March 2, 2009

REQUEST FOR PROPOSALS
FOR
ENGINEERING SUPPORTIVE SERVICES PROGRAM (ESSP)
SERVICES FOR NYSDOT
Contract #C030587

Dear Sir or Madam:

SUBJECT: MODIFICATION NO. 1 TO REQUEST FOR PROPOSALS – ENGINEERING SUPPORTIVE SERVICES PROGRAM (ESSP) SERVICES FOR NYSDOT

Reference is made to the subject solicitation wherein the following changes are hereby incorporated:

1. After ATTACHMENT 11 (Classroom Space Requirements form), Insert ATTACHMENT 12 (Questions and Answers Regarding the RFP).
2. After ATTACHMENT 12 (Questions and Answers Regarding the RFP), Insert ATTACHMENT 13 (Guidance Regarding a Good Faith Effort)
3. Section V.A, page 22, 5th paragraph, Delete the paragraph in its entirety, and Substitute the following:

   “Technical Interviews are required to complete the technical evaluation of proposals, using the criteria listed below under subsection V.E. Interviews will be held at the Department’s Region 1 Training and Conference Center on April 23, 2009. Firms invited to the Technical Interview will be given a specific time upon being notified of their invitation.”

No other provision of the solicitation is otherwise changed or modified.

A one-page mandatory ACKNOWLEDGEMENT reply 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 one copy 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:

BY: ____________________________
NAME: __________________________
TITLE: __________________________
FIRM: __________________________

NYS DEPARTMENT OF TRANSPORTATION

BY: ______ William A. Howe ______
WILLIAM HOWE
Director, Contract Management
Questions and Answers Regarding the RFP

Q1. On p. 2, D Minimum Technical Requirements. Does the Consultant have to have laboratory and study room space in all three Regions?

   A1. Yes.

Q2. Under that same heading, the RFP projects 36 students annually. Will the Consultant have to recruit these students or will the three Regions identify students who are employees of consulting engineering firms?

   A2. The Consultant will have to recruit these students and present them to consultant engineering firms as trainee candidates.

Q3. Having operated an ESSP-like program for six years we are aware that consulting engineering firms only hire students (trainees) if a contract is let and it has sufficient hours/funds for a trainee. What if the number of contracts let allow for much fewer that 36 students for a year? Will the Consultant be penalized and/or allowed to serve fewer than 36 students?

   A3. The Consultant will be allowed to serve fewer than 36 students if it can prove that there were fewer contracts than expected; the Office of Civil Rights will verify this information. The Office of Civil Rights researched the projected consultant agreement program for Regions 8, 10, and 11 for the service period of this contract and determined that there would be sufficient opportunity to serve at least 36 students.

Q4. We are a public institution. Which of the Attachments do we need to fill out and submit with our proposal?

   A4. All of them.

Q5. Does DOT expect the awardee to place students on trainee jobs after they've gone through the training; or will the students already be trainees of consulting engineering firms; or will it be a mixture of unemployed students and employed trainees?

   A5. Some consulting engineering firms may already have trainees; for example, there could be a NICET Level 1 trainee that the firm would like to upgrade for NICET Level 2 certification. Alternatively, the firm may have recruited a trainee through an employment ad. For those firms that do not already have a trainee or have had unsuccessful recruitment efforts, the consultant is expected to do community outreach and have a candidate pool.

Q6. Does the consultant have to be the owner of the space?

   A7. No, the space can be leased, but there must be space in each Region.

Q7. Is the brochure similar to the previous one?

   A7. Yes.

Q8. What is a CBO?
A8. Community Based Organization – generally at the grassroots level; they know the community well; the leaders and staff can be liaisons between the consultant and the target population.

Q9. In Budget, you have to estimate based on how many students?
   A9. Thirty-six students, twelve per site, as stated in the scope. We want vendor to think about in-kind services that can be provided by instructors such as the “soft skills” (e.g., resume building).

Q10. What about staff travel?
   A10. It already has a line item.

Q11. Is student travel built in?
   A11. Yes. There could be different configurations, such as reimbursement for subway, Metro North rail, Long Island rail, bus, or personal vehicle.

Q12. If you are a trainee on a job, at the end of the job do you want the certification?
   A12. Yes, because it makes the student highly marketable. The scope allows two sittings for an exam in order to obtain certification.

Q13. Instructors aren’t going to be working full time for the consultant; how are they identified?
   A13. If the consultant decides to hire them on a part time basis, the consultant needs to provide a confirming letter from the instructors which states that they do intend to work part time for the consultant.

Q14. In the Budget example (in the PowerPoint presentation), it states “10 instructors”; is that the staffing level that is required?
   A14. No, it is an example only for illustrative purposes.

Q15. Regarding the DBE goal, how will the Department verify a response?
   A16. The Department will look at the quality of the Good Faith Efforts. The vendor does not need to advertise; it just needs to use the NYSUCP DBE Directory. Firms are advised to review Attachment #13 (appended to this Modification) for guidance of a Good Faith Effort.

Q16. Does the project manager need to have an instructional background?
   A16. No, the RFP requirements are what is determined to be the skill set needed for that position.
Q17. Regarding the JUMP Instruction Workshops Page – Is this similar to what you are expecting?
   A17. Yes.

Q18. How did the JUMP Workshops work out?
   A18. We found that having only one location did not work. Many potential trainees missed out on the classroom training. We received a lot of feedback that it was too far to travel from other Regions, so a key change is to have multiple sites.

Q19. Would you be able to provide the Consultant as to where the projects are located, so that we can position an office near the worksite?
   A19. We will try to get that information into a modification. If the Department is unable to provide the information in a Modification, it reserves the right to work with the designated consultant to relocate a proposed classroom location closer to the worksites if it is felt to be in the best interest of the program.
Guidance Concerning Good Faith Efforts
In Meeting DBE Participation Goals in Federally-Funded Contracts

The following is a list of types of actions that demonstrate good faith efforts in obtaining DBE participation for federally-funded contracts. This list is not exclusive or exhaustive. The bidder must show that it took all necessary and reasonable steps to achieve a DBE goal which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

- Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, utilizing the NYSUCP DBE Directory – http://biznt.nysucp.net) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

- Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the bidder might otherwise prefer to perform these work items with its own forces.

- Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

- Negotiating in good faith with interested DBEs – it is the bidder’s responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

- A bidder using good business judgment should consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm’s price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding a DBEs is not in itself sufficient reason for failure to meet the contract DBE goal. Also, the ability or desire to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts.

- Do not reject DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor’s standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union versus non-union employee status) are not legitimate
causes for the rejection or non-solicitation of bids in the contractor’s efforts to meet the project goal.

- Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.