November 26, 2012

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR PROPOSALS (RFP)

MANAGEMENT, BUSINESS DEVELOPMENT AND CAPITAL MANAGEMENT SERVICES FOR REPUBLIC AIRPORT FOR NYSDOT
Contracts #C031108 and #C031121

RFP MODIFICATION No. 1

Dear Sir or Madam:

Reference is made to the subject solicitation wherein the amendments and changes detailed below are hereby incorporated. A one-page mandatory acknowledgement form is included.

Request for Proposals (RFP) Main Document:

1. RFP Section 1.2.2 ‘Project Background’, second paragraph (page 2): The fourth sentence is being replaced to read as follows: “For the Operations Contract (C031108), the State contemplates the award of a fully-loaded, specific hourly rate contract (a change from the present arrangement).”

2. Section 2.3.2 ‘D/M/W Enterprise Participation’, paragraph 4: NYSDOT’s policy regarding its MWBE goals changed after publication of the Republic Airport RFP. The RFP shall now state that the combined 20% MWBE goal relates to total contract cost (or total budget). Also, Page 3 should state: “For Contract #C031121 (Cap), the 18% DBE goal relates to the total dollar value of the project budget.”

3. Section 2.3.5 ‘Other Contract Objectives’, third lettered item c: The RFP has two distinct MWBE and DBE goals, therefore this sentence is being clarified to read as follows: “Select a consultant who either meets/exceeds contract #C031108’s combined 20% MWBE goal and who either meets/exceeds contract #C031121’s 18% DBE goal or provides the State with an acceptable good faith effort(s) if either goal is not met.”
4. Section 4.2.5 ‘Organization and Staffing’, the second numbered paragraph: Replace the third sentence as follows: “In Attachment 8A (2of2), indicate the percentage of time that would be committed by each team member to this project.”

5. RFP Section 4.3.3 ‘DBE Participation’, paragraph 2 (Page 22): The RFP’s mention of a 4% DBE goal for C031108 is in error. The RFP should state that: “The combined MWBE goal for C031108 is 20%, and the DBE goal for C031121 is 18%.”

6. RFP Section 5.2.1 paragraph 1 should state: “If the proposed DBE participation is less than the combined 20% goal established for C031108 (Operations) and/or if the proposed DBE participation is less than the 18% goal established for C031121, then the firm’s evidence of a Good Faith Effort (Attachment 10, DBE Subconsultant Participation Solicitation Log) to achieve both goals will be reviewed, along with the firm’s letter of explanation (DBE Goal Attainment Explanation Letter) as to why it was unable to meet the goal(s).”

7. RFP Section 5.2.2.2 ‘Part II Cost Proposal Evaluation’: To clarify ambiguities regarding how cost proposals shall be scored, this subsection is being replaced to read as follows:

   Cost proposals will be evaluated for reasonable and lowest costed elements, including reasonable operating labor rates (salary rates, overhead rates and fee) and reasonable capital management fee (submitted via Attachment 8). Clarification questions may be asked. Proposed costs for each contract shall be evaluated separately. Cost proposals shall be point scored and will account up to 50 points of the total best value score.

   For Ops C031108: The cost of labor shall be evaluated by averaging all Specific Hour Rates for all proposed titles per the specified percentages (full time positions = 100%) over all five years of the contract’s base term. The cost proposal with the lowest average labor rate shall receive a perfected cost score of 22 points. Higher average rates shall receive proportionately lower cost scores.

   For Cap C031121: The cost of managing Republic Airport’s capital facilities shall be calculated by evaluating the proposed annual management fee percentage over the five contract years. The cost proposal with the lowest average management fee shall receive a perfected cost score of 28 points. Higher average management fees shall receive proportionately lower cost scores.

   The cost scores for C031108 and C031121 shall be added together to produce the total cost score.

An electronic copy of the revised RFP is available upon request.

**Request for Proposals (RFP) Attachments:**

1. Attachment 1A, Draft Ops Contract #C031108, Article 8 ‘Provision for Payment’: Article 8 has been replaced to include Specific Hourly Rate payment language and the non-pertinent Cost Plus payment language has been deleted. Revised Article 8 for C031108 now reads as follows:
ARTICLE 8. PROVISION FOR PAYMENT.

The STATE shall pay to the CONTRACTOR, and the CONTRACTOR agrees to accept as full compensation for his services under this AGREEMENT (a summary of the estimated costs under subarticles 8.1 through 8.6 is listed as EXHIBIT 2):

8.1 Specific Hourly Rates of pay shown in SCHEDULE B (EXHIBIT__) for all employees assigned to this PROJECT on a full-time basis for all or part of the term of this AGREEMENT, plus properly allocable partial salaries of all persons working part-time on this Project, not to exceed the maximum allowable Specific Hourly Rates of pay defined in SCHEDULE B of this AGREEMENT. The Specific Hourly Rates are not subject to audit, however, the number of hours charged is subject to audit. If the AGREEMENT is extended beyond (end date in Article 6), then all of the Specific Hourly Rates of pay shown in EXHIBIT__ are eligible for rate adjustments. They may be increased annually by the lower of either the percent change for the Producer Price Index – Architectural, Engineering and Related Services (Series ID: PCU5413--5413-- ) for the most recent 12 month period as calculated by the U.S. Department of Labor - Bureau of Labor Statistics, or 1.5%, all subject to current market conditions. If at any time the above Index Series ID is discontinued or becomes unavailable, the STATE reserves the right to implement a comparable Index.

8.2 Overtime shall be paid out as one and one-half times the Specific Hourly Rate for that title.

8.3 Actual Direct Non-Salary Costs incurred in fulfilling the terms of this AGREEMENT are subject to audit. Such costs will include but are not necessarily limited to those items shown in EXHIBIT 2. All reimbursement for travel, meals and lodging shall be made at actual cost paid, but such reimbursement shall not exceed the prevailing maximum rates established by the State Comptroller. Items purchased under this AGREEMENT shall become the property of the STATE, or at the option of the STATE, appropriate value shall be established as a credit to the STATE.

8.4 Fringe Benefits may be audited based upon the Federal Acquisition Regulations, sub-part 1-31.2 as modified by sub-part 1-31.105.

8.5 For the purpose of this AGREEMENT, an accounting period shall be the CONTRACTOR'S fiscal year. An audit of the accounting records of the CONTRACTOR shall be made by the STATE for each accounting period.

8.6 The number of months of training provided under TRAINING SPECIAL PROVISIONS (Article 11, Appendix C) is ________. [OPTIONAL]

2. Attachment 1B: Draft Cap Contract #C031121, Article 12 ‘Requisitions and Payments’, subarticle 12.1: To clarify the payment method, Subarticle 12.1 has been clarified by adding new item 12.1.2 (with the remaining items renumbered accordingly). Revised Subarticle 12.1 for C031121 now reads as follows:

ARTICLE 12. REQUISITIONS AND PAYMENTS.

12.1 Progress payments shall be made in accordance with the progress of work under a Supplemental Agreement upon Contractor's request on vouchers to NYSDOT under the following conditions:

12.1.1 Payment for Eligible Project Costs shall be made on a regular monthly or other periodic basis, as established by Supplemental Agreement, but no more frequently than twice each month;
12.1.2 Payment for Eligible Project Costs shall be made via an annual fixed management fee applied to the total cost of each Capital Project Management project assignment under C031121. The fixed management fee for each contract year shall cover all services provided for the entire five year contract term. It is anticipate that this Capital Management fee will be paid upon completion of specific individual project milestones of each assigned capital project.

12.1.3 Applications for progress or final payments shall be made on standard State Vouchers prepared and certified by the CONTRACTOR. Such vouchers shall be submitted by the CONTRACTOR to the Department for approval for payment and by the Department to the Office of the State Comptroller for payment. The STATE will endeavor to process approved vouchers so that payments will be made not later than fifteen (15) days from the submission of approvable vouchers by the CONTRACTOR and in any event shall make payment within thirty (30) days in accordance with the provisions of the STATE's Prompt Payment Law, as defined in Section 179(f) of the State Finance Law.

12.1.4 Such payment request vouchers shall be in a summary form and should include such other records as may be required by NYSDOT. All documents supporting Eligible Project Costs incurred by the Contractor shall be maintained in a secure manner by the Contractor at its respective Airport offices, or at such other place as shall be agreed to by NYSDOT and the State Comptroller for purposes of auditing project costs expenditures. All such records shall be retained by the Contractor until six years after completion of the final audit report which will be rendered after the satisfactory completion of all physical work, the acquisition of real property and/or the furnishing of goods or services as provided by this Agreement.

3. Attachment 8, second paragraph, (Page 52): To clarify the payment method under Ops contract #C031108, replace the third sentence to read as follows: “NYSDOT’s overtime and holiday payment policies are shown (Specific Hourly Rate times 1.5; separate OT rate tables shall be added to resulting contract during contract negotiations), which are not subject to change.”

4. Attachment 8A (2of2): The Specific Hourly Rate table for the Ops contract C031108 has been clarified to add a place to enter the percentage of time for each proposed person/title (using the extra space in the first column).

5. New Attachment 18 ‘Questions & Answers’ is being added to the RFP.

6. New Attachment 19 ‘List of Interested Parties’ is being added to the RFP.

7. New Attachment 20 ‘Pre-Proposal Conference Materials’ is being added to the RFP (powerpoint presentation, sign-in sheets).

No other provision of the solicitation is otherwise changed or modified. Direct all questions in writing via e-mail to: Mr. Al Hasenkopf via: Alfred.Hasenkopf@dot.ny.gov

A one-page MANDATORY ACKNOWLEDGEMENT reply form is also attached. Please acknowledge receipt of this correspondence per the instructions given below. Thank you.
An authorized representative of your firm or organization must acknowledge receipt and acceptance of this Modification No. 1 by signing and returning **ONLY THIS ONE PAGE** of this Modification to the undersigned via inclusion in the Contract Section of your firm’s Part II Cost and Contract Proposal to NYSDOT.

ACKNOWLEDGED AND ACCEPTED:                  NYS DEPARTMENT OF TRANSPORTATION:

BY: ______________________________________   BY: original signed by: Alfred P. Hasenkopf, for
NAME: ___________________________         WILLIAM A. HOWE
TITLE: _______________________________
FIRM: _______________________________

Director, NYSDOT Contract Management Bureau