Please send an e-mail and we can answer in more detail.

To Further Clarify: The RFP does not require that NYSDOT own the source code.

Question #81: What is the expectation of Maintenance?

Answer: This can be answered at the Pre-Proposal Conference next week.

To Further Clarify: Most of the support requirements are discussed in Section 3.5.8 of the RFP.

Question #82: Are there any changes planned to the Video Wall?

Answer: The video wall uses an Activu server. There is interaction between the ATMS and the video wall, but the ATMS shouldn't control the video setup. The map should be available on the wall, but no video wall control. There is expected to be interaction between the video wall and the ATMS but we do not intend to integrate setup and control of the video wall software to the ATMS.

Question #83: Do the NYSP have access to the ATMS system?

Answer: No, they have no control over the ATMS. They can send CAD information to the ATMS. They do not have ATMS on their workstations. The State Police dispatch HELP, which is not currently integrated with the ATMS system. We expect to be able to receive mobile video from CAD and to further integrate CAD and the ATIS so that incident data travels in both directions.

Question #84: Is there interest in having ATMS available on mobile devices?

Answer: It is not part of the scope of this project and should not be considered when submitting proposals.

To Further Clarify: Implementation of the solution on mobile devices is not part of the requirements of this project and it is not anticipated to be necessary at this time.

Question #85: What performance metrics are being measured?

Answer: Examples include: Number of events; incident types; incident hot spots; peak periods of incidents; incident severity; location of incidents by county; field equipment

metrics; total incident time; number of HELP assists per mile; overall assist distribution by type; top 5 assists by location and total assists this month; percent operational of field devices; categories for major events (unplanned vs planned); work order tickets closed this month; visits to www.HVTMC.com website; total overall events year-to-date; event distribution by county; top ten overall events by incident type; average daily accident event duration; top five accident durations; total events opened by shift; total events detected by NYSP CAD; ITS ticket status (ongoing, new, closed, remaining); ITS ticket type remaining open at month's end; field equipment availability by device type.

Question #86: How do you influence or control traffic now vs the future?

Answer: We use cameras and sensors now, output information to the VMS, NY-Alert, 511... We also use the VMS on the HELP trucks, although those are NOT controlled at the TMC. We also coordinate planned events. There is currently a small amount of interaction with our sensors, we'd like to use those more, archive and compare data, etc.

Question #87: You mentioned a desire for a speed map – what other frustrations will the ATMS solve?

Answer: The RFP states our goals. We may be able to answer in more detail at the Pre-Proposal Conference.

To Further Clarify: The requirements for this project are in Attachment 5. Everything listed there should address all of the needs of our TMC's.

PRE-PROPOSAL CONFERENCE QUESTIONS

Question #88: Will all questions asked be answered in writing?

Answer: Yes.

Question #89: Professional Liability Insurance - does the \$5M apply to subs or just the prime?

Answer: We will look into it to verify, however, we believe that the \$5 million only applies to the Prime contractor. We do encourage the contractor to enter into similar contracts with the subcontractors. The insurance requirements MAY apply to the subcontractors depending on the services being provided.

To Further Clarify: The \$5M professional liability insurance requirement applies to the prime consultant; the prime consultant is responsible for completion of all scope of service work. Should any work (professional in nature) be delegated to a subconsultant, then it is up to the prime consultant to determine how insurance coverage gets applied.

Question #90: Is any part of the solution to be operated by the prime, i.e. management services for the solution or operational functions or staffing?

Answer: The vendor needs to provide staffing for installation, setups, training and on-going software maintenance. There is no expectation that the selected vendor provide staffing support for day-to-day operational TMC activities.

Question #91: NYSDOT will provide hardware for everything on-site, but would it be the vendor's responsibility to provide anything that would not be on premise, such as for a cloud solution?

Answer: Yes. Any off-site hardware required will be the vendor's responsibility to install, operate and maintain and should be covered as part of the vendor's cost.

Question #92: Ramp metering - only Regions 10 and 11 currently use ramp metering. Can NYSDOT provide more ramp metering information? If we are proposing for only Region 3 and 8, how can that be handled since they don't have ramp metering - please clarify your intent?

Answer: Although Regions 3 and 8 currently don't have ramp metering, it has been discussed in other Regions. It is possible that it could be installed in one of our other regions prior to the end of this contract.

To Further Clarify: The Region is using proprietary software specifically written and coded to meet the NYSDOT specification for the Region 10 field controllers providing surveillance and/or ramp metering. It has been updated to meet the functionality of the current controllers – 2070E.

Refer to Question #106 for more information.

Question #93: Will NYSDOT be using the same vendor and protocols for ramp metering as what is currently in Regions 10 and 11?

Answer: There is no way to tell. Current information regarding ramp metering in Regions 10 and 11 may not be relevant to any future systems. There are no further requirements regarding ramp metering other than the system must be able to provide it.

To Further Clarify: NYSDOT does not have a standard for the ramp metering system.

Question #94: Page 23 of the presentation, the cost sheets only require information regarding Regions 3 and 8 for years 1 - 5? Please clarify how Phases 2 and 3 (additional regions) will be handled.

Answer: NYSDOT will estimate the costs for Phases 2 and 3 based on the costs provided for Regions 3 and 8 for years 1 – 5. During Phases 2 and 3, we will enter into discussions to determine the actual costs of the extra work to be performed in a Supplemental Agreement.

To Further Clarify: Page 51, Section 5.2.2.2, of the RFP discusses the process for the Cost Proposal evaluation.

Question #95: Can you clarify how fixed price costs will be evaluated versus hourly rate costs in the proposals?

Answer: The “Pricing Summary” worksheet in Attachment 8 breaks down the fixed versus hourly costs. Both pieces of information need to be incorporated to fulfill the need to evaluate the total cost of ownership.

Refer to Question # 104, 124, 131, 136 and 215 for more information relating to Attachment 8.

Question #96: Do the rates have a factor in the cost score?

Answer: Yes, it is included in the spreadsheet. There is a place to put rates that is multiplied by an assumed factor of time and calculated as part of the final cost. We will provide a more detailed explanation in the written answers.

To Further Clarify: Page 50 of the main body of the RFP will be augmented to include more information on how the costs will be estimated.

Question #97: Can NYSDOT provide the URL for the OGS hardware pricing list?

Answer: Yes.

To Further Clarify: Some IT related OGS Contracts can be found on the OGS website at: <http://www.ogs.state.ny.us/Purchase/Search/default.asp> ; <http://www.ogs.ny.gov/purchase/snt/lists/infotech.asp>

Question #98: Can NYSDOT provide the same information for COTS software. ?

Answer: Yes.

To Further Clarify: Some IT related OGS Contracts can be found on the OGS website at: <http://www.ogs.state.ny.us/Purchase/Search/default.asp> ; <http://www.ogs.ny.gov/purchase/snt/lists/infotech.asp>

Question #99: Requirement 7.3 discusses map views versus schematic views, and can they get more information on NYSDOT GIS base mapping?

Answer: There is one system at Region 10 that has to be schematic due to its size - schematic views are used to simplify the view of complex and/or tightly spaced highway systems such as the highway system on Long Island.

To Further Clarify: NYSDOT uses a number of sources for base mapping including industry standards from Esri, Google and Bing as well as in house base maps created using NYS GIS data. The base map on the NYSDOT [Posted Bridges Map](#) uses the NYS GIS base map. NYSDOT uses GIS web services to provide base mapping in browser based applications. Any data related to base mapping that is owned by NYSDOT will be provided to the vendor for incorporation into the ATMS as necessary.

Refer to Question #108, 175 and 179 for more information.

Question #100: How do we learn about other regions? Can we visit the other regions?

Answer: NYSDOT will provide additional information on equipment at other regions at the time that rollout to other regions is being planned. If the vendors believe they need additional information on the other regions at this time please request it, but we feel that information for the other regions isn't necessary for the purposes of the initial procurement. Vendors should be focusing on Regions 3 and 8.

Question #101: During the Region 3 site visit there was a discussion on backup functions, evacuating the building and taking some equipment offsite. Do we need duplicate equipment at the backup center?

Answer: We will get back to you.

To Further Clarify: No, duplicate equipment at the backup center is not required.

Refer to Question #51 for more information.

Question #102: Each of two centers have their own network setup, is the intent that more of the state network would be leveraged in the future?

Answer: We are still evaluating the future of the ITS network - whether it will go on the NYSDOT network or run on the statewide network or be a completely separate network. For the purpose of this proposal the plan is for Regions 3 and 8 to run on their own networks only.

Refer to Question #103 and 172 for more information.

Question #103: Do the vendors need to include anything in the proposal or cost evaluation to establish connections between regions or to the state network?

Answer: No, the Region 3 and 8 systems should stand alone. Vendors do need to establish that the systems have the capability be interconnected in the future.

Refer to Question #102 and 172 for more information.

Question #104: Will expenses be accepted?

Answer: These fees, charges and costs must be incorporated into the one-time and recurring costs that appear in the worksheets, e.g. hourly rates, software one-time costs, unit annual costs.

To Further Clarify: Attachment 8 has been updated to incorporate expenses.

Refer to Question #95, 124, 131, 136, and 215 for more information relating to Attachment 8.

Question #105: Region 8 had new equipment ready to install, can the vendors take this information as part of their proposal?

Answer: Vendors must provide a complete and comprehensive description of all the hardware required for use by their systems and account for each of these items in their cost proposal. They cannot assume that there is hardware at the regions that can be leveraged by their solution.

To Further Clarify: NYSDOT will have full responsibility for procuring and installing the required equipment proposed by the vendor.

Refer to Question #74, 141, and 228 for more information.

Question #106: Since the system needs to have ramp metering capability, the vendors need to demonstrate this capability for system acceptance, and Regions 3 and 8 do not currently have that ability, how will NYSDOT conduct/support acceptance testing for ramp metering?

Answer: NYSDOT will provide in written response.

To Further Clarify: It is only necessary that the vendor be able to demonstrate that their system can provide ramp metering as part of their proposal. There are no further requirements for the installation and system acceptance of that portion of the system as part of the Region 3 and Region 8 solution. Currently, ramp metering is featured in Region 10's TMC. However, it is envisioned that ramp metering may be part of future upgrades in upstate TMCs, therefore it is necessary for proposers to offer a solution which is ramp metering capable.

Refer to Question #169

Question #107: Can NYSDOT provide the flow diagrams for the ramp metering in Region 10?

Answer: NYSDOT will determine if additional information can be provided on ramp metering.

To Further Clarify: There are none available. This information is not pertinent to the deployment of the Region 3 and Region 8 system.

Refer to Questions #92 and #106 for more information.

Question #108: Will NYSDOT provide contact information for the GIS person?

Answer: NYSDOT will provide linkage to GIS information found on the DOT website. All detailed/specific questions should be addressed to Al Hasenkopf as the official point of contact for this procurement.

To Further Clarify: We do not currently have information on www.dot.ny.gov concerning the NYSDOT's GIS program. Information on GIS in NYS is available from the NYS GIS Clearinghouse (<http://gis.ny.gov>)

Refer to Question #99, 175 and 179 for more information.

Question #109: Will NYSDOT update the equipment inventory sheets for Regions 3 and 8?

Answer: Yes, NYSDOT will update the equipment inventory sheets and provide that information to the vendors.

Question #110: Both Region 3 and Region 8 equipment lists mention obsolete companies/products, is there a desire to standardize on equipment at the regions?

Answer: The solution must be able to communicate with our existing equipment. The ideal situation is to have standardized equipment, and to start moving in that direction, but it will take time to achieve and some equipment is updated too frequently to be able to always have the latest across the NYSDOT enterprise. However, the ATMS system must be TMDD compliant, it is our goal to make all of our field equipment NTCIP compatible, and everything should be able to communicate with the ATMS system.

Question #111: Item #1 Reference the Draft Contract, page 13:

12. *Escrow and Modification of Source Code.* Consultant shall, at its sole cost and expense, place a copy of the source codes of the Consultant-Owned Software and any proprietary or custom developed software (for the ATMS Project) -- or subcontractor-

Owned Software into escrow with a licensed escrow agent subject to approval by NYSDOT. NYSDOT approval shall not be unreasonably withheld.

For pricing purposes, at what point is the initial escrow deposit required to be made and for how many years thereafter shall the Consultant price in Escrow Fees?

Answer: The escrow requirement shall begin when any software application development work begins (wherein software code is changed to meet NYSDOT ATMS project requirements). The escrow needs to be in place through out the software development phase of the project (until final acceptance). Escrow charges are eligible as direct non-salary project-related expenses subject to reasonable reimbursement.

Question #112: Item #2 Reference: Attachment 7 Requirements Traceability Matrix Line C-37 Maintenance Agreement; Attachment 1 Draft Contract Section 13.1 page 14 *Scope and Duration of Consultant Maintenance...*

13.2.1 *Terms and Conditions of Support.* (a) Subject to such different or additional terms and conditions as may be set forth in Requirements of the RFP,..."

Is it NYSDOT's intention that the Consultant deliver a stand-alone Maintenance Agreement for deliverable C-37, complete with contract terms and conditions as well as a signature block, or merely deliver a specific scope of services incorporating the RFP maintenance requirements in accordance with Section 13.1, *et. al.* under the existing contract umbrella to be initiated upon commencement of the maintenance services perhaps as a change order to the already executed contract agreement?

Answer: No, since maintenance and support will be in accordance with RFP draft contract article 13.1 and with the scope of service in the approved contract.

Question #113: Item #3 Reference Attachment 1 Draft Contract page 12, 10.2 *Consultant-Owned Software*:

Please confirm that NYSDOT requires a separate license agreement from the Consultant to cover the 10.2 *Consultant-Owned Software* or is the Consultant prohibited from providing its licensed software in accordance with its Standard License Agreement?

Answer: Article 10 of the RFP's draft contract provides the necessary language covering license issues with the State. The Consultant is prohibited from providing its licensed software in accordance with its Standard License Agreement.

Question #114: Item #4 Reference Attachment 1 Draft Agreement, page 13:

Given the below statement, please advise what portion of the total funding will be Federal funding.

11.4 FHWA License. Under the FHWA Grant Agreement FHWA has reserved a royalty-free, perpetual, transferable, nonexclusive and irrevocable license to reproduce, publish, modify or otherwise use in any media which exists currently or in the future and to authorize others to use any such copyrightable work produced under this Agreement with Federal funds, for Federal Government purposes.

Answer: It is NYSDOT's initial intent to fund contract #C030789 with 100% CMAQ federal funds.

Question #115: Item #5 Reference Attachment 1 Draft Agreement, page 13, 12.1 *Delivery of Developed Software*:

Because of the nature of software development and customization, it is virtually impossible to segregate out the customized/developed portion from the original baseline proprietary *Consultant-Owned Software*. Therefore, it is respectfully requested that this section be re-worded as follows:

12.1 *Delivery of Developed Software*. All source and object codes for the Developed Software, i.e. all software custom developed for the ATMS application, **shall be deposited in escrow in accordance with Section 12. above.** provided to NYSDOT during System Implementation to support the maintenance of the ATMS. This will include the software, documentation of the customization, and training. **Training materials for the maintenance of both the customized software and the Consultant-Owned Software will be provided to NYSDOT.**

Answer: Article 12.1 stays as written.

Question #116: Item #6 Reference Attachment 1 Draft Agreement, page 7:

Please note the following requested changes:

8. *Consultant's Liability; Indemnification.*

8.1 *Consultant's Liability*. To the fullest extent permitted by law, ..., claims, **or** actions, **damages and costs, of every name and description** arising from the work under its contract ..., claims, actions, **damages** and costs involving ... suit, action, **damages** and/or ...consultants working for the State.

The Consultant has the obligation, at its own expense, This obligation shall include the cost of **reasonable** attorneys' fees, disbursements, costs and other expenses incurred in connection with such action or proceeding. Such obligation does not extend to those suits, actions, **damages** and costs **of every name** that arise out of the sole negligence ... connected therewith.

8.2 *Indemnification*. In case suit shall at any time be brought against the State, asserting a liability against which Consultant is obligated to indemnify and save harmless the State, Consultant shall, at its own cost and expense **and without any cost or expense whatever to the State** defend such suit and indemnify ... Section as Consultant may from time to time request.

Justification: No insurance policy will pay for "of every name and description" claims. Overly broad language will result in gaps in insurance coverage. Consultant agrees to accept liability for that which it is responsible, as well as for partial negligence claims for bodily injury and property damage.

Answer: Articles 8.1 and 8.2 stand as written.

Question #117: Item #7 Reference Attachment 1 Draft Agreement, page 9:

Please note the following requested changes:

9.1.3. *Certificates of Insurance/Notices* Unless otherwise agreed, policies shall be written so as to require that the policy will not be (i) canceled, (ii) **materially changed or (iii) permitted to expire or lapse for any reason** except upon thirty (30) days' prior written notice to the Department, **or 10 days for non-payment of premium by Certified Mail, return receipt requested at the stated address. Any other changes such as modification, reduction or non-renewal will be provided directly by Consultant.**

Justification: Consultant's insurers will not write the policies as stated, however, Consultant has proposed a reasonable work around so that NYSDOT will be so notified accordingly.

Answer: 9.1.3 stands as written. It is up to each firm to find a broker willing to sign NYSDOT certificate of insurance form C218 (available via NYSDOT's website: <https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions> - scroll down to the insurance section).

Question #118: Item #8 Reference Attachment 1 Draft Agreement, page 10:
Please note the following requested changes:

9.1.4. *Additional Insureds*. All insurance policies required, by these specifications except workers' compensation and professional liability shall be endorsedThe endorsement shall be effected by endorsement of the applicable policy using ISO form **CG 20 10 11 85, CG 20 37 07 04, CG 20 33 07 98 when used in combination with CG 20 37 07 04, or CG 20 33 10 01 in combination with CG 20 10 07 04**

Justification: Neither Consultant nor Consultant's insurers will agree to provide coverage for a 3rd parties sole negligence without any negligence or wrong-doing on the part of the Consultant.

Answer: Article 9.1.4 stands as written. Also reference NYSDOT form c218 via: <https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions> (scroll down to 'Insurance Requirements and Forms').

Question #119: Item #9 Reference Attachment 1 Draft Agreement, page 10:
Please note the following requested changes:

9.1.6. *Waiver of Subrogation*. **As to every type and form of insurance coverage required from the Consultant With the exception of Professional Liability insurance coverage, there shall be no right of subrogation against the State of New York/New York State Department of Transportation, its agents or employees.**

Justification: Such coverage for Professional Liability insurance is not commercially available in the marketplace.

Answer: Article 9.1.6 stands as written.

Question #120: Item #10 Reference Attachment 1 Draft Agreement, page 10:
Please note the following requested changes:

9.1.8. *Self-Insured Retention/Deductibles.* Consultants utilizing self-insurance programs are required to provide a description of the program for Department approval. Collateralized deductible and self-insured retention programs administered by a third party may be approved. **Said coverage may be subject to a deductible or self-insured retention level of no more than \$250,000 subject to approval by Department, such approval not to be unreasonably withheld.**² Except as may be specifically provided in the Contract Documents of a particular project, Consultant-administered insurance deductible shall be limited to the amount of the bid deposit or \$100,000¹ whichever is less. Security is not required if it is otherwise provided to an administrator for an approved risk management program. The Department will not accept a self-insured retention program without security being posted to assure payment of both the self-insured retention limit and the cost of adjusting claims. The Consultant shall be solely responsible for all claim expense and loss payments within any permitted deductible or self-insured retention. **If the Consultant's deductible in a self-administered program exceeds the amount of the bid deposit, Consultant shall furnish an irrevocable Letter of Credit as collateral to guarantee its obligations. Such Letter of Credit or other collateral as may be approved by Department must be issued by a guarantor or surety with an AM Best Company rating of "A minus" or higher.**³ If, at any time during the term of this agreement, the Department, in its sole discretion, determines that the Consultant is not paying its deductible, it may require the Consultant to collateralize all or any part of the deductible or self-insured retention on any or all policies of insurance or, upon failure to promptly do so, the same may be withheld from payments due the Consultant.

Justification: Generally speaking, this requirement is not clearly understood nor is its implied requirements industry standard. Specifically,

¹Please note that there is no requirement for a bid deposit for this procurement nor is there a requirement for any subsequent performance or payment bonds, which would result in the release of any bid deposit post award so it is not clear why this requirement is included here in an insurance clause.

²Inserted language is verbatim from Section 9.2.5 of Attachment 1 Draft Agreement.

³Please note that requiring a Letter of Credit in an amount to cover deductibles in addition to also reserving the right to withhold payments from the Consultant to cover such deductibles appears to be excessive and adds an unnecessary level of cost to the taxpayer burden. It isn't clear exactly which policy deductibles would require a letter of credit or would it just be one letter of credit to cover all policies and if so, in what final amount? Perhaps NYSDOT could satisfy its concern about a Consultant not paying its deductibles/self-insured retentions by requiring a statement to be submitted by each proposer certifying that there has been no instance in the past 5 years [or 10 years?] of any Customer of the Consultant ever being liable for a deductible or self-insured retention of the Consultant?

Answer: NYSDOT will not act on footnotes 2 and 3; however, Article 9.1.8 shall be amended to read as follows:

9.1.8. *Self-Insured Retention/Deductibles.* Consultants utilizing self-insurance programs are required to provide a description of the program for Department approval. Collateralized deductible and self-insured retention programs administered by a third party may be approved. Except as may be specifically provided in the Contract Documents of a particular project, Consultant-administered insurance deductible shall be limited to the amount of ~~the bid deposit or \$100,000, whichever is less.~~ Security is not required if it is otherwise provided to an administrator for an approved risk management

program. The Department will not accept a self-insured retention program without security being posted to assure payment of both the self-insured retention limit and the cost of adjusting claims. The Consultant shall be solely responsible for all claim expense and loss payments within any permitted deductible or self-insured retention. If the Consultant's deductible in a self-administered program exceeds the amount of the bid deposit, the Consultant shall furnish an irrevocable Letter of Credit as collateral to guarantee its obligations. Such Letter of Credit or other collateral as may be approved by Department must be issued by a guarantor or surety with an AM Best Company rating of "A minus" or higher. If, at any time during the term of this agreement, the Department, in its sole discretion, determines that the Consultant is not paying its deductible, it may require the Consultant to collateralize all or any part of the deductible or self-insured retention on any or all policies of insurance or, upon failure to promptly do so, the same may be withheld from payments due the Consultant.

Question #121: Item #11 Reference Attachment 1 Draft Agreement, page 11:
Please note the following requested changes:

9.1.9. *Waiver of Indemnities.* The Consultant waives any right of action it and/or its insurance carrier might have against the Department (including its employees, officers, commissioners, or agents) for any loss that is covered by a policy of insurance that is required by this contract. **The Consultant waives any right of action it and/or its insurance carrier might have against the Department (including its employees, officers, commissioners, or agents) for any loss, whether or not such loss is insured.**

Justification: Neither the Consultant nor its insurance carriers are willing to waive its legal rights in this matter in such a blanket fashion. This is an uninsured and unlimited liability as written. The amount of insurance coverage required herein should be adequate for any occurrences that may arise.

Answer: Article 9.1.9 stands as written.

Question #122: Item #12 Reference Attachment 1 Draft Agreement, page 11:
Please note the following requested changes:

9.2.2. *Commercial General Liability Insurance.*

All insurance policies required by these specifications except workers' compensation and professional liability shall be endorsed to provide ... using ISO form **CG 20 10 11 85, CG 20 37 07 04, CG 20 33 07 98 when used in combination with CG 20 37 07 04, or CG 20 33 10 01 in combination with CG 20 10 07 04....**

Justification: Neither Consultant nor Consultant's insurers will agree to provide coverage for a 3rd parties sole negligence without any negligence or wrong-doing on the part of the Consultant.

Answer: Article 9.2.2 stands as written.

Question #123: Item #13 On p. 23 of the Pre-Proposal PowerPoint presentation, there was reference to Phase 2 and Phase 3 costs being 'estimated' by NYSDOT . Do you have any further detail on how this would be accomplished?

Answer: Page 51, Section 5.2.2.2, of the RFP discusses in general the process for the Cost Proposal evaluation. Costs for Phase 1 shall be competitively proposed by each vendor via Attachment 8. Phase 2 Costs are estimated as 50% of Phase 1 Costs while Phase 3 Costs

are estimated as 25% of Phase 1 Costs. An 85-15-5 percent weighting factor shall be applied to these costs as part of the process of determining a vendor's cost score.

Question #124: Item #14 On the NYSDOT required Cost Spreadsheet, the last tab defines potential roles for the project. It includes the role of 'Technical Architect'. In earlier tabs, rates and cost structures are to be provided which provide each of the recommended role categories except for 'Technical Architect'. Will these 2 tabs be updated? Or, should we insert the 'Technical Architect' category ourselves? Any preferred location within the two tabs?

Answer: NYSDOT will update Attachment 8 to show the "Technical Architect".

Refer to Question #95, 104, 131, 136 and 215 for more information relating to Attachment 8.

Question #125: The RFP requests Oracle or MS SQL as the desired database engine. With respect to that we have the following questions:

- a. We assume this is an Oracle Enterprise product and not Oracle's MySQL product, is this correct?
- b. Does NYSDOT currently own a state-wide license for the Oracle database engine envisioned that can be used for the ATMS effort?
- c. Is it acceptable to use an Oracle Enterprise product for the core databases but use MySQL for ancillary (ad hoc) databases if it reduces IT complexity, administration and server costs?

Answer:

- a. **That is correct.**
- b. **No, NYSDOT does not own a statewide license for the Oracle database engine.**
- c. **Vendors will articulate what they plan on using MySQL for in the proposal NYSDOT can determine if that is an acceptable approach during system review.**

Question #126: Regarding Requirement 3.4, is there a preferred LPR system or one deployed in a Region other than 3 or 8?

Answer: There is no preferred system.

Refer to Question #139, 176, and 213 for more information

Question #127: Regarding Requirement 3.5, are there any details available for the existing Over Height detector in Region 8?

Answer: Details will be provided to the selected vendor during system development.

Question #128: Regarding Requirement 12.2, we have the following questions:

- a. Which version of TMDD is desired?
- b. Is the intent to control external (non-NYSDOT) devices via TMDD and/or to allow control of NYSDOT devices by external agencies?

Answer:

- a. **TMDD Version 3.0**
- b. **Not at this time.**

Question #129: Regarding Requirement 13, will Streetwise interface documentation be made available to the selected proposer during the project?

Answer: Yes, Streetwise user documentation can be made available as needed during the development of the system. There is no software development documentation available. At this time, it is anticipated that Streetwise will remain the preferred software for signal control and the vendor's proposal only needs to demonstrate its capability to provide signal control.

Refer to Question #156, 165, and 193 for more information relating to Streetwise.

Question #130: Regarding Requirement 16, is there a preferred HAR system or any in other Regions that support an ATMS system interface?

Answer: There is no preferred system.

Question #131: For Attachment 8 (Cost Proposal), the notes to the price sheets state that we should include "travel costs, parking fees, and any other ancillary fees and costs including permits, licenses, insurance, etc." in our price. Where in the price sheets should these costs be included?

Answer: These fees, charges and costs must be incorporated into the one-time and recurring costs that appear in the worksheets, e.g. hourly rates, software one-time costs, unit annual costs.

Refer to Question #95, 104, 124, 136 and 215 for more information relating to Attachment 8.

AFTER PRE-PROPOSAL CONFERENCE QUESTIONS

Question #132: In Section 2.3.3, it states that the base term of the contract will be five years. In Figure 1, it shows the timeframe for Regions 3 and 8 being 18 months. Thus, after the deployment, there are 3.5 years of time remaining. Conceivable, we could deploy the TMCs in Regions 1 and 4 and others. However, for cost purposes, we are to cost the remaining 3.5 years for system support and for training. Correct? Is training planned every year for the total participants? Is training needed in Year 1 as the Consultant would be deploying the system and it likely would not be available for use? Is the level of system support defined elsewhere (other than Section 3.5.8)??

Answer: Correct. As stated in Section 3.5.7 “For the purpose of their proposals, Consultant’s should base their annual training planning on the number of users defined for Region’s 3 and 8” (Table 7). Training will be required as soon as the system is ready to be deployed. If the system is not available the first year, training would not be required. The level of system support is only defined in Section 3.5.8 and Section 13 of Attachment 1 – Draft Contract.

Question #133: In Section 3.6.1, Req. C-53, it states that “... consultant shall have a minimum of experience providing ATMS and installation services using the solution it has proposed.” At this point, the RFP is referring to the overall consultant. However, in Section 3.6.2 (where it discusses ‘Consultant Key Personnel’), the specific key personnel requirements do not specifically state the ATMS experience necessarily being the one proposed. Is that correct? For the key personnel, overall ATMS experience is valuable.

Answer: Section 3.6.1 states “The consultant's team experience must be relevant and must be for services comparable, in scale and scope, to NYSDOT’s operation” This refers to the team assigned to this project, including the Key Personnel.

Question #134: Will the attendance sheets for the three meetings be available on the website?

Answer: Yes.

Question #135: In the RFP, there’s an Attachment 10 (Consultant Employment Disclosure Legislative Forms A and B) included. What is its purpose. If used, where is it placed in the proposal? Cost section? Technical proposal section? Sorry, I do not see where it’s referenced on the checklists for both the Technical and Cost proposal portions?

Answer: These forms are not required as part of the RFP response. Section 6.10 includes the following information on these forms:

“Consultant Employment Disclosure Requirements of this Project”

“The Consultant selected for this solicitation shall be required to complete ‘State Consultant Services – Contractor’s Planned Employment’ (Attachment 10, Consultant Disclosure Legislation Form A) and submit when the contract is signed. For each contract year thereafter, the Consultant shall complete the “State Consultant Services Contractor’s Annual Employment Report” (Attachment 10, Consultant Disclosure Legislation Form B) and submit copies to the Office of the

State Comptroller, the Department of Civil Service, and the Department of Transportation on or before May 15th of each year the contract is in effect.”

Refer to Question #195

Question #136: For Attachment 8 (Cost Proposal), the notes to the price sheets state that we should include " travel costs, parking fees, and any other ancillary fees and costs including permits, licenses, insurance, etc." in our price. Where in the price sheets should these costs be included?

Answer: These fees, charges and costs must be incorporated into the one-time and recurring costs that appear in the worksheets, e.g. hourly rates, software one-time costs, unit annual costs.

Refer to Question #95, 104, 124, 131, and 215 for more information relating to Attachment 8.

Question #137: Announcement #5 states the proposal is due at 3:00 PM (NY Time) on July 31, 2012, as do pages 1, 52, and 55 of the RFP. On pages 34 and 44 of the RFP it states that proposals are due to the NYSDOT Contract Management’s office no later than 2:00 PM ET on the specified proposal due date. Please confirm the time the proposal is due on July 31, 2012?

Answer: The proposals are due at 2:00 PM ET on August 21, 2012.

Question #138: On page 39 of the RFP, Attachment 4, Staffing Plan and Resumes is listed as a part of Section 4.2.5, Experience and References and Section 4.2.7, Staffing Plan. Should the full response to Attachment 4, Staffing Plan and Resumes be included in both places?

Answer: Edits have been made to Section 4.2 to clarify the Technical and Management Response requirements.

Refer to Question #146, 189, 190, 222, and 236 for more information relating to Attachment 4.

Question #139: With regards to the Region 3 license plate readers, what model/version are the readers? How is the data used? How are we supposed to use the data for ATMS purposes??

Answer: Currently, Region 3 does not have license plate readers. Although, there are no current or planned projects that include license plate readers, there are some areas where this technology could be beneficial.

Refer to Question #126, 176, and 213

Question #140: To which line item(s) in the Pricing Summary sheet is the DBE goal (percentage) applied?

Answer: The DBE goal percentage is not applied to pricing. It is considered in the Pre-Screening as described in Section 5.2.1.

Question #141: It appears that all hardware other than the server computers (e.g., workstations, network switches, rack space, rack mounting hardware, battery backup, cables, etc.) either exist or will be provided by the DOT separately. If this is incorrect, which such items are to be priced in addition to server computers (rack-mount CPU units and a shared keyboard/monitor/mouse drawer)?

Answer: The Vendor must price all equipment necessary to install and maintain the proposed software. Vendors must provide a complete and comprehensive description of all the hardware required for use by their systems and account for each of these items in their cost proposal. They cannot assume that there is hardware at the regions that can be

leveraged by their solution. This includes all major components such as: workstations, network switches, battery backup, etc. NYSDOT will use this information to make a determination about hardware needs and will procure, install and maintain all hardware required for the ATMS system.

Refer to Question #105 for more information.

Question #142: The OGS contract pricing related websites appear confusing and error prone. Is there someone at NYSDOT or OGS or the product vendors that can assist with questions about contract pricing as we prepare our cost proposals?

Answer: Bidders may contact the OGS Contract contacts as listed on each contract award document for assistance in preparing their responses.

Question #143: In the Cost Proposal hardware bill of materials, what extended warranty or service/maintenance options should we include in the one-time cost? Further, in the Cost Proposal hardware and software bills of materials, what taxes, delivery charges, or other costs should be added to the prices obtained from the contract pricing websites?

Answer: Only one time hardware and software costs as found on the OGS contract website should be included on the BOM spreadsheets. No warrantee, taxes, delivery charges, or other costs should be included in the price.

Question #144: Given the unusually long offer period (365 days), how will cost escalation be allowed for during that period?

Answer: No cost escalation will be allowed during the offer period.

Question #145: The RFP implies different proposal sections in the submittal checklist and in the text following that checklist. If the Technical and Management part of the proposal is to have specific section headings, please confirm that those headings are to correspond to the headings used for RFP sections 4.2.3 to 4.2.7.

Answer: Yes, and these sections must include any attachments required.

Question #146: In the Staffing Plan and Resumes (Attachment 4), to avoid wasted page space is it acceptable to forgo the use of a form for the personnel profiles and provide the same information in normal text format with the text in the left column appearing as headings?

Answer: Respondents are required to use the forms in the Attachments for ease of review by NYSDOT staff.

Refer to Question #138, 189, 190, 222, and 236 for more information relating to Attachment 4.

Question #147: On the CD/DVD in the Cost proposal envelope, is it sufficient to provide only the Excel file with the filled-in cost forms, or must the Contract section forms also be provided in electronic form?

Answer: Please provide all documents on the CD/DVD.

Question #148: For the system server computers, is there a preference to either use or not use virtual machines (e.g., VMware products)?

Answer: No preference. If the vendor feels the usage of virtualization will accomplish the mandatory requirements as outlined in the RFP, then feel free to incorporate it in your system design.

Question #149: Please explain system requirement 2.2 – control independence of each device.

Answer: The ATMS software needs to be able to control an individual VMS.

Refer to Question #247 for more information.

Question #150: Please explain system requirement 2.14 – semi-automatic VMS display mode.

Answer: The ATMS software needs to be able to change from one message to another based on a schedule or priority. The software will notify the operator that the message is about to change and once the operator approves, the action is confirmed.

Question #151: Please explain system requirement 2.17 – what is “Word Blocking”? The previous requirement (2.16) already requires an approved word list.

Answer: Approved words are akin to those already in the dictionary. Word blocking is used for unapproved abbreviations, profanity, etc.

Question #152: Please explain system requirement 4.9 – traffic data sensor detail.

Answer: Traffic Sensor detail is information about the sensor: type, brand, model, serial number, status and a hyperlink to the inventory.

Question #153: Please explain system requirement 4.10 – traffic data sensor summary.

Answer: It is a summary of all traffic data sensor information in one location.

Question #154: Please explain system requirement 8.5 – offline programming.

Answer: If ATMS programming is needed, it must be done offline so that the users remain online. Once the programming is complete, the operators can log off, the update can be installed and the operators log in again.

Question #155: Please explain system requirement 8.6 – communication protocol diagnostic.

Answer: The ATMS shall produce a printable report of communication ports online, failed ports and errors for cellular, T-1 and fiber communication methods. The ATMS should monitor the system; report failures, give alerts such as servers, drivers or network pending failure, timeouts, power issues and internal system temperature. Servers report to a SYSlog server daily. Critical items needs to be printable.

Question #156: In system requirement 13, Traffic Signal monitoring and operations support, it mentions that this function is currently handled by an existing Streetwise server. Is the new ATMS to replace the Streetwise server, or interface to it? If the server is to be replaced, do the current traffic controllers support a full NTCIP implementation, or will they need to be upgraded to firmware that is compatible with the new ATMS?

Answer: There are no requirements to replace the existing Streetwise server or interface to the software. At this time, it is anticipated that Streetwise will remain the preferred software for signal control and the vendor’s proposal only needs to demonstrate its capability to provide signal control. It will not be necessary to replace the Streetwise server.

Refer to Question #129, 165, and 193 for more information relating to Streetwise.

Question #157:

Noted Contract Provision	Proposed alternative Language or suggested mitigation strategy	Justification or Question
<p>4.4.1. <i>Scope Changes</i>. NYSDOT reserves the right, <u>unilaterally</u>, to require, by written order, changes by altering, adding to or deducting from the Scope of Services, such changes to be within the general scope of the Contract. NYSDOT may make an equitable adjustment in the Contract price or delivery date if the change affects the cost or time of performance.</p> <p>No extra work shall be started prior to written authorization from the State.</p>	<p>NYSDOT reserves the right to require, by written order, changes by altering, adding to or deducting from the Scope of Services, such changes to be within the general scope of the Contract and with agreement from the contractor . NYSDOT may make an equitable adjustment in the Contract price or delivery date if the change affects the cost or time of performance.</p> <p>No extra work shall be started prior to written authorization from the State.</p>	<p>Unilateral change by NYSDOT is risky. Contractor should have the right to refuse scope change.</p>

Answer: Article 4.1.1 stands as written. This is the standard language used in similar NYSDOT contracts.

Question #158: Contract item 7.1.2 *Inspection by Federal Officials*. Consultant agrees to permit the Secretary of Transportation and the Comptroller General of the United States, or their authorized representatives, to inspect all Project work, materials, payrolls, and other data, and to audit the books, records, and accounts of Consultant and its contractors pertaining to the Project. Consultant agrees to require each third party contractor to allow the Secretary of Transportation and the Comptroller General of the United States, or their duly authorized representatives, to inspect all work, materials, payrolls, and other data and records involving that contract, and to audit the books, records, and accounts involving that contract as it affects the Project. Is it a requirement of contractors bidding on this project to have an accounting system that is fully compliant with FAR Part 31?

Answer: Since federal funds are being used in this contract, the selected Consultant shall comply with these and other federal requirements contained in the RFP and its draft contract.

Question #159: Indemnity – 8.1, 8.2, and 8.3: Is NYSDOT receptive to negotiation of indemnification terms to limit indemnity to third party claims of tangible property, such claims being the result of contractor negligence?

Answer: NYSDOT does not have the ability to negotiate these items.

Question #160: Contract item 9.1.8: Insurance Deductibles - If the Consultant's deductible in a self-administered program exceeds the amount of the bid deposit, the Consultant shall furnish an irrevocable Letter of Credit as collateral to guarantee its obligations. Is NYSDOT receptive to a letter of guarantee versus a Letter of Credit?

Answer: NYSDOT is not receptive to a letter of guarantee.

Question #161: Contract item 11.1 *Federal Law*. The applicable provisions of Federal Law and regulation provide for the non-Federal parties of an agreement to retain all intellectual property rights developed under this Agreement, subject further to the provisions defining, identifying, allocating or restricting such rights otherwise set forth herein. Will a license to use the developed software be granted to the contractor for such software developed for NYSDOT?

Answer: NYSDOT is receptive to discussing this provision with the selected consultant during contract negotiations.

Question #162: 13.2.1 *Terms and Conditions of Support*. (a) Subject to such different or additional terms and conditions as may be set forth in Requirements of the RFP, and any other part of this Agreement, Consultant shall at minimum provide good and sufficient twenty-four-hour, year-round support through a toll-free "800" telephone number connection to Consultant's technical support staff, and through an Internet web site through which NYSDOT staff may contact Consultant's technical support staff 24 hours a day, 7 days a week, 365 days per year, in order to present inquiries and/or requests for support and technical assistance, and obtain such assistance. Is the 24/7/365 support requirement satisfied if the support request is acknowledged within 24 hours? Can you please clarify what constitutes sufficient support?

Answer: Table 10 on Page 30 of the main body of the RFP details the service level of support required from the selected consultant. However, NYSDOT may be receptive to discussing this requirement with the selected consultant during contract negotiations.

Question #163: The NYDOT regions currently have a wide variety of ITS systems. Please identify which of these systems are to be replaced by the new ATMS supplied by the Contractor and which will be retained. For those systems to be retained, does the ATMS need to interface with them, are the interfaces defined and available to the Contractor?

Answer: The ATMS software will replace the current ATMS systems within Regions 3 and 8. In Region 8, the system will replace the command and control functions of TransCommander, and in Region 3, the ATMS system will replace the OEM software that came with the field equipment. Interfaces to other software as necessary – TRANSCOM's OpenReach, CARS, 511NY, etc must be maintained. Region 3 will continue to maintain the OEM software as a backup system for their equipment. The interfaces are defined and will be available to the Contractor.

Question #164: The project includes integration with multiple field devices from a variety of vendors. Are all devices NTCIP compliant? If not what protocols are used and are the interface protocols available?

Answer: All devices are NTCIP compliant or the interface protocols will be available to the awarded vendor.

Question #165: Will the ATMS directly interface with the traffic signals to monitor intersection status or will the ATMS interface with a traffic signal system such as Streetwise? If an interface is required to the traffic signals directly what controllers are being used and what are the communication interface protocols? If an interface to Streetwise or equivalent system is required what is the communication interface and is the data schema available?

Answer: At this time, it is anticipated that Streetwise will remain the preferred software for signal control and the vendor's proposal only needs to demonstrate its capability to provide signal control.

Refer to Question #129, 156, and 193 for more information relating to Streetwise.

Question #166: Can you confirm that we will have remote access to the ITS field devices for system integration testing?

Answer: Yes, remote access will be available for system integration testing. The ITS network has access to the internet. A VLAN would have to be set up by the vendor.

Question #167: Can you confirm that we will have remote access to the ATMS once it is deployed in the State's environment for final integration testing and maintenance?

Answer: Remote access can be established on an as needed basis, but Vendor (and processes) must comply with NYSDOT security policies.

Question #168: Are there any requirements in relation to the integration of detection data from multiple different sources (for example, Blue tooth data and other VDS data)?

Answer: Sensor data shall be fused so as to produce a speed map utilizing a variety of existing sensors. A BlueTOAD sensor might be adjacent to a loop and an Acoustic sensor downstream from a TRANSMIT sensor.

Question #169: Some requirements refer to the integration of devices that are not in the initial deployment regions. Will devices be available for integration testing and acceptance testing for the devices that are not in the initial deployment region? If not, how will this functionality be tested for acceptance?

Answer: It is only necessary that the vendor be able to demonstrate that their system can provide ramp metering as part of their proposal. There are no further requirements for the installation and system acceptance of that portion of the system as part of the Region 3 and Region 8 solution.

Refer to Question #106

Question #170: Can we assume for pricing purposes that any required setup or configuration of field devices will be provided by others?

Answer: No. NYSDOT may assist but the selected vendor may need to make configurations to the existing field equipment.

Question #171: Can we assume that the State will provide all field device configuration data, so we will not need to make field visits?

Answer: Yes.

Question #172: Please provide more information relating to existing and anticipated communications between the TMCs. Are there bandwidth limitations? Does it support multicast video? Who will be responsible for state firewall modifications?

Answer: We are still evaluating the future of the ITS network - whether it will go on the NYSDOT network or run on the statewide network or be a completely separate network. For the purpose of this proposal the plan is for Regions 3 and 8 to run on their own networks only. There is no additional information regarding the future of communication between TMC's.

Refer to Question #102 and 103 for more information.

Question #173: How do you communicate to your HAR? Can we assume we will have a dedicated connection to each HAR, or are they dial up connections?

Answer: Region 8's portable HAR station is accessibly through an AT&T cellular connection. Region 3 does not have HAR.

Question #174: With regard to the definition of "special configuration-CNF" versus "out of the box-OB", can we assume that items that are supported through basic system configuration are considered "OB". For example virtually every device requires configuration, and many of our components of the system are configurable through basic tables. This type of configuration can be done through an ATMS GUI. Would configuration done through a GUI be considered out of the box?

Answer: Performing normal system configuration tasks such as adding a device with attributes e.g. device type, model number, communications type, polling period, communications protocol, location or contact information through the system GUI would be considered "out of the box".

Question #175: The requirements refer to map and Schematics. What are you looking to have the schematics show that would not be displayed on the system map?

Answer: A schematic represents a simplified, "not to scale" view of the system map. The highway system in Region 10 has to be schematic due to its size - schematic views are used to simplify the view of complex and/or tightly spaced highway systems such as the highway system on Long Island.

Refer to Question #99, 108 and 179 for more information.

Question #176: Requirement 3.4 refers to the ability to collect and display information from license plate readers. Can you provide more detail as to what you are looking for here? Are these to be used to calculate travel times?

Answer: It is only necessary that the vendor be able to demonstrate that their system can provide support for license plate readers as part of their proposal. There are no further requirements for the installation and system acceptance of that portion of the system as part of the Region 3 and Region 8 solution.

Refer to Question #126, 139, and 213

Question #177: Further to Question 14, in attachment 5 there is a requirement for actual travel times as opposed to estimated travel times. In order to determine these travel times is an interface to TRANSMIT available?

Answer: Yes. Details will be provided to the selected vendor during system development.

Question #178: The bullets on page 10 of the RFP include: "Potential for future in house NYSDOT IT infrastructure support. " Can you provide more details as to the type of support you are referring to?

Answer: The provision for potential in-house NYSDOT IT infrastructure support includes support for servers, storage, network (gear & connectivity), backup and recovery and data center. NYSDOT plans a hybrid approach of both TMC support staff and ITD staff to provide hardware support.

Question #179: Page 19 of the RFP says NYSDOT will provide existing GIS data. Can we assume the state has a full set of data that would be required for a statewide ATMS? What is the format of the files to be provided?

Answer: NYS does have statewide GIS data available for layers that would be used in ATMS. The GIS layers are generally maintained in Esri formats and may be delivered in a number of formats including Esri shapefile, Esri Geodatabase (version 9.3 or 10) and Esri or OGC GIS web service.

Refer to Question #99, 108 and 175 for more information.

Question #180: With regard to the Defect Service Level Objectives listed on page 30 of the RFP, could you confirm the requirement to have Priority 3 defects resolved in 2 business days? Typically this type of issue would be scheduled for the next deployment. This is much more cost effective.

Answer: The objectives on Page 30 are goals the Department would like the vendor to meet. NYSDOT will work with the Vendor on a defect by defect basis. If additional time is required to resolve the issue based on the nature of the defect, NYSDOT will consider that. System upgrades not related to a necessary operational feature of the system will be allowed to wait for the next scheduled deployment.

Question #181: Hardware and COT's software is to be provided by the State. Will the cost of this hardware and software be included in the evaluation? If so will the bidders' estimates of these costs be included in the evaluation or will the State estimate these costs based upon the details supplied by the bidders?

Answer: The cost of the total solution as shown in the Project Total line on the Pricing Summary worksheet of Attachment 8 will be included in the evaluation, including hardware and COTS based on the details provided by the bidders on the Hardware BOM and Supporting Software BOM worksheets.

Question #182: In the tender documents a price is requested for ATMS software licenses specifically only for Region 3 and Region 8. As part of the evaluation the evaluation committee will estimate the cost to expand the system. How do we provide a cost for a statewide license which may be more cost effective for the state?

Answer: In Section 1.3.2, the RFP states "NYSDOT is seeking an Enterprise Software License to cover all software licensing and updates for all NYSDOT regions."

In Section 4.3.1, the RFP states "NYSDOT is seeking an Enterprise Software License to cover all software licensing and updates for all NYSDOT regions for the duration of the contract."

In Attachment 8, ATMS Software Detail worksheet, the instructions state "Enterprise licenses are required - unlimited servers, work stations, field devices, concurrent users and administrators for New York State entities as described in this RFP".

Question #183: With respect to the Insurance Requirements for the Contract, would the NYSDOT remove the requirement to have project specific insurance (per-job or per-project basis) and replace it with a requirement to have a company practice insurance?

Answer: All insurance articles in the RFP's draft contract (save 9.1.8) stand as written.

Question #184: With respect to Clause 8, Consultant's Liability: Indemnification, of the proposed Draft Contract, would the NYSDOT consider indemnification from actions "arising from the Consultant's negligent work", instead of "arising from the Consultant's work"?

Answer: Article 8 stands as written.

Question #185: In the draft contract, Attachment 1, Section 10.2.1 states, Consultant grants a royalty-free, perpetual, transferable, nonexclusive and irrevocable license for all Intellectual Property related to the Licensed Consultant-owned Software for authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT). Also, for the purposes of clarity, can this section be revised to include a clarifying statement at the end to read: "10.2.1 Consultant grants a royalty-free, perpetual, transferable, nonexclusive and irrevocable license for all Intellectual Property related to the Licensed Consultant-owned Software for authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT), for the purposes of managing traffic within the state of New York."?

Answer: While NYSDOT is responsible for managing traffic within the state of New York, the ultimate vision for this software would include the ability to manage traffic in concert with out of state entities (ie, the NITTEC arrangement in western NY).

Question #186: RFP, Page 34, Section 4.1, Paragraph #4. "Consultants must submit Part I and Part II in separate sealed labeled packages." Instead of shipping two separate boxes to NYSDOT, request permission to separately box and seal the Tech and Cost proposals and then place the two sealed boxes into a separate larger box for shipment.

Answer: It's permissible to ship both sealed parts in one box.

Question #187: RFP, Page 34, Section 4.1, paragraph #5. RFP requires printing on letter (8.5 x 11 inch) paper with the exception of illustrations which may be printed on 11 x 17 and folded. Several of the worksheets in the Excel workbook of Attachment 8 are set to print on legal (8.5 x 14) paper but even at that size they violate the request to print no smaller than 8 point font. Please provide direction regarding the printing of the excel spreadsheet given the contradictions (print on letter when the worksheets are formatted legal) and impracticality (due to width of worksheets).

Answer: It is suggested that larger spreadsheets be printed out in legible sections, with the largest allowable being 11X17. Readability is more important then the number of pages. The MS Excel soft copy version carries the same font restriction.

Question #188: RFP, Page 35, Section 4.2, Checklist item #3. Please confirm NYSDOT is expecting the "Names of person(s) who prepared proposal?" in the submittal letter and not somewhere else in the submittal.

Answer: The name(s) of those preparing submissions must be indicated in the cover letter and in Attachment 2, Consultant Certifications and Information. This information can also be found on the proposal's front cover.

Question #189: RFP, Page 35-39, Section 4.2, checklist and following section narrative. The checklist includes items not included in the following narrative; the narrative includes items not in the checklist. The RFP states "Please be sure that these instructions are followed to ensure that

your proposal is considered responsive to be eligible for contract award.” Please confirm proposal should follow the checklist or the narrative or a combination of the two. Specifically,

Checklist	RFP Narrative
Ten (10) Printed and bound hard copies of Part I plus one copy of Part I on CD/DVD in MS Office 2007 compatible format.	4.1
Securely sealed and clearly labeled with the consultant’s name, address, and telephone number and the words “ATMS RFP Part I — Technical and Management Proposal (C030789)”	4.1
Name of person(s) who prepared proposal	Absent from Narrative
Contact person(s), email addresses and telephone numbers	4.2.1
Signed Cover Letter on official business letterhead	4.2.1
Table of Contents identifying each major section and initial-page numbers	4.2.2
Executive Summary of proposed approach	4.2.3
Technical and management approach	4.2.4 requires System Requirements and Technical Approach. However, Management approach covered in “Technical Approach” (Requirements C-1 to C-36). System Requirements response missing from Checklist
Description of maintenance and support services	4.2.4 requires System Requirements and Technical Approach. However, Maintenance and support services covered in “Technical Approach” (Requirements C-37 to C-42)
Complete and submit Attachment 3 Company Experience and References	4.2.5 requires completion of Attachment 3.
Complete and submit Attachment 4 Staffing Plan, Resumes, Project Experience and References	4.2.5 and 4.2.7 require completion of Attachment 4
Complete and submit Attachment 7 Requirements Traceability Matrix with an indication of proposer’s ability to meet system requirements	4.2.4 requires completion of Attachment 7
	4.2.6 Project Schedule, missing from checklist
	4.2.7 Staffing Plan, required twice by narrative
	4.2.4 Technical Solution

Checklist	RFP Narrative
	Description, missing from checklist

Answer: Edits have been made to Section 4.2 to clarify the Technical and Management Response requirements.

Refer to Question #138, 146, 190, 222, and 236 for more information relating to Attachment 4.

Question #190: Attachment 4, Page 1. Table of Contents refers to “Key Personnel Profiles and References,” yet the required profile sheets do not require references. Please confirm references are not needed for personnel.

Answer: Edits have been made to Section 4.2 to clarify the Technical and Management Response requirements.

Refer to Question #138, 146, 189, 222, and 236 for more information relating to Attachment 4.

Question #191: Attachment 5, page 1: “The consultant must respond to every requirement. The consultant must also respond to any “specific instructions to respondents” by providing the page number in their proposal where the fulfillment of the requirement is provided. Not providing the page number where the requirement is addressed in the proposal will result in a lower score. Failure to respond to each and every requirement may lead to proposal dismissal on non-responsive grounds.” Please confirm that “must respond to every requirement” is requesting narrative within the proposal of the requirement and how it will be satisfied by proposed solution and rightmost column should contain proposal section / appendix #, proposal page number, section number (if applicable), paragraph number of description.

Answer: NYSDOT is confirming that “must respond to every requirement” is requesting a description of how a firm’s proposal respond to each RFP requirement and how it will be satisfied by the firm’s proposed solution. The rightmost column should contain proposal section and/or appendix number, proposal page number, section number (if applicable), paragraph number of description, etc.

Question #192: Attachment 5, Requirement 12.3, Page 15. Please define acronym FEU.

Answer: The acronym ‘FEU’ stands for ‘Full Event Update’, a TMDD message type: “The information content describing an owner center’s event information for a given set of events.” This will be inherent in the NYSDOT GIS platform.

Question #193: Attachment 5, Page 15, Requirement 13. “The system shall provide Traffic Signal monitoring and operations support including signal failure notification (Currently handled by central NYSDOT server – Streetwise). Please provide information regarding interface to Streetwise. We have approached Naztec for same and the answer the interface is proprietary.

Answer: At this time, it is anticipated that Streetwise will remain the preferred software for signal control and the vendor’s proposal only needs to demonstrate its capability to provide signal control.

Refer to Question #129, 156, and 165 for more information relating to Streetwise.

Question #194: Attachment 8, “Pricing Itemization” worksheet. The worksheet provides four tables: Region 3 Deployment Tasks, Region 3 Annual Training Support, Region 8 Deployment Tasks and Region 8 Annual Training Support. Some of the tasks in the Deployment Tasks are Program level tasks and not specific to either region. For instance, Project Initiation and

Planning, System Configuration, System Construction and System Acceptance are project level activities, not region specific (with possible exception of System Acceptance if there will be a System Acceptance test for Region 3 and a separate System Acceptance test for Region 8). Thus it seems the worksheet should have a project level table for Project Initiation and Planning through System Acceptance and then separate tables for System Implementation Data Migration and Training. However, that would then have Training in two places for each region – one the deployment tasks and another in the Annual Training Support Table. Please provide guidance.

Answer: Each region is standalone in the initial deployment, and all tasks should be scheduled and be included in the Attachment 8 worksheets by Region as indicated. Training costs should be included for initial deployment training and annual training in each of the two regions.

Question #195: Attachment 10, “Consultant Employment Disclosure Legislation Form A.” Please confirm these are for informational purposes only and will be completed by the successful consultant and not to be completed for submittal with proposal (Form B is annual report and to be submitted with proposal).

Answer: These forms are not required as part of the RFP response. Section 6.10 includes the following information on these forms:

“Consultant Employment Disclosure Requirements of this Project”

“The Consultant selected for this solicitation shall be required to complete ‘State Consultant Services – Contractor’s Planned Employment’ (Attachment 10, Consultant Disclosure Legislation Form A) and submit when the contract is signed. For each contract year thereafter, the Consultant shall complete the ‘State Consultant Services Contractor’s Annual Employment Report’ (Attachment 10, Consultant Disclosure Legislation Form B) and submit copies to the Office of the State Comptroller, the Department of Civil Service, and the Department of Transportation on or before May 15th of each year the contract is in effect.”

Refer to Question #135

Question #196: Attachment 14, page 13, section VMS, paragraph 2. “Approximately 40 older portable signs are deployed... it is expected that these signs will be replaced in the near future.” Please confirm the proposed ATMS does not need to support these 40 older signs.

Answer: Region 8’s approximately 40 older PVMS are not equipped with cellular modems and therefore will not be integrated into the ATMS.

Refer to Question #210 for more information.

Question #197: Attachment 15. Please supply protocol documents for the devices the ATMS is expected to support. I.e. supply protocol documents for the devices listed in Attachment 15.

Answer: Some equipment is NTCIP compliant. Protocol documents will be provided to the selected vendor.

Question #198: General. Given that the selected consultant will not be responsible for procurement or installation of hardware, are there tasks known to NYSDOT for which the selected consultant will be required to make use of union labor?

Answer: NYSDOT is not aware of any tasks, specifications or requirements carried via its ATMS RFP solicitation which requires the use of union labor. This is not a public works contract. It is up to each responding party to determine how to competitively respond to the RFP's requirements and specifications.

Question #199: General. Attachment 1 heavily implies this procurement contains Federal funds without explicitly stating so. Please confirm this procurement is funded (in part or in whole) using Federal funds?

Answer: It is NYSDOT's intentions to use federal funds in Contract #C030789.

Question #200: RFP Draft Contract Article 9.1.3 (a) Because we will be performing the work in Texas, we take exception with the requirement to provide Certificates of Insurance in the form provided by the Department (C218 or successor) unless such forms have been officially approved by the Texas Department of Insurance in accordance with the Texas Senate Bill 425. Request insertion of "Where permitted by law" at beginning of the first sentence and addition of "unless approved by the Department" to the end of the last sentence.

Answer: If the services being supplied by a consultant are being done within New York state, then the insurance requirements of New York state apply. If the services being supplied by a consultant are being done outside of New York state, then the insurance requirements of host state apply. If a firm provides 'transient' labor (ie, no physical presence in NYS – no office, just a hotel, briefcase, etc.), then the insurance requirements of host state apply.

Question #201: Attachment 1, Page 10, Section 9.1.5, Primary Coverage. Our professional liability insurance is excess over other valid and collectible insurance. Please confirm it is acceptable to insert "and Professional Liability" after "workers' compensation" in line 1?

Answer: Article 9.1.5 stands as written.

Question #202: Attachment 1, Page 10, Section 9.1.6, Waiver of Subrogation. Please confirm it is acceptable to exclude Professional Liability insurance from this exclusion. I.e. insert "except Professional Liability Insurance" after the word "Consultant" in line 2?

Answer: Article 9.1.6 stands as written.

Question #203: Attachment 1, Page 10, Section 9.1.8, Self-Insured Retention/Deductibles. Paragraph states in part, "Consultant administered insurance deductible shall be limited to the amount of the bid deposit or \$100,000, whichever is less." Please change deductible limit to \$250,000.

Answer: Article 9.1.8 stands as written.

Question #204: Attachment 1, Page 11, Section 9.1.9 Waiver of Indemnities. Is it acceptable to preface both sentences with "Except with respect to Professional Liability insurance?"?

Answer: Article 9.1.9 stands as written.

Question #205: Attachment 1, Exhibit D: 2.1 Fixed Price (Lump Sum) Milestone Payments. Please provide sample copy of FIN 110 for review.

Answer: A sample of FIN421, which is the standard consultant reimbursement form used in these types of contracts, is available via: <https://www.nysdot.gov/main/business-center/consultants/consultants-repository/Consultant%20Billing%20Spreadsheets.xls>.

Question #206: Please confirm if the DBE requirement is 5% or 10%?

Answer: The contract DBE goal for C030789 is 5%. Please disregard any reference to a 10% DBE goal and substitute the 5% DBE goal as found.

Question #207: Are WBE listed in the NYSUCP acceptable for DBE content?

Answer: Unless a UCP filing error has occurred, any firm listed in the NYSUCP is considered to be a certified DBE in current good standing. Some MBE and some WBE firms become cross-certified as DBEs. Only NYUCP certified DBEs count.

Question #208: How is the video transmitted to Trafficland?

Answer: TrafficLand servers are connected to the R3 ITS network via a video sharing switch located in the DMZ section of the network. This switch is attached to the R3 ITS firewall. TrafficLand then transmits to their servers via two T-1 lines that they pay for. In Region 8, TrafficLand is connected via ethernet with access lists through a VLAN.

Question #209: Allegiant video switch: Should an interface to this switch be included in our proposal since the goal is to go all IP? If so, how many and which cameras connect to it directly? Can an input/output assignment list be provided? Assume serial interface to switch via terminal server: what is the model number and firmware version?

Answer: It is likely that the Allegiant video switch won't be needed once the TMC is IP. About 15 cameras connect to the Allegiant video switch and an assignment list can be provided to the selected vendor.

Refer to Question #240 for more information on the Allegiant video switch.

Question #210: Sign Drivers: The RFP indicates that approximately 40 older portable signs will be replaced in the near future. Should driver support for these signs be included in our proposal?

Answer: These signs have no communication.

Refer to Question #196 for more information.

Question #211: Attachment 15 includes a Trafcon Portable CB. Is an interface required to this device? Is so, can NYSDOT provide protocol documentation for the TCWT-1?

Answer: That is beyond the scope of this RFP and an interface is not necessary.

Refer to Question #232

Question #212: Is the MarkIV reader a direct interface or does this information come through TRANSCOM?

Answer: The information comes through TRANSCOM.

Question #213: Is there currently a license plate reader system deployed? If so, what manufacturer and model? What is the architecture of the system?

Answer: It is only necessary that the vendor be able to demonstrate that their system can provide support for license plate readers as part of their proposal. There are no further

requirements for the installation and system acceptance of that portion of the system as part of the Region 3 and Region 8 solution.

Refer to Question #126, 139, and 176

Question #214: Web Map Service Layers, req. 7.5 – please elaborate on specifics of the desired functionality.

Answer: The goal of this requirement is allow NYSDOT to add other relevant GIS information to the ATMS interactive map using an open standard GIS web service.

Examples of information that may be useful on the ATMS map are traffic events from the 511NY map and weather conditions/radar from the National Weather Service. WMS is an [Open Geospatial Consortium](#) standard GIS web service that many information providers publish and many GIS/mapping engines support.

Question #215: Where should expenses and other direct costs be included in the proposal? Are these costs part of the combined rate?

Answer: These fees, charges and costs must be incorporated into the one-time and recurring costs that appear in the worksheets, e.g. hourly rates, software one-time costs, unit annual costs.

Refer to Question #95, 104, 124, 131 and 136 for more information relating to Attachment 8.

Question #216: Do the Teleste encoders pass PTZ commands through to the Ultrac cameras? If so, does this support NTCIP or Pelco protocols?

Answer: No, the Digi Port server does that. Teleste passes PTZ commands to the Pelco Spectra IV. This does support NTCIP protocols.

Question #217: Is the consultant allowed to take any exceptions to the terms and conditions in the RFP's draft contract (Attachment 1)?

Answer: NYSDOT does not allow proposers to take exceptions to the RFP's draft contract (Attachment 1). It is required that all responding firms accept the RFP draft contract's terms and conditions as is; firms are allowed to ask questions about the RFP's draft contract during the RFP Q&A period.

Question #218: Please verify that E&O insurance (RFP draft contract article 9.2.5) is required for this contract.

Answer: Either Professional Liability insurance or Errors and Omissions insurance coverage is required. If a firm currently does not have either insurance coverage, getting reimbursed for the RFP-required insurance coverage is eligible for reasonable direct non-salary reimbursement. If a firm does have this insurance, it is expected that this expense is included in a firm's overhead.

Question #219: Warranty Disclaimer (RFP draft contract article 15.4): Please clarify the following statement: "In no event may the consultant disclaim the implied warranties of merchantability and fitness for a specific purpose, nor any warranties, implied or express, that the operation of the software will be uninterrupted or error free." Does the State intend to assert zero system downtime during warranty? Can the State define "error free"

Answer: Yes, the intent is for the ATMS System to be up and running at all times.

Question #220: Will the State allow modification to the wording of draft contract article 16.1 Suspension or Termination for Convenience of NYSDOT or article 16.2 Suspension or Termination for Cause?

Answer: Both article 16.1 and article 16.2 stand as written.

Question #221: RFP Draft contract, article 16.9: Please confirm there are no incidental, indirect, special, consequential, or punitive damages associated with this contract.

Answer: NYSDOT cannot confirm these situations, and the article 16.9 stands as written.

Question #222: For all staff personnel, it states that we should provide two references. Where is this information to be provided on Att. 4? Are these to be references for specific projects that each person was involved in? What's needed for each reference? Name, agency, title, contact no.? Other??

Answer: Edits have been made to Section 4.2 to clarify the Technical and Management Response requirements.

Refer to Question #138, 146, 189, 190, and 236 for more information relating to Attachment 4.

Question #223: RFP draft contract article 4.4 states that Consultant shall perform the work with the "skill expected of a company with extensive experience..." This may raise the applicable standard of care to an uninsurable level. Therefore, the following modifications to the text of the second sentence of Section 4.4 is requested: "The consultant shall perform the work in accordance with professional standards and with the diligence and skill expected of a company with extensive experience in the performance of the work of the type described in this Agreement."

Answer: The contract provision of article 4.4 stands as written. This language appears in all NYSDOT non-A/E draft contracts.

Question #224: Section 8.1 includes indemnification provisions that are broader than what our insurers deem to be acceptable. Most significantly they indemnify NYSDOT against claims arising from the "work under the contract" and not simply claims arising from Contractor's negligent acts. As these indemnities are not tied to negligence they could encompass losses or claims that are not insured under our firm's policies. Therefore it is suggested that the following modifications to the text of the first and second sentences of Section 8.1: "To the fullest extent permitted by law, the Consultant shall indemnify and save harmless the State, any municipality in which the work is being performed, and/or any public benefit corporation, railroad, or public utility whose property or facilities are affected by the work, from suits, claims, actions, damages and costs, of every name and description arising from the Consultant's negligent work under its the contract during its prosecution and until the final acceptance thereof. The Consultant and any assigns, heirs, or successors in interest shall also indemnify and save harmless, to the fullest extent permitted by law, the consultant inspecting engineer or inspector working for the State relative to the project from suits, claims, actions, damages and costs involving personal injury and property damage arising from the Consultant's negligent work under the contract during its prosecution and until the final acceptance thereof."

Answer: Article 8.1 stands as written.

Question #225: Additionally, Contractor, as per the final paragraph of Section 8.1 and per Section 8.2, is required to pay defense costs in connection with such claims. This represents

another uninsurable liability as my firm's insurers will generally not pay the direct defense costs incurred by my firm's clients to defend claims that are the result of alleged professional negligence. Therefore, it is requested that the defense obligations of Sections 8.1 and 8.2 be removed.

Answer: Article 8.1 and article 8.2 stands as written.

Question #226: Section 9.1.1 provides that the insurance "shall apply separately on a per-job or per-project basis." That is not how my firm's coverage would apply and is not, to our knowledge, typical of standard policies carried by professional consultants such as us. The language appears to be more appropriate for project-specific policies. Please clarify the nature of the requested coverage.

Answer: Article 9.1.1 stands as written.

Question #227: Section 9.1.5 provides that "[a]ll insurance policies, excepting workers' compensation, shall provide that the required coverage shall be primary as to any other insurance..." We have been informed by our insurance representatives that our professional liability policy does not include and will not endorse such language. We therefore request that this Section include a further exception for professional liability policies.

Answer: Article 9.1.1 stands as written.

Question #228: On the site visit to Region 8 TMC, there were 2 pallets of Dell server equipment. Can you please provide details on the make and models of equipment and the systems that will run on this hardware. If the systems that are running on the hardware will be decommissioned, is it up to our team to determine whether or not this equipment is available for reuse through this contract.

Answer: Vendors must provide a complete and comprehensive description of all the hardware required for use by their systems and account for each of these items in their cost proposal. They cannot assume that there is hardware at the regions that can be leveraged by their solution. NYSDOT will have full responsibility for procuring and installing the required equipment proposed by the vendor. Attachment 15 has been updated with the current product information.

Refer to Question #74, 105, and 141 for more information.

Question #229: Can the requirements matrix be updated to include "Phase" for the intended deployment. If a "Mandatory" or "Necessary" requirement is intended for a phase that is 10+ years away, how is this to be evidenced when providing the system? For example, integrating Ramp Metering Systems that are only in Regions 10 and 11. It was noted at the bidders meeting that other regions will bring on Ramp Metering in the near term but these currently don't exist - so how do vendors show this functionality within their systems?

Answer: No. The system must be able to provide all of the requirements outlined in Attachment 5, regardless of the phase they will be installed. It is only necessary that the vendor be able to demonstrate that their system can provide support for certain requirements as part of their proposal. There are no further requirements for the installation and system acceptance of those portions of the system as part of the Region 3 and Region 8 solution.

Question #230: Is there a preference for any specific Milestones and Milestone dates, other than the Phasing shown in the RFP?

Answer: No, NYSDOT does not have any specific milestones or milestone dates – these shall be discussed with the selected Consultant during contract negotiations.

Question #231: Who is paying for the support of the existing systems (hardware and software) until such time our software / systems are online? What are the existing support agreements that each Region has?

Answer: The Contractor will not be responsible for the support of existing systems (hardware and software). NYSDOT has processes in place to maintain these systems.

Question #232: Attachment 15 – Inventory states that Region 8 contains 1 Trafcon Portable CB Model TCWT-1. Can you please clarify what this equipment is, its primary function, and how its intended to be integrated with the ATMS?

Answer: That is beyond the scope of this RFP and an interface is not necessary.

Refer to Question #211

Question #233: Page 9, Section 1.3.2 – Please clarify whether NYSDOT plans to use the new ATMS for both ATMS and ATIS functionality. Will NYSDOT consider using the new software to replace CARS in region 3 and OpenREACH in Region 8 so there is a single system for data entry?

Answer: NYSDOT plans on using the ATMS system as an ATMS system only.

Question #234: Page 11 – The RFP states “The initial deployment of the ATMS in regions 3 and 8 will be “stand alone” for Phase 1. Is there no expectation for each region to be able to view the other’s devices and/or cover each other during emergencies? If not – at what point (during what phase) is NYSDOT seeking this capability?

Answer: There is no expectation during the deployment of a Region 3 and Region 8 ATMS to connect the Regions for communication. If this were to occur, it would be during a subsequent phase via Supplemental Agreement.

Question #235: Page 19 – RFP states “ It is expected that a redundant VPN connection will be created between Level 3 TMCs and Level 1 and Level 2 “affiliate” TMCs” – When is this expected to happen?

Answer: There is no expectation during the deployment of a Region 3 and Region 8 ATMS to connect the Regions for communication. If this were to occur, it would be during a subsequent phase via Supplemental Agreement.

Question #236: Can you please revise and reissue page 39 of the RFP. There are some inconsistencies on this page and between the write-up of sections 4.2.5 and 4.2.7

- The paragraph starting “NYSDOT Requires Substantial...” appears to cover a lot of material that are equally applicable to sections 4.2.5 and 4.2.7.
- RFP Page 39 / Section 4.2.5 and 4.2.7: The write-up for both sections specify inclusion of Attachment 4 – Staffing Plan. Please clarify where Attachment 4 should be placed in the proposal.

- RFP Page 39, Section 4.2.5 – This section calls for a DBE management plan yet attachments 12 and 13 are supposed to be included with the cost proposal. Please verify that the DBE management plan should be included in section 4.2.5 or 4.2.7?

Answer: Edits have been made to Section 4.2 to clarify the Technical and Management Response requirements.

Refer to Question #138, 146, 189, 190, and 222 for more information relating to Attachment 4.

Question #237: Please clarify the apparent contradiction between Attachment 15 and the NYSDOT Traffic Management Systems Deployment Summary by Region -- .In Region 3 in Attachment 15 lists two Weather Sensors that are not in the summary.

Answer: Attachment 15 is correct.

Question #238: Question related to Attachment #14: Is there a fiber connection between the primary and backup TMC for Region 3?

Answer: No there is not a fiber connection between the primary and backup TMC for Region 3.

Question #239: Question related to Attachment #14: Is there a backup location for Region 8 and if so is it connected by fiber?

Answer: The Region 8 HVTMC has no separate backup location.

Question #240: Question related to Attachment #14: For Region 8, what is the format of the video feeds out of the Allegiant Switch (MJPEG, MPEG-2, MPEG-4, or H264)? For Region 8, what is the format of the video feeds out of the Allegiant Switch (MJPEG, MPEG-2, MPEG-4, or H264)? For Region 8, what is the format of the video feeds out of the NY Thruway (MJPEG, MPEG-2, MPEG-4, or H264)? For Region 8, what is the format of the video feeds out of the Westchester County CCTV (MJPEG, MPEG-2, MPEG-4, or H264)? For Region 3, what is the format of the video feeds that the partners are receiving, MPEG-2?

Answer: Onondaga Co. 911 partner is receiving MPEG-2. In Region 8, the video feeds out of the Allegiant switch are MPEG-4. The format of the video feeds from the NYS Thruway are MPEG-4 through V-Brick. The format of the video feeds for the Westchester County CCTV are MPEG-4 and a few are MPEG-2.

Refer to Question #209 for more information on the Allegiant video switch.

Question #241: Question related to Attachment #5 Video Recording: How does NYSDOT envision using the recording feature? Is it the intention to record all cameras 24/7 or on-demand in the event of a major incident?

Answer: As part of our current policy, recording is only allowed for brief periods of time for training purposes. NYSDOT will be reviewing this policy in the future and making a determination if longer term recording could and should be allowed. For purposes of this proposal, the Consultant should assume only brief recording is done, however, the system must be able to be upgraded to allow for longer term recording.

**ATMS RFP C030789
Q&A Being Released Via Modification #2**

Question #242: Reference the Draft Contract, page 12. Please add the following text to this section:

10.2 Consultant-Owned Software.

10.2.1 Consultant grants a royalty-free, perpetual, transferable, nonexclusive and irrevocable license for all Intellectual Property related to the Licensed Consultant-owned Software for authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT).

10.2.1.1

- **Neither NYSDOT nor any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT), shall sell, re-sell, lease, assign, sublicense, or otherwise transfer to any third party, directly or indirectly, the Consultant-Owned Software (source or executable code) or any license or right granted hereunder, in whole or in part.**
- **Neither NYSDOT nor any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) shall reverse compile, reverse engineer, modify, disassemble, translate, copy or in any way duplicate the Consultant-Owned Software, in whole or in part. Consultant hereby authorizes NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT), to copy the Software solely for their own internal use for restart purposes or to replace worn copy, provided the Software is used only on the Specific Equipment.**
- **Neither NYSDOT nor any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) shall not export or re-export outside the United States, the Software, in whole or in part.**
- **NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) shall reproduce and include copyright and proprietary notices on all copies of the Consultant-Owned Software in the same form and manner that such copyright and proprietary notices are included on the Consultant-Owned Software by Licensor.**
- **NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) acknowledges that the Consultant-Owned Software constitutes a valuable asset of Consultant and is to be considered proprietary information of Consultant, and that, by virtue of herein, NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) shall acquire only the right to use the Consultant-Owned Software under the terms and conditions hereof and shall not acquire any rights of ownership in or title to the Consultant-Owned Software.**
- **NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) warrants that all persons who it has authorized to use the Software will observe and perform the covenants set herein. NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) agrees to maintain the Software in secure premises to prevent any unauthorized person from gaining access thereto and to give Consultant written notice of any unauthorized disclosures or use of the Consultant-Owned Software as**

soon as NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) becomes aware of it.

- NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) shall notify and inform its employees and any third parties having access to the Software of NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT)'s limitations, duties and obligations regarding non-disclosure and copying of the Software. The Consultant-Owned Software shall be used only by employees of the Licensee and any third parties who are necessary to NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT)'s exercise of its rights hereunder and then only at the location of the Specific Equipment. Any agent or third party NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) desires to use the Consultant-Owned Software will first execute a non-disclosure agreement in a form acceptable to Consultant prior to commencing use of the Consultant-Owned Software. NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) shall take reasonable security measures to protect the Consultant-Owned Software from being accessed by unauthorized third parties.
- NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) acknowledges that unauthorized disclosure of the Consultant-Owned Software will diminish substantially the value of the Consultant-Owned Software. If Licensee violates the provisions of this Agreement, the CONSULTANT shall be entitled to obtain equitable relief and/or monetary damages to protect its interest herein.
- Notwithstanding any termination provisions of this Contract, the obligations set forth in this Section shall survive the termination of the Contract.
- The License to use the Consultant-Owned Software shall terminate when NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) discontinues the use of the Consultant-Owned Software on the Specific Equipment or discontinues the use of the Specific Equipment, whichever first occurs. This License may also be terminated by The CONSULTANT if the NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) fail to comply with any term or condition of this Section and fails to correct such noncompliance within 15 days after receipt of Consultant's written notification thereof or such longer period as Consultant may allow in writing.
- Within 30 days after any termination of this License, the NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) shall return to Consultant all copies of the Consultant-Owned Software supplied or made under this Contract together with a signed letter certifying that the NYSDOT or any authorized users of the NYSDOT ATMS system (including entities outside of NYSDOT) has discontinued all further use of the Software and that all copies have been returned to Consultant or that they have been destroyed.
- Any changes, modifications or maintenance or repairs not authorized by the CONSULTANT to the Consultant-Owned Software or operating environment to which it has been installed, including additional and/or unauthorized programs to

systems hardware and/or workstations that result in system problems, shall automatically void any warranties herein or elsewhere in the Contract documents.

- **THE WARRANTIES OF CONSULTANT CONTAINED HEREIN ARE APPLICABLE ONLY IF THE Consultant-Owned Software IS USED ON THE SPECIFIC EQUIPMENT AT THE LOCATION(s) SPECIFIED HEREIN. CONSULTANT MAKES NO WARRANTY, EXPRESS, IMPLIED OR OTHERWISE, IF THE Consultant-Owned Software IS USED ON ANY OTHER EQUIPMENT OR AT A LOCATION OTHER THAN THAT IDENTIFIED.**

Justification: From the wording in the RFP, it was understood that NYSDOT would not be receptive to agreeing to a proposer's standard license agreement. The above addition captures the most salient licensing terms normally included in such procurements within the parameters of the RFP instructions.

Answer: Article 10.2 stands as written.

Question #243: Are we limited to only 5 total projects in Att. 3? If so, can we add further relevant projects in the Appendix?

Answer: To treat all firms equitably, only the first five (in order of appearance) projects listed in Attachment 3 shall be considered. There is no guarantee that any projects listed beyond the first five projects shall be considered.

Question #244: Does the information required for the Staffing Plan need to be in Attachment 4 as well as the body of the response to the last section (defined as 'Staffing Plan')?

Answer: As stated in Section 4.2.7, the Staffing Plan and Resumes information requested must be presented via completed Attachment 4. Respondents should not duplicate the information in Attachment 4 in the main body of the proposal. Respondents may supply additional explanatory Staffing Plan information included in the main body of the proposal and it shall be evaluated along with all information contained in completed Attachment 4.

Question #245: What is the total budget for the Region 3 and Region 8 deployments. What is the target budget for the ATMS deployments?

Answer: To ensure competitive technical and cost proposals are submitted, NYSDOT is not at liberty to divulge that information prior to proposal submission. This information will be revealed after consultant selection.

Question #246: In response to the answer of #39, does NYSDOT have a software video decoder for MPEG-4 that can be utilized as part of our solution?

Answer: Yes. The software that Region 3 uses to decode the video streams can also decode MPEG-4.

Question #247: ATMS System Requirement 2.2 states: The system shall provide Control independence of each device (VMS). Please explain the intent of this requirement.

Answer: The system shall have the capability to control/operate/query each VMS individually.

Refer to Question #149 for more information.

Question #248: Please clarify Requirement 2.9.1: “The system shall provide Automatic selection of VMS delay messages based on sensor data”. Are you looking for automatically posting travel times to a VMS when delay is detected?

Answer: No, not necessarily. The system shall be able to automatically post any pre-programmed message when delay is detected (Delays Ahead, Travel Time to..., etc). The message selected should be based on thresholds (parameters) that are user definable.

Question #249: Please clarify the Requirement 2.20: “The system shall provide emergency diversion route plan implementation and sign support”. Explain what you envision the ATMS being able to do.

Answer: The system shall invoke a pre-determined diversion plan (upon confirmation by an Operator) and have the messages and the signs associated with the plan automatically deployed. The system should also allow the plan to be modified by giving the operator the ability to exclude/include signs as required by the event.

Question #250: Please define the terms “Individual Mainline Detector Station,” “System Mainline Detector Station,” “Individual Ramp Detector Station,” and “System Ramp Detector Station.” as used in ATMS System Requirements 4.13.1 through 4.13.4.

Answer: The intent is that we want to know information from an individual detector or a detector station as a whole (which has multiple detectors that are aggregated into it). Ramp detector or station is just an extension of an individual detector or detector station in that is located by a ramp and encompasses not only mainline detectors but the detectors on the ramp. These ramp locations may or may not be instrumented with Ramp Meters.

Question #251: ATMS System Requirement 5.1 states “The system shall provide Firmware for existing DOT 2070E controllers used for ramp metering.” Since the system will not be in use for several years and the technology will change replacing 2070E controllers with an alternative, is firmware for 170 Controllers an acceptable alternative to 2070E firmware?

Answer: No, 170 Controllers are no longer on the NYSDOT QPL.

Question #252: Please clarify requirement 5.1: “The system shall provide Firmware for existing DOT 2070E controllers used for Ramp Meters” – what do you mean by “providing firmware” An ATMS system does not provide firmware. Are you looking for vendors to quote and provide the firmware?

Answer: The Department is looking for the vendor that is supplying the ATMS system to also supply firmware that runs on a DOT 2070E controller and is compatible (integrated) into the ATMS system being provided so that ramp meters can be monitored and controlled from the TMC using the ATMS software. In addition to Ramp Metering, the firmware should also be able to aggregate data from field detectors as documented in this specification. Current means of interfacing with detection are as follows:

- Region 3 connects directly to their acoustic detectors through a digi terminal server using the Smartek software, and the terminal server converts the Ethernet (TCP/IP) protocols to serial communications. It is expected that the ATMS software will replace the existing Smartek software and be able to communicate directly with the detector and extract the data as documented in this specification.

- **Region 8 connects to its Acoustic and Loop detection through a BL-2000 Series Controller. The current model that we are using is the BL-2030 provided by Smartek.**
 - **Region 8's TrafficCast BlueTOAD (Bluetooth Travel-time Origination and Destination): The system calculates travel time through analysis of subsequent detections. TrafficCast provides the TMC with an XML feed and a method to log on to their website with our dedicated HVTMC credentials and retrieve the Data.**
 - **Region 8's TRANSMIT data is available from TRANSCOM through an XML feed**
- These various methods of detection require a means through the ATMS system to be processed as documented in this specification and have their speed data displayed on the TMC workstation and video wall map.**

Question #253: ATMS System Requirement 6.4 states: "The system shall provide Failure Classification and Action: Detector and Field Controller." The sentence as written is not clear. Please rephrase the requirement and clarify what types of classification and actions you expect the system to take.

Answer: The requirement refers to communication or device failure either at the detector or at the field controller. The system shall provide for failure classifications for power and communications loss on field equipment. The action required is to send an alert and log the failure.

Question #254: Please clarify requirements 6.6 and 6.7: Is the intent to inform operators of the temperature for controller/cabinet associated with field devices?

Answer: The intent is to provide the ability to set a threshold for the temperature of equipment / cabinet and then get an alarm if the threshold is exceeded. This is so that equipment that is temperature sensitive can be monitored and appropriate action to prevent catastrophic failure of the device can be taken.

Question #255: Follow-up on Requirement 7.3 and Question 99 --Can you please provide an example of a "schematic"? Are you talking about schematic associated with devices or the roadway itself?

Answer: A schematic is a "not-to-scale" drawing of the area and roadway network with field devices displayed in approximate locations on the drawing.

Refer to Question #99, and 175 for more information.



Question #256: To build on question #240: Is the video multicast? What is the transport protocol?

Answer: For the Region 3 TMC: The video is multicast. The transport protocols are Internet Streaming Media Alliance (ISMA), Internet Protocol (IP), UDP, Real Time Streaming Protocol (RTSP), Real Time Protocol (RTP).

For the Region 8 TMC: Out of the Allegiant Switch - multicast to decoders @ HVTMC then output to the Allegiant Switch, Output signal is Analog to the wall thru Activu Server which is explained as VGA, not digital. Out of the NYS Thruway – MPEG-2 and MPEG-4 multicast received through VBrick Stream Player plus and then captured by Activu agent and sent to the wall. Out of Westchester County - MPEG-2 & MPEG4 on a proprietary Web-based program developed for WC on a workstation here at the HVTMC. Presently Westchester County is upgrading so that we can receive Multicast through the network.

Question #257: The answer to question 192 in Attachment 16 states “The acronym ‘FEU’ stands for ‘Full Event Update’, a TMDD message type: ‘The information content describing an owner center's event information for a given set of events.’ This will be inherent in the NYSDOT GIS platform.” What is meant by “This will be inherent in the NYSDOT GIS platform”?

Answer: That last sentence was added in error – please disregard.

Question #258: The answer to question 164 states in part:, “Interfaces to other software as necessary – TRANSCOM’s OpenReach, CARS, 511NY, etc must be maintained.” What interfaces to other software in addition to the three listed (OpenReach, CARS, 511NY) are required??

Answer: There are no other interfaces at this point in time.