

ATTACHMENT 99
SAMPLE MINI-BID REQUEST

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION/
NEW YORK METROPOLITAN TRANSPORTATION COUNCIL
CONSULTANT PLANNING SERVICES FOR NYMTC (PSA4)**

TASK ASSIGNMENT MINI-BID REQUEST # PSA4-__-__

TITLE: _____

PIN#: PTCS.__.____

Date Issued:	_____
Project Location/Group Requesting:	_____ Group
NYMTC Task Manager:	_____
Questions Due:	Five Business Days after Date TA Mini-Bid Issued
Request for Clarification Meeting Due:	Five Business Days after Date TA Mini-Bid Issued
Task Assignment Mini-Bids Due:	_____
Mini-Bid Request Submitted To:	TBD TBD TBD TBD
Send Questions To:	Ismet.Apdiroglu@dot.ny.gov Shalendra.Ramadhin@dot.ny.gov Alfred.Hasenkopf@dot.ny.gov
Submittal Requirements:	Three (3) paper copies for bid opening and E-mail; 2 reference copies to Al H., NYSDOT, (approx. contemporaneous)
Mini-Bid Delivery Location:	New York Metropolitan Transportation Council 25 Beaver Street, Suite 201 New York, NY 10004
Mini-Bid Attention To:	Mr. Shalendra Ramadhin, Consult. Project Mgr
Contact Person #1:	Mr. Ismet Apdiroglu, NYMTC Ismet.Apdiroglu@dot.ny.gov (212) 383-2414
Contact Person #2:	Mr. Shalendra Ramadhin, Consult. Project Mgr., NYMTC Shalendra.Ramadhin@dot.ny.gov (212) 383-2417
Contact Person #3:	Mr. Al Hasenkopf, NYSDOT Contract Management Alfred.Hasenkopf@dot.ny.gov (518) 457-1560

Please provide a confirming email to the 3 contact people above upon receipt of the Task Assignment Request. If you decide not to bid on this Mini-Bid, please provide a scanned letter explaining your reason(s) by the due date. Please send a separate blank email on the bid date to confirm that you have sent in a bid or that you do not intend to bid. Thank you for participating.

TASK ASSIGNMENT MINI-BID REQUEST # PSA4-__-__

**TITLE: MODEL DEVELOPMENT TECHNICAL SUPPORT SERVICES II
TASK ASSIGNMENT MINI-BID OUTLINE**

- I. Task Assignment Purpose**
 - Purpose
 - Term
- II. Specifications/Scope of Work for the Task Assignment**
 - Specifications
 - Duties
 - Schedule
 - Deliverables
- III. Mini-Bid Format and Contents**
 - General
 - Part A: Technical and Management Submittal
 - Part B: Cost & Expense Submittal
- IV. Evaluation Process for Mini-Bids**
 - General
 - Mini-Bid Evaluation Process
 - Technical and Management (70 %)
 - Cost & Expenses (30 %)
 - Final Evaluation
- V. Mini-Bid Administrative Specifications**
 - Mini-Bid Submission
 - Pre-Mini-Bid Conference
 - State's Rights to Mini-Bids
 - All Provisions of Parent Contracts Remain in Effect
 - Debriefing Opportunity
 - Procurement Lobbying Law
 - 180-Day Offer
 - DBE Participation Information
- VI. Attachment**
 - Procurement Lobbying Law Forms

TASK ASSIGNMENT MINI-BID REQUEST # PSA4-__-__

TITLE: ____

I. Task Assignment Purpose

The New York Metropolitan Transportation Council is releasing this Task Mini-Bid Request to seek professional services for Model Development Technical Support Services II. The Task Assignment Mini-Bid request process is only open to the four Tier II PSA4 firms who have been previously selected for the Consultant Planning Services for NYMTC (Contracts Numbers TBD). No other prime firms are allowed to participate in this solicitation.

This request will not include a pre-mini-bid conference unless requested in writing from any of the four Tier II firms within 5 business days of the issue date of this mini-bid request.

Task Assignment Duration: Twelve months (one year) with one optional twelve month (one year) renewal. Estimated Task Assignment Start Date: ____; Estimated Task Assignment End Date: ____.

Each Task Assignment Mini-Bid Request has a 10% DBE goal.

II. Specifications/Scope of Work for the Task Assignment

A. Specifications

The proposing firm shall provide resumes for proposed candidates to fill NYMTC's ____ position. The selected candidate must have the following skills:

1. Qualification 1
2. Qualification 2, etc.

B. Duties and Tasks

- Duty 1
- Duty 2, etc.
- Task 1
- Task 2, etc.

C. Schedule

The ____ position shall be provided on a per-annum (12 month basis). This position is open to one candidate only. The person assigned to this task assignment shall work full time primarily at NYMTC's offices without any home base office support. It is anticipated that attending of the outside meetings may occasionally occur.

Substitute or new consultant staff can only be offered if prior approval from NYMTC's Consultant Manager and from NYSDOT have been given.

D. Deliverables

- Technical memos every quarter with a short description of work done by contractor
- Monthly work report

III. Mini-Bid Format and Contents

General

For the purposes of Best Value evaluation, each mini-bid must be submitted in two separate parts: Part A -Technical and Management Submittal, and Part B - Cost and Expenses Submittal.

Each mini-bid part shall be complete in itself in order that the evaluation of both parts can be accomplished independently and concurrently. The Technical and Management submittal shall be separately evaluated strictly on the basis of its merits and its degree of responsiveness to the specifications and requirements contained in the mini-bid request. The Cost and Expense submittal shall also be separately evaluated for competitiveness and reasonableness.

Cost information is not to be included in the Part A submittal. Technical information (resumes, etc) is not to be included in the Part B submittal. Failure to follow these instructions may lead to a mini-bid unresponsiveness determination. Mini-bids deemed to be unresponsive shall be removed from further consideration and the applicable Tier II firm notified in writing.

Part A and Part B of the Mini-bid submission must be submitted in bound hardcopy and complete electronic formats. The E-mail mini-bid submittal version shall be sent as two separate files (preferred file formats: MS Word, Excel, and Acrobat PDF). Use the following format when naming the file.

For PSA4 Firm ABC: ABC_PSA4-##-##_Part A

ABC_PSA4-##-##_Part B

(Repeat Above Nomenclature Rule To Identify All Selected PSA4 Firms)

Mini-bid submissions shall follow the response format listed below:

- A. **11 point font or larger (12 point font preferred)**, except where necessitated for readability of tables or special graphics. **Use of fonts smaller than 11 may lead to a mini-bid unresponsiveness determination.**
- B. FOIL: NYSDOT and NYMTC may protect confidential and proprietary information from disclosure to the extent permitted by the Freedom of Information Law (“FOIL”), Article 6 of the Public Officers Law, provided that NYSDOT agrees beforehand to shield the release of proposed information. If a Tier II PSA4 firm believes information included in their mini-bid submission is confidential and proprietary, they should identify those page(s) of their mini-bid which contain such information as “confidential and proprietary”. Labeling all pages as “confidential and proprietary” is unacceptable – such mini-bids will not be accepted unless the offeror re-labels their mini-bid to only identify what specific material to shield from public scrutiny. All such offerors shall explain the material and substantive reason(s) why this information should be considered exempt from public disclosure under FOIL. The identification of pages and the reasons for exemption should be included in the Executive Summary of your mini-bid. NYSDOT reserves the right to only consider those FOIL exemption requests for which public release of such information would truly be injurious to a firm.

C. Part A and Part B must be separately submitted. Failure to submit separately will lead to disqualification.

D. This Task Assignment Mini-Bid Request has a 10% DBE goal.

Part A: Technical and Management Submittal

A. Title page, indicating name, address and phone number of the Tier II PSA4 firm, including a contact person, and name, e-mail address and telephone number of the person(s) who prepared the mini-bid submission. Include 180 day firm offer statement.

B. Table of Contents.

C. Executive Summary, which provides a brief description of the proposed approach and work effort. Confidential and proprietary information should also be identified and addressed in this section. Include any discussion of proposed DBE subconsultant participation.

D. Experience: Qualifications and prior relevant experience of proposed personnel is of great importance to NYMTC and NYSDOT. Direct, prior experience is highly desirable in the aforementioned field. Provide a resume and at least two references per proposed person. NYSDOT and NYMTC reserve the right to request information from any source so named, as well as seek experience validation checks on their own.

E. Work Samples (as requested).

Part B: Cost and Expenses Submittal

A. Salary Schedule, which shall list all Consultant job titles for all staff proposed to be assigned to this task assignment. Offered job titles must conform to those contained in the parent contracts (C-Numbers TBD). Specific hourly rates for all job titles offered cannot exceed those contained in these parent contracts. Rates shall be listed for the first year of the task assignment. **Substitute or new consultant staff can only be offered if prior approval from NYMTC's Consultant Manager and from NYSDOT have been given.** Job titles must conform to those contained in referenced parent contracts. Should this Task Assignment be extended into its optional 12-month term, an acceptable rate for the selected person for those years shall be negotiated between all parties. Should the selected rate change, then the Task Assignment will require formal administrative amendment. The Cost submittal shall include a total task budget section with Labor and Direct Non-Salary Costs listed for each firm.

B. Field or Consultant Home Office Overhead. Indicate which overhead rate applies to each Consultant staff assigned to provide services for the requested task assignment. The requirement of and the cost for additional supporting items such as travel and meeting supplies shall be negotiated with the Consultant selected to accomplish a task.

C. Direct Non-Salary Costs. The budget proposed for task mini-bids shall include estimates of direct non-salary expenses based upon information given in the task assignment request released by NYMTC and expected to be incurred in the performance of task assignment. On

separate sheets, explain each cost item with all factors leading to the derivations of the cost. Subconsultant Direct Non-Salary costs (if any) should be shown in a separate schedule. Reasonable reimbursement for travel, meals, and lodging shall be limited to the prevailing maximum rates established by the State Comptroller. The latest state and nationwide rates are available at the following Web site: <http://www.gsa.gov>

F. DBE Participation Information

G. Completed PLL Forms (2)

IV. Evaluation Process for Mini-Bids

General

Mini-bid submissions will be evaluated by NYMTC/NYSDOT based on the technical and cost criteria described below. Technical considerations are of greater importance than cost considerations; however, cost is a significant factor in the evaluation of mini-bids. Both Part A and B submissions shall be pre-screened for completeness – firms may receive a clarification request regarding mini-bid submission completeness. **Submittal of Part B cost bids shall be pre-screened to determine if any proposed rates exceed the parent's rates. A mini-bid which proposes any title-specific rate which exceeds those in the parent PSA4 agreements shall be cause for immediate disqualification (no technical Part A evaluation will be done).** Part A Technical submittals will be evaluated and scored based on a Tier II PSA4 firm's responses to the specifications provided in Section III of this Task Assignment request and in accordance with the pre-established criteria listed below. Part B Cost submittals will be point scored in accordance with the pre-established criteria listed below. Consultants participating in task assignment requests shall incorporate into their mini-bids the level of DBE participation (as a percentage of total budget) being assigned. DBE participation in task assignment mini-bids shall contribute towards the overall contract term goal of 10% level of participation. NYMTC/NYSDOT reserve the right to ask clarification questions on any aspect of a PSA4 mini-bid submission.

Technical evaluation of mini-bids will be accomplished by a representative Technical Evaluation Committee comprised, as appropriate, of technical, program and management subject matter experts. Committee members will technically evaluate and numerically score each mini-bid's technical submittal individually and then meet as a group to discuss their findings. Evaluators will be allowed to revise scores on the basis of the committee discussions. Reasons for all changes to scores shall be documented.

Tier II PSA4 consultants responding to this mini-bid request may be requested to clarify issues or to provide additional insights into their mini-bid through written clarifications and technical interviews. If written clarifications are required to complete the technical evaluation of mini-bids, evaluators will be allowed to revise their technical scores based on evaluation of this additional information. If technical interviews are requested, the evaluation factors listed below shall be used, and Technical Evaluation Committee members may revise their group discussion-based scores after evaluation of technical interview-generated information.

Mini-Bid Evaluation Process

Part A Technical and Management Submittal (70 %; up to 60% w/ Tech Interview)

Technical submittal portions of mini-bids will be evaluated by NYMTC/NYS DOT in part based on the technical responses to the specifications contained in this mini-bid request. The Part A Technical and Management submittal will be evaluated and point scored (up to 70 technical score points are available) and will represent 70% of the total perfected Best Value score. The major evaluation criteria are listed below, in descending order of importance with sub-criteria within major evaluation factors are also in descending order of importance.

A. Experience of Proposed Personnel (up to 30 points; or up to 26 points if Technical Interviews held)

- **Quality, extent and relevance of experience, education and training of key personnel to be assigned to the task. Provide resumes of proposed staff highlighting the directly relevant experience and qualifications addressing the requested services. (up to 20 points; or up to 17 points if Technical Interviews held)**
- **Experience of firm - quality, extent and relevance of current and prior experience of the firm applicable to the requirements specific to the requested task assignment. (up to 10 points; or up to 9 points if Technical Interviews held)**

B. Approach and Scope of Work (up to 25 points; or up to 22 points if Technical Interviews held)

- **Approach factor (Up to 15 points; or up to 14 points if Technical Interviews held)**
- **Scope of Work factor (Up to 10 points; or up to 8 points if Technical Interviews held)**

C. Proposed Resources (Up to 10 points; or up to 8 points if Technical Interviews are held)

- **Reasonableness of staff allocations. (Up to 5 points; or up to 4 points if Technical Interviews held)**
- **Reasonableness of hours proposed. (Up to 5 points; or up to 4 points if Technical Interviews held)**

D. Schedule (Up to 5 points; or up to 4 points if Technical Interviews held)

- **Proposed Project Schedule – Provide a project schedule with tasks and proposed team members.**
- **Deliverables factor – Provide schedule with deliverables.**

Part B Cost and Expenses Submittal (30 %)

The Part B Cost and Expenses submittal will be evaluated and point scored (up to 30 cost score points are available) and will represent 30% of the total Best Value score for a mini-bid. Any mini-bid which proposes any title-specific rate which exceeds those in the parent PSA4 agreements shall be cause for immediate disqualification.

The calculation of a cost score will be determined by comparing the proposed total lump-sum task assignment budget (labor plus expenses) of the responding PSA4 tier II firms. The Firm with the

lowest total price will receive the maximum score allowable (30 cost score points). Higher priced task assignment total budgets will receive proportionally lower cost scores. All estimates of direct non-salary expenses shall be included in the lump-sum task price.

Technical Interviews (Optional)

NYMTC/NYSDOT do not expect to hold Technical Interviews for this project/task assignment request; however, if it is later decided to hold Technical Interviews, the Part A Technical and Management submittal Tier II best value score will be redistributed so that 60% will be for the written submission(s) and 10% for the technical interview. Technical Interviews will be decided upon based upon the request of the Technical Evaluation Committee and in consultation with NYSDOT Contract Management. Technical Interview evaluation criteria for the task assignment request are listed below in descending order of importance:

1. Demonstration of why the proposed personnel's experience and teamwork provides an optimal solution. (Up to 6 points)
2. Ability of team to convince evaluators that the proposed approach, scope and schedule are reasonable and optimal. (Up to 3 points)
3. Consultants' team chemistry and coordination. (Up to 1 point)

Technical Proposal Re-Scoring (Optional)

Scoring of written technical proposals shall remain open until after conclusion of evaluating and scoring the Technical Interviews. Should the TEC opt to conduct Technical Interviews, the members of the TEC shall be given the opportunity to revise (re-score) their earlier technical scores/findings (after group discussion) based upon the additional clarification information garnered from the Technical Interviews. TEC members shall revisit their original hardcopy scoresheets and should any after-Technical Interview changes be in order, may revise their after-group discussion, written technical proposal scores as a result of further group discussions. Reasons for any and all score changes shall be recorded on the applicable TEC member's hardcopy scoresheet as well as in Contract Management's electronic composite scoresheet. Once the re-scoring of written technical proposals has concluded, TEC members shall sign/date and surrender their scoresheets to NYMTC Contract Liaison/NYSDOT Contract Management

Best and Final Offer

Tier II PSA4 consultants responding to this mini-bid request may be allowed to submit a Best and Final Offer (cost and/or technical) after completion of the technical interview only if requested by NYSDOT/NYMTC. Should NYMTC/NYSDOT opt to request BAFOs, a BAFO request letter shall be sent to all responding firms. The letter shall request best and final offers based on any remaining technical clarification questions the TEC may have, and on any issues Executive Management (of either NYMTC or NYSDOT) may have. Firms are allowed to clarify their technical mini-bids based upon what was learned/discussed during the Technical Interviews; firms are also permitted to revise their cost proposals.

Evaluators will be allowed to revise their technical scores for the written mini-bid based on any

new or changed Part I information contained in any Best and Final Offer. A firm's cost score may also be revised based upon any changed Part II cost information. The final best value score calculation is now possible.

Should any firm withdraw their mini-bid before or after a possible BAFO request, NYMTC/NYS DOT will remove that firm's technical and cost information from the Best Value evaluation documentation and shall recalculate the remaining field's technical and cost scores (without the withdrawn firm's information).

Final Tier II Best Value Evaluation

A final Best Value results shall be produced for all firms participating in this mini-bid request via the summation of the final technical mini-bid Part A score with the corresponding final mini-bid cost score. (Should technical interviews be opted for, the final technical mini-bid Part A score will be the sum of the written mini-bid technical score and the technical interview score.) In the event two or more of the final Best value scores for mini-bids are found to be "substantially equivalent", the Department reserves the right to award the task assignment under the terms of State Finance Law §163 (10)(a).

Recommendation for task assignment award shall be made to the PSA4 Consultant whose mini-bid receive the highest total Best Value score of all mini-bids evaluated, after considering all technical and cost information via the stated evaluation factors (Best Value). A summary report documenting the evaluative steps and the final results of the task mini-bid proposal evaluation process shall be prepared and approved by NYMTC and NYSDOT. A memo will be produced which recommends selection of the task assignment to the top-rated Tier II PSA4 Consultant team to NYMTC's Executive Director. The Executive Director of NYMTC will recommend the selection of the task assignment to the top-rated Consultant team to Contract Management of the N.Y.S Department of Transportation. The appropriate NYSDOT Executive Manager will designate the award of the task assignment to the top-rated Consultant team based upon the above recommendations.

NYSDOT Contract Management shall send each awarded task assignment via a formal supplemental agreement to the parent contract to the NYS Attorney General's Office and to the NYS Office of the State Comptroller for review and approval. Federal and state funds shall be encumbered and each task assignment shall be added to the respective parent PSA4 contracts (C-Number List TBD, as applicable) via a supplemental agreement as each task assignment as awarded by New York State and approved by NYMTC and NYSDOT.

At the conclusion of the mini-bid evaluation period, an announcement email will be sent to all mini-bid request participants. All non-designated Tier II firms shall be notified in writing regarding the results of the mini-bid solicitation. All non-selected or non-participatory consultants shall be offered an opportunity to hold a debriefing only upon written request (which must be received by NYMTC/NYS DOT 10 business days from receipt of notice of a task assignment request results). NYSDOT's protest procedure is available via:

https://www.nysdot.gov/main/business-center/consultants/consultants-repository/misrep_protest.pdf . Approved mini-bid task assignments shall be distributed to all parties.

However, it is expressly understood that this Request for mini-bids does not commit NYSDOT to award a supplemental agreement to Contracts # (C-Number List TBD), pay any costs incurred in the preparation of a mini-bid to this request, or to procure or contract services or supplies. Further, the NYSDOT shall have no obligation or liability whatsoever to the PSA4 Tier II vendor selected as a result of this solicitation unless and until NYMTC and NYSDOT both approve the resulting task assignment scope, schedule and budget from the selected PSA4 firm.

V. Mini-Bid Administrative Specifications

A. Mini-Bid Submission

1. The mini-bid shall be signed by an official from the Tier II PSA4 Consultant authorized to bind the offeror.
2. Responding Tier II PSA4 firms shall submit five paper copies of Part A ‘Technical and Management Submittal’. Send three complete hard copies to NYMTC, and two complete hardcopies to NYSDOT. Also send email copies to NYMTC and to NYSDOT Contract Management.
3. Responding Tier II PSA4 firms shall submit four (4) copies of Part B ‘Cost and Expenses Submittal’. Please send two copies to NYSDOT and two copies to NYMTC. Also send email copies to NYMTC and to NYSDOT contact persons.
4. Mini-bid must be received by NYMTC by 3:00 PM, _____.
5. Three Part A copies of the mini-bid and two Part B copies (for the formal mini-bid opening) must be addressed to:
New York Metropolitan Transportation Council (NYMTC)
25 Beaver Street, Suite 201
New York, NY 10004
Attn: Mr. Shalendra Ramadhin
Two reference copies of a complete Mini-bid (approximately contemporaneous with NYMTC’s receipt) must be addressed to:
NYSDOT Contract Management Bureau
50 Wolf Road, 6th Floor
Albany, NY 12232
Attn: Mr. Al Hasenkopf
6. All PSA4 Tier II firms shall receive this mini-bid request via e-mail. All PSA4 Tier II firms must acknowledge receipt of this mini-bid request as soon as possible.
7. Once opened, the contents of a received mini-bid cannot be changed, only clarified. Mini-bids received after the submission deadline shall be returned to sender unopened.

B. Pre-Mini-Bid Conference.

A mini-bid conference shall only be scheduled prior to the due date if a written request for such is received by NYMTC’s Consultant Manager within 5 business days of the mini-bid request issue date. Based upon the contents of any pre-mini bid conference, the mini-bid submission date shall be reviewed and changed if more submission time is deemed to be required.

C. State’s Rights to Mini-Bids

All mini-bids, upon submission to NYMTC/NYSDOT shall become the property of NYSDOT for use as deemed appropriate. By submitting a mini-bid, the offeror covenants not to make any claim for or have any right to damages because of any misinterpretation or misunderstanding of the specification, or because of any misinformation or lack of information. NYSDOT has the following prerogatives with regard to mini-bids submitted:

- to accept or reject any or all mini-bids;
- to correct any arithmetic errors in any or all mini-bids;
- to change the mini-bid's due date upon appropriate notification;
- to adopt any or all of a successful offeror's mini-bid;
- to negotiate modifications to the scope, fee and other project-related terms with the selected offeror prior to contract award.

H. Parent Contract Provisions

All provisions and requirements of the overall parent PSA4 contracts (C-Number List TBD) shall remain in effect during the entire duration or term of this Task Assignment.

I. Debriefing Opportunity

Non-selected Tier II PSA4 firms will be afforded a debriefing opportunity to discuss evaluation of their mini-bids against the task assignment request via telephone (unless the mini-bid submitter specifically requests a formal meeting), for requests made within thirty days of the notice of the selection.

F. Procurement Lobbying Law Compliance

Pursuant to instructions from the Office of the State Comptroller, the two required forms (attached) have to be filled out with each mini-bid. Go to the NYSDOT Web site listed below to read NYSDOT Policy Summation: Procurement Lobbying Law Compliance. ***Complete and file the two required forms (Offerors Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b) and Offeror Disclosure of Prior Non-Responsibility Determinations) as instructed when submitting a proposal. This is mandatory in order to be considered for PSA4 task assignment award.*** https://www.dot.ny.gov/main/business-center/consultants/consultants-repository/pll_gandp_v1.pdf

G. 180-Day Offer

To be deemed responsive, all PSA4 firms responding to Mini-Bid Request #PSA4-##-## are required to include a 180-Day (or more) firm offer from the date of submission in their Part B 'Cost and Expenses Submittal'.

H. DBE Participation Information

Please complete the following table to identify any DBE subconsultant participation information. DBE participation is measured in total dollars. Please keep in mind that only NYSUCP certified DBEs are eligible to count toward attainment of the PSA4 parent contract's DBE participation goal.

Firm Legal Name	NYSUCP Certified DBE		% of Total Cost
	DBE	None	
A. Prime Consultant			
B. Sub-Consultants			
Total			100%

Interested proposers should verify their attainment of the above established DBE subconsulting participation goal by completing **Attachment 8 DBE Participation Information**. For participation to count towards NYSDOT's DBE contract goal set for this solicitation, the offered DBE participating firm must be currently certified and listed on the NYSUCP DBE Directory (Biznet website). If the proposal does not meet the 10 percent DBE participation goal, the firm must provide evidence of a good faith effort by completing **Attachment 9 DBE Participation Solicitation Log**.

The goal relates to total cumulative contract amount. The contract starts out with a zero dollar total value and gets increased as each task assignment gets competitively awarded over the life of the contract. Only Biznet certified DBEs are acceptable. Pending DBEs are not to be offered. Participation by Prime Consultants who are certified as DBEs may count toward the contract DBE goal, but such Prime Consultants are not relieved from their regulatory obligation to seek up to 10 percent participation by certified, qualified DBEs.

Additionally, if the proposing prime firm does not meet the contract's DBE goal, the firm must include in its submission a **DBE Goal Attainment Explanation Letter** explaining why the firm was unable to meet the DBE goal (in full or if partially), which serves to substantiate the firm's good faith effort. The letter should include sufficient justification as to why the goal was not met or was met partially and should at a minimum address the following factors: the potential firm's method of accomplishing the work, the subcontracting opportunities associated with the proposed approach and scope of services, and the availability of certified firms for the work to be performed by either a prime consultant or via subcontract.

Additionally, Prime Consultants certified as a DBE who propose to meet the Department's DBE participation goal via their meaningful participation are not relieved from seeking participation of certified Disadvantaged Business Enterprises (DBEs) for subcontractable services in this solicitation. In these situations, it is expected that unless DBE outreach efforts by the prime result in proposed DBE subconsultants, that the prime consultant provide evidence of a good faith effort by completing **Attachment 9 DBE Subconsultant Participation Solicitation Log**.

Attachment 8

DBE Participation Information

Please complete the following table for the prime firm and all subconsultants (consultant team composition): Please identify each firm's legal name, checking if they are a certified DBE by utilizing the NYSUCP DBE Directory, and indicating each firm's percentage of the total salary for the contract. Please keep in mind that only NYSUCP certified DBEs are eligible to count toward attainment of this federally-funded procurement with a DBE participation goal. Use additional pages as needed.

Further, participation by a certified DBE prime consultant will count toward DBE participation goal attainment (10 %)

If the combined percentage of total salary for all proposed, certified DBEs is less than the DBE Participation Goal set for this contract, then the proposing prime firm is required to fill out and submit the **DBE Participation Solicitation Log (Attachment 9)**, and the **DBE Goal Attainment Explanation Letter**. Further, prime consultants certified as a DBE who propose to meet the Department's DBE participation goal via their meaningful participation, are required to fill out and submit the **DBE Participation Solicitation Log (Attachment 9)** unless their outreach efforts results in proposed DBE subconsultant.

Please provide a copy of the firm's DBE letter from a NYSUCP certifying partner with your Part II proposal.

Firm Legal Name	NYSUCP Certified DBE		% of Total Salary
	DBE	None	
A. Prime Consultant			
B. Sub-Consultants			
Total			100%

Attachment 9

DBE Participation Solicitation Log (Good Faith Effort Documentation if Less Than 10% DBE Participation)

CONTRACT NO. ____C000785_____			DBE PARTICIPATION GOAL DBE _10%__		PAGE NUMBER ____ OF ____	
PRIME FIRM NAME/ADDRESS/ZIP CODE			CONTACT PERSON		TELEPHONE NUMBER (INCLUDE AREA CODE) E-MAIL	
SOLICITED COMPANY NAME AND CONTACT PERSON	TELEPHONE (WITH AREA CODE)	FEDERAL EMPLOYER ID #	WORK TYPES BEING SOLICITED	TYPES AND DATES OF CONTACTS	CONTACT RESULT(S)	

Attachment 9 (Continued)**INSTRUCTIONS FOR COMPLETING Attachment 9
DBE Participation Solicitation Log
(Good Faith Effort Documentation)**

To be deemed responsive to this solicitation, Consultants whose proposed DBE participation does not meet the established Disadvantaged Business Enterprises (DBE) participation goal must document and report their efforts to solicit participation by certified DBE in this Non-Architecture/Non-Engineering contract. The **DBE Participation Solicitation Log** is used for this purpose. Use as many pages as needed in your submission.

PLEASE NOTE: **Only participation by NYSUCP certified DBE prime consultants as well as NYSUCP certified DBE subconsultants may count toward goal attainment.**

Guidance concerning Good Faith Efforts in meeting DBE participation goals in Federally-funded contracts is located at the end of this section.

The log is to be filled out and submitted with the proposing firm's Cost and Contract Proposal. In order for a proposal to be determined as responsive when the DBE participation goal is not attained at all or only partially attained, then the proposer must complete all sections of this form and submit a **DBE Participation Solicitation Log**, along with a **DBE Goal Attainment Explanation Letter**, documenting the firm's Good Faith Effort.

***** DBE CERTIFICATION IS A FEDERAL PROGRAM CERTIFICATION. *****
IT IS SEPARATE AND DISTINCT FROM THE NEW YORK STATE MBE & WBE PROGRAM.
PLEASE DO NOT CONFUSE THE TWO. FIRMS WITH QUESTIONS REGARDING THESE
PROGRAMS ARE ENCOURAGED TO SUBMIT WRITTEN QUESTIONS

CONTRACT NO: Enter NY State DOT contract number (Example: C012345).

DBE PARTICIPATION GOAL: Enter applicable DBE participation goal percentage as stated in the proposal.

PAGE NO.: Enter 1 of 1; or 1 of 2 and 2 of 2; etc. Use additional forms as needed.

PRIME NAME/ADDRESS/ZIP CODE: Enter name of the Prime Consultant, its address and zip code.

CONTACT PERSON: Enter the name of the person *your* firm has designated as the authorized contact person for this solicitation.

CONTACT PERSON TELEPHONE AND E-MAIL: Enter area code, phone number and e-mail address for the person *your* firm has designated as the authorized contact person for this solicitation.

TITLE: _____

DBE CONSULTANTS SOLICITED:

SOLICITED COMPANY NAME AND CONTACT PERSON: Enter name of solicited firm and name of the individual associated with the firm to whom the solicitation inquiry was sent.

TELEPHONE (With Area Code): Enter TELEPHONE number of the solicited firm.

FEDERAL EMPLOYER ID #: Enter the Federal Employer Identification Number of the solicited firm.

WORK TYPE(S) BEING SOLICITED: Enter the work type(s) or Commercial Useful Function for which this firm has been solicited in connection with the Scope of Services for this contract. (NOTE: Work type codes are provided for every certified firm listed in the DBE Registry (see RFP cover letter).

TYPES AND DATES OF CONTACT: Enter dates on which your firm contacted the solicited firm, either by mail (date solicitation sent), telephone (including date and time of call) or other person-to-person contacts. Identify the type of contact by prefacing each date with ‘M’ if a mail contact; ‘T’ if a telephone call; and ‘D’ if a direct meeting with the firm.

CONTACT RESULT(S): Enter the code(s) which indicates the result(s) of your solicitation.

***** USE ADDITIONAL PAGES AS NEEDED *****

A description of the codes to use is as follows:

CODE DESCRIPTION:

- 1 This firm is unavailable to participate in the contract for the reason(s) stated on the DBE Solicitation Response. (Attach explanation to the Log.)
- 2 This firm is no longer in business. (NOTE: If this action is checked, attach your explanation as to why the solicitation was sent to the firm and how evidence that it was no longer in business was obtained. Attach the returned envelope showing that it was undeliverable, for instance.
- 3 The soliciting Prime Consultant was unable to reach this firm after having a telephone conversation to follow-up on the DBE participation solicitation inquiry. (NOTE: Indicate In the Types and Dates of Contact column the dates and times at which follow-up was attempted.)
- 4 This firm did not respond to repeated telephone messages. (NOTE: Indicate in the Types and Dates of Contact column the dates and times at which messages were left).

**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.

TITLE: _____

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

TASK ASSIGNMENT MINI-BID REQUEST # PSA4-__-__

TITLE: _____

Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)

Offerer affirms that it understands and agrees to comply with the procedures of the Government Entity relative to permissible Contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By: _____ Date: _____
Signature

Contract Procurement Number: _____

Mini-Bid Task Assignment No.: PSA4- -

Task Assignment Name: I

Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

Offerer Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract: _____

Address: _____

Name and Title of Person Submitting this Form: _____

Contract Procurement Number: _____

Mini-Bid Task Assignment No.: PSA4- - _____

Task Assignment Name: I

Date: _____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No Yes

If yes to #1, please answer the next three questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle): No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle): No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below:

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-Responsibility: _____

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle): No Yes

6. If yes to #5, please provide details below:

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____

Signature _____

Name: _____ Title: _____