

DETAILED ADVERTISEMENT

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

REQUEST FOR QUALIFICATIONS FOR ARCHITECTURAL/ENGINEERING SERVICES

Initial Publication: September 29, 2022

Submission Due Date: October 17, 2022, by 12:00 noon

Notice is hereby given that the New York State Department of Transportation (NYSDOT) is seeking to award a contract to an engineering firm(s) to perform the following: **Design - Rt 9 from Sleepy Hollow to Hastings Complete Streets Preliminary Engineering.**

This project will utilize Electronic Consultant Selection **Process II.**

Project Details

Contract Number: D038305

Key PIN: 8010.80

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County: Westchester

Work Class: Highway & Bridge

Estimated Contract Duration: 18 months

Consultant Start Date June 1, 2023

Design approval Date June 12, 2024

Consultant Completion Date December 2, 2024

Joint Ventures: Joint Ventures shall not be proposed

Electronic Inventory used: Design

Work Phases Included: Scoping and Preliminary Design Phases I-IV and Construction Support Services may be added by Supplemental Agreement.

Cost and Complexity

Funding: Expected to be Federally & State funded.

Anticipated overall level of Complexity: Moderately Complex

Estimated Highway construction cost: \$32,000,000.00

Highway Complexity: Moderate

Estimated Bridge construction cost: \$3,000,000.00

Bridge Complexity: Routine

Goals

Disadvantaged Business Enterprise (DBE) Participation Goal: 20%

Minority/Women's Business Enterprise (M/WBE) Participation Goal: 0%

Service-Disabled Veteran-Owned Business Participation Goal: 0%

The SDVOB participation goal is separate from and in addition to any MBE/WBE goal.

Minimum Number of Required DBE Alternates: 1 for each DBE firm proposed

Small Firm Credit: No

To claim participation for an SDVOB when preparing the electronic EOI, in CSSWeb include this Team Member with 0% work and 0% participation and select YES as an alternate SDVOB, in addition to the required alternate(s). The SDVOB work percentage should then be added to the prime's work percentage. All required forms (i.e., CONR 386, NYSDOT 255, etc.) must be submitted reflecting the final proposed team members, workloads and % of assigned tasks.

Description of Work

Under this agreement, the consultant will prepare for the Region a Project Scoping Report/Final Design Report (PSR/FDR), Design Phases I thru IV and pertinent ROW information.

The feasibility of a road-diet and/or complete streets design features will be evaluated along Route 9 corridor for safety, bicycle, and pedestrian improvements, and connectivity in various municipalities within Westchester County.

Qualifications For Designation

Firms (herein, “firm” or “consultant”) will be designated based on highest technical qualifications, as set forth below.

As provided by State Finance Law Section 112, there can be no legally enforceable contract until the contract is executed by the NYS Office of the State Comptroller. It is possible, however, that it may be in the best interest of the State to not award this contract. In such event, the State will not be liable for commitments or arrangements that you may have made concerning this contract, which are made at your sole risk.

1. Measuring Distance to the Project Site and the Regional/Functional Office

This factor is not being scored. The designated firm is required to have a Functional Office or open a Field Office within the contracted Region from which all travel will be conducted from. When submitting your E-EOI all firms should enter a value of 1 for the distance to both the Regional Office and Project Site.

2. Staffing Requirements

If your firm is included as part of another firm's proposal for more than 20% of the work, that firm may not be included in your firm’s proposal. Should this occur, NYSDOT may reject both firms' proposals.

A. Key staff:

<u>Title</u>	<u>Qty</u>	<u>Resume Required</u>
Project Manager	1	Yes
Lead Staff Person – Bridge Design, P.E. Required	1	Yes
Lead Staff Person – Highway Design, P.E. Required	1	Yes
Lead Staff Person – Traffic Engineering, P.T.O.E. Required	1	Yes
Lead Staff Person – Landscape Architect, L.A. Required	1	Yes
Lead Staff Person – Public Involvement	1	Yes
Lead Staff Person – Environmental	1	Yes
Lead Staff Person – Survey	1	Yes

B. Non-Key Staff:

<u>Title</u>	<u>Qty</u>	<u>Resume Required</u>
Lead Staff Person – Economic Analyst	1	Yes
Lead Staff Person – Community/Social Analysis	1	Yes

The total number of resumes that must be included is 10.

If needed, additional Key Staff experience should be included in Section 9 of the NYSDOT 255/255C.

C. Availability date of key staff: Firms must certify as part of the NYSDOT 255/255C the availability of the key staff.

3. Evaluation Factors and Weights

See Design Scoring Methodology:

[https://www.dot.ny.gov/main/business-center/consultants/general-info/electronic-consultant-selection-\(process-2\)](https://www.dot.ny.gov/main/business-center/consultants/general-info/electronic-consultant-selection-(process-2))

Step 1 - Automated Scoring to establish shortlist (All firms are scored.)

Step 2 - Committee Review (Shortlisted firms are scored.)

<u>Step 1 Weight</u>	<u>Step 2 Weight</u>	<u>Scoring Factor</u>
		1. Prior Experience
64%	11%	A. Firm in general
0%	66%	B. Staff
2%	2%	C. With NYSDOT
		2. Organizational capability for this type of work
20%	6%	A. Prior NYSDOT performance ratings
		B. Workload/Capacity
3%	3%	(1) Project type workload (Design) with NYSDOT vs. capacity
3%	3%	(2) Total remaining workload with NYSDOT
		3. Logistics & Familiarity

0%	0%	A. Logistics
0%	5%	B. Familiarity with the project type
		4. Other Factors
8%	4%	A. Standard
100%	100%	Total

Breakout for Other Factors (Standard) (4A)

Step 1 Weight	Step 2 Weight	Scoring Factor	
4%	2%	O01.	Traffic Forecasting
4%	2%	O11	Community Participation
%	%	Total	

Tasks/Responsibilities Breakout for Prior Experience (Firm in general and NYSDOT) (1A & 1C)

50%	M05.	Preliminary Design (Highway)
20%	M06.	Preliminary Design (Bridge)
5%	M09.	Design Survey & Mapping
5%	M10.	ROW Survey & Mapping
5%	E14	Flood Plain Evaluation
5%	E15.	Cultural Resource Survey
5%	E18	Hazardous Waste Materials Screening
5%	E20	Asbestos Preliminary Investigation

A. Task Assignments:

It is expected that the Prime Firm will be assigned weighted major tasks (M05, and M06.). All subconsultants must be assigned at least one task. Tasks M09. and M10. must be assigned to one single firm. In order to assign a team member an "O" task, an "M" or "E" task must initially be assigned. For additional information, refer to the Design Scoring Methodology found at: [https://www.dot.ny.gov/main/business-center/consultants/general-info/electronic-consultant-selection-\(process-2\)](https://www.dot.ny.gov/main/business-center/consultants/general-info/electronic-consultant-selection-(process-2))

4. DBE/MBE/WBE/SDVOB Participation

Prime Firms are responsible for ensuring all of their proposed DBE/MBE/WBE/SDVOB subconsultants are currently certified through either the DBE Directory (<https://nysucp.newnycontracts.com>), the M/WBE Directory (<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>), or the SDVOB Directory (<https://online.ogs.ny.gov/SDVOB/search>) for the type work they are anticipated to perform. Certifications must be downloaded from the appropriate websites with copies provided

- 1) Percentage of participation assigned to DBE/MBE/WBE subs = 5.5% (x DBE/MBE/WBE % of participation)
- 2) Experience and Prior NYSDOT Performance = 2.0% (x DBE/MBE/WBE % of participation)
- 3) Workload with the Division (**Design**) = 1.0% (x DBE/MBE/WBE % of participation)

5. Last Designation Factor

Last Designation Factor Weight = 0%

6. Contract Implementation Schedule

The Consultant shall meet the following projected schedule in calendar days:

Upon Notification of Being Shortlisted:	Provide NYSDOT 255 with attachments	10
Upon Notification of Designation:	Scope of services meeting	7
	First proposal due	21
	Final proposal due	35
	Completion of financial negotiation	51

Failure to meet the projected schedule may result in NYSDOT deeming the Consultant's submission nonresponsive.

7. Proofs of Authority

Proofs of Authority from the New York State Education Department and the Department of State, authorizing

professional services for the Prime Consultant and all Subconsultants / Team partners, must be downloaded from the appropriate websites with copies provided. Refer to CI 93-10: <https://www.dot.ny.gov/main/business-center/consultants/architectural-engineering/consultant-instructions/business-practices>

8. Conflicts of Interest for Design-Build Contracts

Consultants and/or subconsultants who assist the owner in the preparation of an RFP document will not be allowed to participate as an offeror or join a team submitting a proposal in response to the related project / RFP.

In furtherance of 23 CFR 636.116, Consultants should request a determination from the NYSDOT's designated contact whenever a decision is made to progress a contract as Design-Build and when the consultant is interested in proposing as part of a Design-Build team.

9. Public Officers Law

The New York State Public Officer's Law (POL) §73 sets forth requirements for "business activities by current and former state employees, officers, and party officers". For purposes of this document, the term "covered person" shall have the definition of any party set forth in Public officer's law §73(8.)(a)(i) who is proposed to perform on a NYSDOT contract.

Contractors, consultants, vendors, subconsultants and subcontractors may propose or utilize a covered person, subject to the New York State Public Officers Law §73. For example, a former NYSDOT or Public Authority employee may be prohibited from conducting work on a NYSDOT contract for a period of 2 years after separation, while others may be subject to a "lifetime bar". Ultimately it is the employee's responsibility to comply with the provisions of the Public Officer's law related to post-state employment restrictions.

Consultant's Responsibility

If the Consultant proposes a covered person as part of their staff, then prior to designation the Consultant must provide the Office of Contract Management a copy of the Joint Commission on Public Ethics (JCOPE) informal written opinion concerning the application of the two-year and lifetime bar(s) to the individual's proposed activity.

After designation, the Consultant must notify the Consultant Job Manager of the addition of any covered person to perform services under the Contract.

Submit the following items by the due date utilizing the electronic Consultant Selection System Web (CSSWeb) application (<https://www.dot.ny.gov/main/business-center/consultants/css-web>) in a .pdf format:

- a. Electronic Expression of Interest (E-EOI): CSSWeb application
- b. The Offerer's Affirmation of Understanding and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b). <https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions>
- c. The Offerer Disclosure of Prior Non-Responsibility Determinations form (must be submitted for the Prime). <https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions>
- d. The current CONR386 Workload Disclosure Form (must be submitted by the Prime and include ALL team members - prime, joint venture partner and subconsultants)
- e. The Vendor Assurance of No Conflict of Interest and Sexual Harassment Prevention attestation form filled out by both Primes and subconsultants (attach to the CONR 386). <https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions>.

The consultant's failure to submit required documentation or conform to the requirements of this Detailed Advertisement may result in NYSDOT deeming the Consultant's submission nonresponsive.

Shortlist, Designations, Debriefings, and Protests

The Certification Regarding Use of Contract Funds for Lobbying form must be completed and signed by an Officer or Principal of the Prime Consultant and submitted with the required shortlisted material. NYSDOT Current Remaining Work Disclosure Form (CONR 386), must be resubmitted as an "Other" document if *material* changes have occurred since the submission.

The Designation(s) will be posted at: (<https://www.dot.ny.gov/main/business-center/consultants/architectural-engineering/css-advertisements-shortlists-and-designations>).

All proposers are afforded an opportunity to receive a debriefing. Arrangements for a debriefing must be requested through the Office of Contract Management at (518) 457-2600.

A protest may be submitted in accordance with the NYSDOT's administrative procedure for protests, available at: www.dot.ny.gov/main/business-center/consultants/consultants-repository/misrep_protest.pdf

Required Upon Designation

(1) **Form A, New York State Consultant Services Contractor's Planned Employment**, with the executed signature pages and **Form B, New York State Consultant Services Contractor's Annual Employment Report**, annually, as required by Chapter 10 of the Laws of 2006, which amends State Finance Law § 8 and 163. Form A and Form B are available at: <https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions>;

(2) **Required Financial Submission:**

A current Federal Acquisition Regulations (FAR) audit and CONR 385. See CI 11-04, Required Financial Submission Prior to Selection for Engineering Services Work and Annually Thereafter, <https://www.dot.ny.gov/main/business-center/consultants/architectural-engineering/consultant-instructions/overhead>. Firms with a gross income of less than one million dollars are only required to submit a CONR 385 <https://www.dot.ny.gov/main/business-center/audit/conr-385-388>.

Requirements Upon Award

The firm has advised all team members that the contracting process will require that they possess an acceptable accounting system capable of segregating contract cost.

During contractual performance, the selected consultant must comply with Executive Order 162, **ENSURING PAY EQUITY BY STATE CONTRACTORS**, dated January 9, 2017. Please refer to <https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions> under the heading **Executive Order 162, Ensuring Pay Equity by State Contractors, Reporting Requirement** for further information.

Title VI

The New York State Department of Transportation (NYSDOT), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to a written NYSDOT solicitation, request for proposal or invitation for bid that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and income status in consideration for an award.

It is the policy of New York State to encourage the use of New York State subcontractors and suppliers and to promote the participation of minority and women-owned businesses and service-disabled veteran-owned businesses, where possible, in the procurement of goods and services. Information concerning the availability of New York State M/WBE and SDVOB subcontractors and suppliers is available from the NYS Department of Economic Development and the NYS Office of General Services respectively.

Compliance with the Procurement Lobbying Law

Under the requirements of the State Procurement Act, communications regarding the advertised project / procurement may only occur through the Designated Contacts. Communications exempted from this restriction are participation in a pre-proposal conference and any protests or complaints of improper conduct or misrepresentation. *See also* <https://www.dot.ny.gov/portal/page/portal/main/business-center/consultants/general-info>

The Designated Contact Persons are:

The Contract Management Designation Specialist – Evan Seyboth

NYSDOT Office of Contract Management
50 Wolf Road, 6th Floor
Albany, New York 12232-0203
E-mail: Evan.Seyboth@dot.ny.gov
(518) 457-2600

Or

The Office of Contract Management:
Designation Unit Supervisor
Assistant Directors, Deputy Director and Director
Administrative Staff
(518) 457-2600