

Joel P. Ettinger
Executive Director

September 18, 2013

REQUEST FOR PROPOSALS
FOR
NYMTC REGIONAL FREIGHT PLAN UPDATE 2015-2040 RFP
CONTRACT C000790

Dear Sir or Madam:

SUBJECT: **MODIFICATION NO. 1 TO REQUEST FOR PROPOSALS –
NYMTC REGIONAL FREIGHT PLAN UPDATE 2015-2040 RFP
CONTRACT No.: C000790**

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

Please be advised that the due date for proposals has been extended to 2:00 PM on October 3, 2013. Please address eight (8) copies of the proposals to the attention of Ismet Apdiroglu, NYMTC, 199 Water St., 22nd Fl., New York, NY 10038-3534. Send three (3) reference copies to NYSDOT, Office of Contract Management, 50 Wolf Road, 1st Fl., Albany, NY 12232, Attn: Mr. Al Hasenkopf, Contract C000790.

1. After ATTACHMENT 10 (**Regional Transportation Plan Timeline**), Insert ATTACHMENT 11 (Questions And Answers from Pre-proposal Conference Held August 27, 2013 And Via Email).
2. After ATTACHMENT 11 (Questions And Answers From Pre-proposal Conference Held August 27, 2013 And Via Email), Insert ATTACHMENT 12 (SIGN-IN SHEET From Pre-proposal Conference Held August 27, 2013).

No other provision of the solicitation is otherwise changed or modified. This letter and its attachments will be posted on NYMTC's and NYSDOT's web sites <http://www.nymtc.org/files.cfm?thecategory=Request+for+Proposals> or NYSDOT's website at: https://www.dot.ny.gov/portal/pls/portal/MEXIS_APP.BC_CONSULTING_NONAE_ADMIN.VIEWFILE?p_file_id=10242.

There are two (2) attachments to this letter:

1. New Attachment 11 Questions and Answers from Pre-Proposal Conference Held August 27, 2013 and via Email.
2. New Attachment 12, SIGN-IN SHEET From Pre-proposal Conference Held August 27, 2013.

**Acknowledgement of Receipt: Modification No. 1 to Request for Proposals –
NYMTC REGIONAL FREIGHT PLAN UPDATE 2015-2040 RFP
Contract No.: C000790.**

An authorized representative of your firm or organization **must acknowledge** receipt and **acceptance** of this Modification No. 1 **by either**:

1. Signing and returning one copy of this Modification to the undersigned; or
2. Acknowledging receipt and acceptance of this Modification in the cover letter which transmits your proposal to NYSDOT.

ACKNOWLEDGED AND
ACCEPTED:

BY: _____

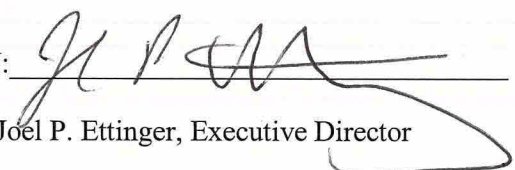
NAME: _____

TITLE: _____

FIRM: _____

DATE: _____

New York Metropolitan Transportation Council

BY:  _____

Joel P. Ettinger, Executive Director

**RFP: NYMTC REGIONAL FREIGHT PLAN UPDATE 2015-2040 RFP, CONTRACT
No.: C000790**

New York State Department of Transportation
New York Metropolitan Transformation Council

**NYMTC REGIONAL FREIGHT PLAN UPDATE 2015-2040 RFP
CONTRACT C000790**

**ATTACHMENT #11
QUESTIONS AND ANSWERS FROM PRE-PROPOSAL CONFERENCE
HELD August 27, 2013 AND VIA EMAIL**

Q1. The RFP states the final day for RFP questions is September 4, 2013. The Pre-Proposal Conference PowerPoint Presentation states that RFP questions are due September 16, 2013. Could NYSDOT please clarify the schedule for RFP Questions and Proposal due dates?

Ans. 1. In the Pre-proposal conference we requested questions by September 4, 2013, however, we accepted later questions and are extending the due date to accommodate responses.

Q2. Under Title IV. Proposal Format And Documents, Section A, Item 8. Experience (Page 31), three reachable references are requested for each proposed key personnel. In addition, three reachable references are requested for each firm. To be clear, are references being requested for each key staff member of the prime consulting firm alone, or for key staff members from all firms on the team?

Ans. 2. We request references for the key members of the team. If a subconsultant has a person who is key then we request references for that subconsultant's employee, for example assistant project manager for the overall project.

Q3. Would it be acceptable to include the key personnel references in each individual's resume?

Ans. 3. Yes, you may include the references in the resume, if desired.

Q4. Please confirm that the exceptions to Terms and Conditions are to be included in the Part II – Cost and Contract cover letter, as stated in the pre-proposal conference presentation, and not in the Part I cover letter, as stated in the RFP.

Ans. 4. That is correct; however, to be responsive, NYSDOT's contract terms and conditions must be accepted as is. These terms and conditions are carefully set per NYSDOT's requirements as well as those from the NYS Office of the Comptroller, the Office of the Attorney General and the federal sponsoring agencies (FTA and FHWA). NYSDOT is under no obligation to consider any exceptions to the RFP's draft contract

and may only consider those exceptions beneficial to the state.

Q5. Please confirm that if the 18 percent DBE participation goal has been attained that a firm does not need to complete and include RFP Attachment 8 – DBE Subconsultant Participation Solicitation Log and a letter of explanation.

Ans. 5. Yes. If a firm's proposal meets or exceeds the 18 percent DBE subconsultant participation goal then the firm does not need to document their Good Faith Efforts to attain the goal nor submit a Letter of Explanation.

Q6. In addition to the printed hard copies of the proposal, are firms to email the documents to Mr. Apdiroglu and Mr. Hasenkopf? If so, do NYSDOT or NYMTC have a file size limit for incoming emails and may we send the documents in PDF format?

Ans. 6. The RFP states that e-mailed RFP responses are not acceptable. To be considered responsive, the RFP does require that firms submit a CD/flash drive of their technical and cost proposals be provided with the paper proposals.

Q7. Do we need to complete and submit RFP Attachment #4 – Consultant Employment Disclosure? If so, should it be included in Part II?

Ans. 7. Not at this time. Only the selected Consultant is required to complete and submit this form during the contract preparation process.

Q8. There is conflicting information with regard to the placement of the FOIL items between the pre-proposal conference presentation and the RFP. Are items to note under FOIL to be placed in Part I after the Table of Contents and before the Executive Summary or included in the Executive Summary Section?

Ans. 8. Please follow the RFP directions and mention in it in the Executive Summary.

SOME CONTRACTUAL CLARIFYING QUESTIONS FROM PRIOR RFP's:

Q9. Is it required for subconsultants to submit the RFP Response Form?

Ans.9. NYSDOT and NYMTC need to know which firms are interested. This includes primes and subconsultants although it is moot now. By expressing interest, firms get their e-mail addresses noted and the list is used to send notices to firms that updates to the RFP have been released.

Q10. In Article 13, Damages and Delays, since this is a lump sum project, will NYMTC consider modifying the language such that the Consultant does not waive all claims for compensation attributable to the delay or stop work order so long as the parties

take reasonable and mutually agreeable efforts to minimize the impact on the work and the cost to the project?

Ans. 10. NYSDOT requires that all responding firms accept the Terms and Conditions (T&C) of the RFP's draft contract. If a responding firm takes any exceptions, the proper place to note such is in the responding firm's cover letter. Be advised that the State of New York (which holds all of NYMTC's contracts) will only consider a T&C exception if it is in the best interest of the state. Regarding Article 13, it is NYSDOT's practice to consider all work in progress; for lump-sum contracts, reimbursements are only for acceptable deliverables.

Q11. In Article 15, Termination, will the State consider modifying the language with respect to payment in the event of termination for convenience such that the Consultant may be paid not only for "completed work" but also for work in process at the time of termination?

Ans. 11. NYSDOT requires that all responding firms accept the terms and conditions of the RFP's draft contract. If a responding firm takes any exceptions, the proper place to note such is in the responding firm's cover letter. Be advised that the State of New York (which holds all of NYMTC's contracts) will only consider a T&C exception if it is in the best interest of the state. Regarding Article 15, it is NYSDOT's practice to consider all work in progress but only to reimburse for acceptable deliverables.

Q.12. With respect to the cost information to be provided, the RFP states that the offeror should provide: staff name, category and rate for identified staff. However, it goes on to state that "if additional titles are used but not assigned, they should be listed as well." Please clarify the intent of the quoted language.

Ans. 12. To completely evaluate and fairly compare all proposals, all proposers' titles must be presented in a firm's cost proposal (and supported in a firm's technical proposal). If you anticipate using additional titles during the course of the contract, it is to everyone's advantage to include those titles with rates in your proposal. This also provides additional flexibility for both parties, especially for the duration of the entire contract.

Q13. The RFP states that the contract will initially be for a 36 month term and may be extended for two, one year options. What information should offerors submit concerning rates that would be applicable in the option years?

Ans. 13. While a firm may offer rates for the contract's out-years, NYSDOT and NYMTC will only evaluate those rates offered for the contract's base term. NYSDOT and NYMTC will consider the additional information for reasonableness and it may or may not play a role during negotiations with the selected firm to extend the contract. For the out-years, the direct labor rates should be estimated to the best of a firm's ability. However, please be aware that the draft contract does contain an out-year rate escalation rule.

Q14: Will the State consider modifying the language such that NYMTC will consult with the Consultant in making the determination as to whether work constitutes extra work?

Ans.14. NYSDOT requires Consultants to have read and accept all substantive Terms and Conditions contained in the draft Contract, including Appendix A, which is included as Attachment #3 in the RFP. Should NYSDOT determine that an extra work situation has arisen, NYMTC, with NYSDOT's assistance, will work with the selected Consultant to supplement the contract accordingly.

Q15: Is the cost of the coverage for Protective Liability Insurance for the benefit of the People of the State of New York reimbursable as a direct non-salary cost? This contract does not expressly provide that this is a reimbursable expense. Please clarify whether this is a cost that is reimbursable under this contract.

Ans. 15: Protective Liability Insurance is not reimbursable as a direct non-salary cost. The cost should be included in your proposal in Overhead.

Q. 16: Do I have to complete ST-220 forms when proposing?

Ans. 16: Forms ST-220-TD and ST-220-CA do not have to be completed when proposing. These forms must be submitted by the selected Consultant during contract negotiations. They are cited in the RFP to make you aware of the requirement.

Q.17: What members are represented on the steering committee?

Ans.17: They would include NYMTC members, such as NYS DOT, Port Authority of NY & NJ, NYC DOT and suburban counties. NYMTC also has several advisory members. To learn more about NYMTC, please visit their website at: www.nymtc.org

Q.18: Do the required insurances have to be in place at the time of submitting the proposal?

Ans.18: No. Insurance certificates are only required to be submitted by the selected Consultant. However, all insurance provisions in the contract are required.

Q.19: Regarding the 18% DBE goal, do MBE/WBE firms count towards goal or just strictly DBE firms certified with NYSDOT?

Ans. 19: It is strictly Disadvantaged Business Enterprises certified under the federal program. The 18 % participation is a goal for subcontracting only. All firms must be certified as a DBE under the Federal requirements to participate on the agreement. If a certified DBE is awarded the agreement as a prime, that firm must still comply with the subcontracting requirements. To be eligible, DBE firms must be certified by one of the Certifying Partners and posted to the Biznet website.

The federal D.B.E. certification is a federal program certification. It is separate and distinct from the State M/WBE program.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION (on behalf of the)
 NEW YORK METROPOLITAN TRANSPORTATION COUNCIL
 NYMTC REGIONAL FREIGHT PLAN UPDATE 2015-2040
 CONTRACT No.: C000790

Date August 27 2013 10:30 AM
SIGN-IN SHEET

NAME	ORGANIZATION	ADDRESS	PHONE/FAX#	E-MAIL
Al Hasenkopf (via phone)	NYSDOT Office of Contract Management	Non-A/E Unit 50 Wolf Rd 1st Fl Albany, NY 12232	V: 518.457-1560 F: 518.457.8475	alfred.hasenkopf@dot.ny.gov
Ismet Apdiroglu	NYMTC	199 Water Street, 22nd Floor New York, NY 10038	Tel: 212.383-2414 Fax number: 212-383-7244	ismet.apdiroglu@dot.ny.gov
Shalendra Ramadhin	NYMTC	199 Water Street, 22nd Floor New York, NY 10038	Tel: 212-383-2417 Fax number: 212-383-7244	Shalendra.Ramadhin@dot.ny.gov
Howard Mann	NYMTC	250 Veterans Memorial Highway Hauppauge, NY 11788	Tel: 631-952-6115 Fax number: 212-383-7244	Howard.Mann@dot.ny.gov

NEW YORK STATE DEPARTMENT OF TRANSPORTATION (on behalf of the)
 NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

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Date August 27 2013 10:30 AM

SIGN-IN SHEET

NAME	ORGANIZATION	ADDRESS	PHONE/FAX#	E-MAIL
PETER PLUMEAU	RSG	180 BATTERY ST., STE 350 BURLINGTON, VT 05401	802-383-0118 x3301	PETER.PLUMEAU@RSGINC.COM
Erik Deline	VHB	1 Gateway Center Newark, NJ 07102	973-776-3706	edeline@vhb.com
DON VARY	CDMS	320 W JERMAN TOWN RD FAIRFAX, VA	301 805-8925	VARY+J@CDMSMITH -COM
MAGGIE CUSACK-STECIUK	PBS ENGINEERING	2012 HOBART AVE. BRONX, NY 10461	on phone 518-538-0296	maggie.cusack-steciuk @pbsengineering.net

