

ATTACHMENT 19

QUESTIONS AND ANSWERS

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

REQUEST FOR PROPOSALS #C000PSA4

CONSULTANT PLANNING SERVICE AGREEMENTS (PSA4) for NYMTC

December 27, 2016

Q1: I was hoping you can help me identify the incumbents for this project please?

Ans: Yes; the following four firms hold PSA3 contracts: Cambridge Systematics, Inc., the Louis Berger Group, Inc., WSA Group PE-PC., and WSP/Parsons Brinckerhoff.

Q2: The Attachment 9 Hypothetical Scenario discusses addressing requirements of SAFETEA-LU, and has due dates in the past. Should this instead address current requirements under MAP-21 and the FAST Act, and incorporate future due dates, for use in developing the schedule and budget?

Ans: The Scope of Services portion of RFP Attachment 9 ‘Hypothetical Scenario: Staff Augmentation for Regional Transportation Plan Update’ is being revised to read as follows:

Scope of Work

This task assignment has two phases which will run concurrently: Phase 1 - Addressing the requirements of ~~SAFETEA-LU, due July 2007~~ the FAST Act and/or current legislation; and Phase 2 - The next full update of the RTP, due in ~~October 2013~~ October 2021. Both of these will be achieved by working with NYMTC member agencies through NYMTC’s RTP Committee. The consultant will be requested to provide assistance with required public outreach while NYMTC member-level agency planning continues. Additionally, efforts will be made to collaborate with other MPOs and integrate NYMTC’s RTP with their Plans as far as possible. Consultant assistance would be needed for Task Assignment ‘RTP Update Assistance (Attachment 14). The actual tasks to be performed will be determined after full staff and RTP Committee consultation.

Task Assignment Tasks:

1. Facilitate monthly and other periodic meetings of the RTP Committee.
2. ~~Develop and finalize addendum to the current RTP to Address SAFETEA-LU~~ FAST Act and/or current legislation requirements.
3. Work with NYMTC Staff and members to fulfill the Transportation Performance Management (TPM) requirements for the RTP
4. Work with Technical Group and NYMTC members to develop the updated Infrastructure Needs Assessment for the full update.
5. Review all sections of the current RTP.

6. Develop financial resources section for the full update.
7. Collect data for conformity analysis for full update.
8. ~~Begin~~ Conduct public outreach and agency planning.
9. Integrate the RTP with other MPOs' Plans.

Hypothetical Scenario Deliverables:

1. Addendum which addresses ~~SAPTEA-LU~~ FAST Act or current legislation gaps - due end of 1st quarter.
2. The Consultant shall assist with drafts of various sections of the ~~2013~~ 2021 update.
3. Draft infrastructure needs and financial forecasts - ongoing through end of 4th quarter.
4. Technical memoranda at end of 2nd and 4th quarters.

Q3: On page 11 of the RFP, under Section 5.1, "Receipt of Proposals/Pre-Screening," the RFP states "All proposals must be delivered to NYSDOT's Contract Management Bureau's office by 2:00 PM on November 6, 2014." On page 20 of the RFP, under Section 6.1, "Proposal Due Date," the RFP states "All proposal submitted in response to this RFP must be received by NYMTC by 2:00 PM on January 11, 2017." Can you revise these two dates to "January 18, 2017" so they are consistent with the RFP due dates listed elsewhere in the RFP?

Ans: The RFP has been revised to consistently read that: 'All proposals must be delivered to NYSDOT's Contract Management Bureau's office by 2:00 PM on January 18, 2016.'

Q4: ATTACHMENT 7: KEY PERSONNEL RESUMES AND REFERENCES contains a resume template. Can a company-standard resume format be submitted as long as the same information is provided? Or are we required to use the template in Attachment 7?

Ans: A company-standard resume format can be submitted as long as the same information is provided as is requested in Attachment 7.

Q5: Can NYMTC provide an approximate schedule of release of mini-bids corresponding to the tasks listed in Attachment 14?

Ans: NYMTC expects to issue them in priority order, in groups of two to three mini-bid requests every other week after the parent agreements are approved.

Q6: Under the revised procurement process, about how much time will pass from release of a Task Assignment mini-bid request to execution of the side letter for the Task Assignment? Can NYMTC provide a timeline in weeks or months showing hypothetical dates in a sample procurement process for one Task Assignment involving long term in-house contractors, such as Travel Survey Data Support Contractor, and (if substantially different) for a second Task Assignment involving consultant support services?

Ans: If the question is understood correctly, about two months. Using PSA4's task assignment method, a typical task assignment start-up schedule (subject to variation) might be as follows:

1. Release task assignment mini-bid request
2. Questions Due/Request for Pre-Bid Submission Meeting: Five Business Days after Release
3. Mini-Bids Due: Three-Five Weeks after Release
4. Completion of Mini-Bid Evaluation: Two Weeks
5. Designation of Selected Consultant: One Day to One Week
6. Set up Task Assignment, NYMTC approval and T.A Funding: One-Two Weeks
7. Notice to Proceed: Day After Funding is set up

Q7: Can NYMTC confirm that the following Task Assignments listed in Attachment 14 are the only Task Assignments requiring continuous, long-term in-house contractor support?

1. Travel Survey Data Support Contractor
2. Socioeconomic and Demographic Forecasts Contractor
3. Model Development Technical Support Contractor
4. Model Application Contractor Services
5. IT Specialists Senior Level (two positions)
6. Geographic Information System (GIS) Support Contractor

Ans7: That is NYMTC's current expectation although there may be additional contractors needed long-term due to changed circumstances.

Q8: In the Task Assignment descriptions in Attachment 14, several Task Assignments indicate that they may be "activated" more than once over the 5-year period of the PSA4 contract term. Does NYMTC anticipate that a separate Task Assignment mini-bid request will be issued for each activation or will NYMTC make one award for each topic for the entire 5-year term?

Ans: NYMTC currently anticipates making one award for each topic for the entire 5-year term but there may be changes based on expertise provided versus what was requested.

Q9: Does NYMTC anticipate releasing Task Assignment mini-bid requests for work that is not explicitly identified in Attachment 14? Or are the tasks and topics in Attachment 14 the only work that could be released through this contract vehicle?

Ans: Any task assignment work whose scope of services is not included in Attachment 14 yet authorized under NYMTC's annual Unified Planning Work Program (UPWP) with qualifications included in the resulting PSA4 agreements may be advertised using the PSA4 method. For all work which requires services or skill sets not included in the resulting PSA4 agreements, NYMTC shall advertise via open market requests for proposals with resulting separate agreements

Q10: Regarding completion of Attachment 1 Cost Proposal form:

1. Are staff names required for non-key labor categories?
2. To the extent a firm is proposing multiple staff under a labor category, should only one category rate be proposed that covers all staff under that labor category?
3. Are the proposed category rates fixed hourly rates to be used in pricing the work under each mini-bid? If not, please explain the type of cost/pricing information that is expected from contractors in a mini-bid?

Ans: 1) As mentioned during the Pre-Proposal Conference, naming of proposed Consultant personnel when completing Attachment 1 is not required; this feature is optional. 2) The Firm has the option of proposing one not-to-exceed rate when proposing multiple staff under a single labor category. Use of labor category striations featuring increased skills is encouraged (ie, Planner 1, Planner 2, etc, each with its own not-to-exceed rate). 3) Yes. All proposed fully-loaded hourly rates by labor category are not-to-exceed reimbursement rates fixed for the duration of one contract year and shall be used when estimating the cost of each proposed labor item to deliver the proposed scope of services in response to each mini-bid request (the rest of each Task Assignment's cost estimation exercise involves direct non-salary expenses - travel, tolls, etc).

Q11: We request consideration of the following edits to the Draft Contract.

1. Modify the Insurance Article in the following respects:

- a. Coverage Types and Policy Limits. The types of coverage and policy limits required from the Consultant are specified in subarticle B below. ~~Insurance shall apply separately on a per-job or per-project basis.~~
- b. Modify Primary Coverage to read: “All insurance policies, excepting workers’ compensation and professional liability insurance, shall provide that the required coverage be primary as to any other insurance that may be available to the Department for any claim arising from the Consultant’s Work under this contract, or as a result of the Consultant’s activities.”
- c. Modify Waiver of Subrogation to read: “As to every type and form of insurance coverage required from the Consultant except professional liability insurance, there shall be no right of subrogation against the State of New York/New York State Department of Transportation, its agents or employees. To the extent that any of Consultant’s policies of insurance prohibit such a waiver of subrogation, Consultant shall secure the necessary permission to make this waiver.
- d. Modify Self-Insured Retention/Deductibles to read: Self insured retentions and deductibles shall be approved by NYSDOT which approval shall not be unreasonably withheld. ~~Consultants utilizing self insurance programs are required to provide a description of the program for Department approval. Collateralized deductible and self-insured retention programs administered by a third party may be approved. Except as may be specifically provided in the Contract Documents of a particular project, Consultant administered insurance deductible shall be limited to the amount of the bid deposit or \$100,000, whichever is less. Security is not required if it is otherwise provided to an administrator for an approved risk management program. The Department will not accept a self-insured retention program without security being posted to assure payment of both the self-insured retention limit and the cost of adjusting claims. The Consultant shall be solely responsible for all claim expense and loss payments within any permitted deductible or self-insured retention. If the Consultant’s deductible in a self-administered program exceeds the amount of the bid deposit, the Consultant shall furnish an irrevocable Letter of Credit as collateral to guarantee its obligations. Such Letter of Credit or other collateral as may be approved by Department must be issued by a guarantor or surety with an AM Best Company rating of “A minus” or higher. If, at any time during the term of this agreement, the Department, in its sole discretion, determines that the Consultant is not paying its deductible, it may require the Consultant to collateralize all or any part of the deductible or self-insured retention on any or all policies of insurance or, upon failure to promptly do so, the same may be withheld from payments due the Consultant.~~

2. Modify Article 18 to read in part: “The Consultant shall ~~note~~ engage assign to perform work under this Agreement, on a full or part-time or other basis any professional or technical personnel who are or have been at any time during the period of this Agreement in the employ of the Federal Highway Administration or the highway organizations of any public employer, except regularly retired employees without the consent of the public employer of such person.

3. Delete Section 11 in Appendix C Special Equal Employment Opportunity Provisions that requires Special Training.

Ans: 1-3: These changes can be granted.