

~ November 9, 2012 ~

Announcement of Release of the RFP for  
**STATEWIDE DRUG AND ALCOHOL TESTING SERVICES FOR NYSDOT**  
**Contract #C031104**

The New York State Department of Transportation (NYSDOT) announces the release of a best-value Request for Proposals (RFP) seeking the services of a responsive and responsible consultant to provide Statewide Drug and Alcohol Testing Services for NYSDOT for a 36 month time period (estimated 3/1/2013 through 2/29/2016), under Contract #C031104. A source list of potentially interested firms has been prepared and will be available on NYSDOT's website in the near future.

NYSDOT has approximately 4,500 employees who report to approximately 300 work locations throughout New York State, excluding the five boroughs of New York City. Sample collection will occur at either the NYSDOT worksite or a designated collection site (within a 30 mile radius of NYSDOT worksites) for all types of required alcohol and drug tests (random, follow-up, pre-employment, reasonable suspicion/ cause and post-accident). Testing must be accomplished in full compliance with the provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA), as administered under the authority of the U.S. Department of Transportation (USDOT) by the Federal Motor Carrier Safety Administration (FMCSA) and is incorporated herein (49 CFR Parts 382, et. al. - Controlled Substances and Alcohol Use and Testing; Rule and Proposed Rule and 49 CFR Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs: (Final Rule)) and the NYSDOT Drug Free Workplace Policy which is incorporated in the RFP.

Although NYSDOT will consider worksite collection and/or designated collection site drug and alcohol testing services for our regions/residencies, NYSDOT anticipates making only one (1) award as a result of this solicitation. Proposers may sub-consult or form teaming arrangements in order to provide all necessary services and/or both types of testing services (worksite/designated collection site).

The RFP will contain a full description of this project and requirements, including all the information necessary for firms to submit a complete proposal.

<https://www.dot.ny.gov/business>

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

**NYSDOT has established a preliminary M/WBE participation contract goal of twenty (20) percent.** This goal relates to the total cost of the project budget. Meaningful participation by a certified M/WBE prime or subconsultant will count toward the contract goal for this solicitation. **Please refer to the RFP for specific information regarding the MWBE participation contract goal.**

## **PROCUREMENT LOBBYING LAW COMPLIANCE FOR CONTRACT #C030788**

**Required Forms:** The consultant shall sign and e-mail/fax the following forms. These forms are part of and due with the consultants' proposals.

- a) **"Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)"**
- b) **"Offerer Disclosure of Prior Non-Responsibility Determinations".**

### **NYSDOT Guidelines and Procedures:**

Under the requirements of the State Procurement Act, all communications regarding advertised projects are to be channeled through NYSDOT Contract Management (\*Designated Contacts). Until a designation is made, communication with any other NYSDOT employee concerning this project that is determined to be an attempt to influence the procurement may result in disqualification. Refer to "NYSDOT PROCUREMENT LOBBYING LAW GUIDELINES AND PROCEDURES" – see the Consultant's page at NYSDOT's "Doing Business With DOT" web site: <https://www.dot.ny.gov/portal/page/portal/main/business-center/consultants/non-architectural-engineering>

### **Contacts Prior to Designation:**

Any communications involving an attempt to influence the procurement are only permitted with the following Designated Contact Persons:

- The Contract Management Designation Contract Analyst
- The Contract Management Designation Analyst Supervisor
- The Contract Management Civil Rights Unit Supervisor
- The Contract Management Assistant Directors
- The Contract Management Director

These are some communications exempted from this restriction:

- Participation in a pre-proposal conference
- Submittal of written questions when written responses will be provided to all offerers
- Protests, complaints of improper conduct or misrepresentation

If any other NYSDOT employee is contacted and they believe a reasonable person would infer that the communication was intended to influence the procurement, the contact must be reported by the NYSDOT employee. If the Department determines an impermissible contact was made, that offerer cannot be awarded the contract. A second violation would lead to a four-year bar on the award of public contracts to the offerer.

### **Contacts After Designation:**

NYSDOT identifies its primary negotiation contacts. The designated contacts include:

- The Contract Management Negotiation Contract Analyst
- The Contract Management Negotiation Analyst Supervisor
- The Contract Management Civil Rights Unit Supervisor
- The Contract Management Assistant Directors
- The Contract Management Director
- The Consultant Management Bureau consultant job manager
- The Consultant Management Bureau consultant job manager's immediate supervisor
- Individual(s) that the Department may identify at or after designation

The law does not limit who may be contacted during the negotiation process. However, if any NYSDOT employee is contacted and they believe a reasonable person would infer that the

communication was intended to influence the procurement, the contact must be reported by the NYSDOT employee.

**Information Required from Offerers that Contact NYSDOT Staff, Prior to Contract Approval by the Office of the State Comptroller:**

The individuals contacting NYSDOT should refer and shall be prepared to provide the following information, either by e-mail or fax as directed by NYSDOT:

Person's name, firm person works for, address of employer, telephone number, occupation, firm they are representing, and whether owner, employee, retained by or designated by the firm to appear before or contact the NYSDOT.

**Applicability to an Executed Contract:**

Restrictions similar to those described above apply to approval or denial of an assignment, amendment (other than amendments that are authorized and payable under the terms of the procurement contract as it was finally awarded or approved by the comptroller, as applicable), renewal or extension of a procurement contract, or any other material change in the procurement contract resulting in a financial benefit to the offerer. The staff noted above as well as the project manager and consultant manager are considered designated contact persons. The Department may identify other contact persons for each of these processes.

**Rules and Regulations and More Information on this Law, Please Visit:**

[http://www.ogs.ny.gov/aboutOgs/regulations/defaultSFL\\_139j-k.asp](http://www.ogs.ny.gov/aboutOgs/regulations/defaultSFL_139j-k.asp) (Advisory Council FAQs)

<http://www.jcope.ny.gov/> (Joint Commission on Public Ethics-New York State Lobbying Act)

or contact the designated NYSDOT Contact Person:

Mr. Kathy Fitzpatrick  
NYSDOT Contract Management  
50 Wolf Road, Suite POD 6-2  
Albany, New York 12232-0203  
E-mail: [Kathy.fitzpatrick@dot.ny.gov](mailto:Kathy.fitzpatrick@dot.ny.gov)  
Voice: (518) 457-2600  
Fax: (518) 457-2875