



PROPOSAL INSTRUCTIONS

All correspondence, communications, or contact with the Niagara Frontier Transportation Authority (NFTA) and NFTM regarding any aspect of this procurement shall be with the designated Procurement Official or their appointed representative. Prospective proponents, or their representatives, shall not contact or communicate with any representatives of the NFTA/NFTM, including employees and consultants, other than the designated Procurement Official, regarding to any aspect of this RFP.

1. INTRODUCTION

This Request for Proposal ("RFP") invites proposals for as set forth herein. These services may be modified during contract negotiations between the Proponent and the NFTA/NFTM.

The Proponent is encouraged to use its previous knowledge and experience to develop a proposal to meet the NFTA/NFTM's needs and a time schedule for completion within the constraints set forth in the project description and technical requirements.

This RFP does not commit the NFTA/NFTM to negotiate a contract, nor does it obligate the NFTA/NFTM to pay for any costs incurred in preparation and submission of proposals or costs incurred prior to entering into a formal agreement.

This RFP may be reissued, amended, supplemented and/or withdrawn at the sole discretion of the NFTA/NFTM.

Proposals received after the due date and time shall be considered late and, therefore, shall not be accepted nor considered for award. **The RFP number must be referenced on all submittals and correspondence.**

2. PROPONENT QUALIFICATIONS

To be considered qualified, the Proponent must demonstrate in its proposal that it has the background, experience, and the technical and management resources required to



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organize and conduct the services outlined in this RFP. The Proponent shall furnish information documenting its ability to provide and perform all work related to its implementation and ongoing effectiveness of the project, in a timetable acceptable by the NFTA/NFTM. The NFTA/NFTM reserves the right to investigate the qualifications of firms under consideration to confirm any part of the information furnished by the Proponent. Anything less than satisfactory performance on a prior NFTA/NFTM contract may lead to the NFTA/NFTM concluding that the Proponent is not qualified.

2.1 Joint Venture: Proposals submitted by a joint venture shall not be considered unless the contractual responsibilities of the parties to the joint venture are clearly and specifically identified.

2.2 Validity Period: The proposal shall be considered valid for the period of time it takes to negotiate a contract with the successful Proponent. This may involve a period of up to 90 days following submittal. If a proposal is not valid for this time period, notification of the valid time period must be made in the letter of transmittal.

2.3 Disclosure of Proposal Data: Access to the NFTA's / NFTM's records is governed by Article 6 of the Public Officers Law of the State of New York ("Freedom of Information Law"). Except as otherwise required by the Freedom of Information Law, the NFTA/NFTM will exempt from disclosure records submitted in the proposal which are trade secrets or are maintained for the regulation of commercial enterprise which if disclosed would cause substantial injury to the competitive position of the subject enterprise. Any such records that an Offeror believes should be exempted from disclosure shall be specifically identified and marked as such. Blanket-type identification by designating whole pages or sections as records exempt from disclosure will not assure confidentiality. The specific records must be clearly identified, and an explanation submitted as to why they should be exempt. Proposal Forms shall not be designated to be proprietary. The NFTA/NFTM will disregard any proprietary markings on any Proposal Form.

NFTA/NFTM will not be liable for disclosure of information not marked consistent with the instructions above.

Upon a request for records from a third party regarding any records submitted with this proposal for which an exemption was sought the NFTA/NFTM will notify in writing the



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party involved. The party involved must respond within 10 (ten) business days with a written statement of the necessity for the continuation of such exemption.

2.4 Agreement: The Proponent awarded the contract will be required to execute an Agreement in a form acceptable to the Authority.

3. RFP AMENDMENTS/QUESTIONS

This RFP represents a written statement on the part of the NFTA/NFTM explaining the requirements, terms, and conditions for submissions of proposals. The RFP covers this material as comprehensively and completely as it can at this time and thus contains all representations of the NFTA/NFTM with respect to this matter. Any information or understandings, verbal or written, which are not contained within this RFP, or in later written addenda to this RFP, if issued, will be excluded from consideration in evaluating proposals.

Any questions, objections, or requests for clarification, pertaining to this RFP, must be submitted by the question deadline through the Bonfire portal. This includes any requests for exceptions or deviations that the Proponents would like the NFTA/NFTM to consider.

If questions submitted to the NFTA make issuance of addenda to this RFP necessary, such addenda will be distributed to all prospective Proponents. However, it is the responsibility of the Proponent to determine whether addenda have been issued and to acknowledge their receipt in its proposal.

To Submit a question, go to the Project Details Page in Bonfire, and CLICK on the “Ask a Question” button located next to the Questions Due Date.



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Vendors can use the **Ask A Question** button to easily access **Vendor Discussions**. This button can be found on any Project Details page with an open **Discussion period**, guiding vendors directly to where they can submit and view **Vendor Discussions**.

Project Details

Project: Food Services

Ref. #: BT/Q - 15544

Type: RFQ

Status: **OPEN**

Open Date: Nov 2nd 2020, 1:00 PM EST

Questions Due Date: Never

Close Date: Dec 1st 2020, 1:00 PM EST

Days Left: 29

November 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
		1p OPEN				
8	9	10	11	12	13	14
		OPEN				
15	16	17	18	19	20	21
		OPEN				
22	23	24	25	26	27	28
		OPEN				
29	30	1	2	3	4	5
		OPEN				

4. PROPOSAL

4.1 Format: The proposal must be in compliance with the format described herein. The proposal shall be prepared to print on 8-1/2" x 11" sized paper format. All pages are to be sequentially numbered. Unnecessarily elaborate proposals are not desired. Proposals should be concise, particularly with respect to past experience on other projects and the resumes of key personnel. Related experience is essential. Be specific on past and current assignments. Define the firm's involvement and responsibilities in each project.

The Proponent's technical proposal shall be prepared using the following format to facilitate evaluation. If a Proponent fails to provide the information requested in one or more sections, the proposal may be considered non-responsive.

4.2 Content: The proposal shall contain the following items:

- Cover Letter
- Project Implementation



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- Project Organization
- Key Personnel
- Related Projects
- Background Experience
- Cost Proposal
- Proposal Forms

4.2.1 Cover Letter: The proposal shall be submitted with a cover letter summarizing key points in the proposal. Any introductory remarks may also be placed in the cover letter. Provide a contact name, address, phone number and email address. The cover letter should not exceed three pages in length.

4.2.2 Project Implementation: The Proponent shall describe its plans to provide the requested services. This section should include a narrative description of the proposed methodology to accomplish the required tasks, as well as any innovations used on similar projects which may be applicable to the project.

4.2.3 Project Organization: This section of the proposal should be used to provide information on the Proponent's organization and staffing of the project. It should briefly describe the Proponent's personnel and pertinent qualifications.

4.2.4 Key Personnel: A list of key personnel for this project must be submitted along with resumes for each person.

4.2.5 Related Projects: A list of other contracts entered into by your firm that are similar to this project should be provided. Each should include the degree of involvement by your firm.

4.2.6 Background Experience: This section should contain a brief history of your firm, names of principals, concise description of the types of work accomplished, indication of current staff size and location and other relevant background information.

This section should also contain information demonstrating that your firm has a good working relationship with its clients, including a list of references (include contact names,



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addresses, phone numbers) copies of letters of commendation and a discussion of how problems arising during the course of project are addressed. Indicate if your firm has ever defaulted on a contract; describe the circumstances and outcome.

4.2.7 Project Cost Proposal: Submit an itemized cost proposal as directed unless instructed to complete a bid table within Bonfire or cost proposal form furnished herein without alteration or addition of any kind.

4.2.8 Proposal Forms: Proponents must download the required forms from Bonfire and then upload a completed copy of each form into Bonfire with their proposal submission. Failure to include any of the required items may result in the proposal being deemed non-responsive.

4.2.9. RFP Vendor Submittal Checklist: Proponents must download the RFP VENDOR SUBMITTAL CHECKLIST QUESTIONNAIRE from Bonfire and then upload a completed copy into Bonfire with their proposal submission. Failure to include any of the required items may result in the proposal being deemed non-responsive.

4.2.10 MWBE and SDVOB Forms: If goals are established for this procurement, Proponents must download the required MWBE and/or SDVOB forms from Bonfire and then upload a completed copy of each form into Bonfire with their proposal. Failure to include any of the required items may result in the proposal being deemed non-responsive.

5. PROPOSAL PROTEST PROCEDURES



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5.1 Pre-Submittal Opening Protests: If a Proponent can demonstrate that the Contract Documents issued by the NFTA are unduly exclusionary and restrictive or that federal, state or local laws or regulations have been violated during the course of the procurement, then the Proponent may seek a review by the Executive Director or his appointed representative, at 181 Ellicott Street, Buffalo, New York 14203. Protests shall be clearly identified as Protests and submitted in writing as early as possible but no later than five (5) business days before the date specified for proposal submittal. Within four (4) business days after receipt of a pre-submittal protest, the Executive Director shall make one of the determinations listed in paragraph 5.4.

5.2 Post-Submittal Protests: A protest to the acceptance or rejection of any or of all proposals for a contract, or to the award thereof, or to any such action proposed or intended by the NFTA/NFTM, must be received in writing by the Executive Director no later than five (5) business days after the protesting party first learned, or reasonably ought to have learned, of the action or the proposed or intended action to which he/she protests.

5.3 Decision-Makers: In the event the protester alleges that the Executive Director or the representative appointed by the Executive Director to serve as Decision-Maker for the particular protest, engaged in improper conduct during the subject procurement, the General Counsel shall serve as the Decision-Maker. In the event it has been alleged that the General Counsel has engaged in improper conduct during the subject procurement, either the Executive Director or the Chief Financial Officer shall serve as the Decision-Maker.

5.4 Rulings on Protests: Within four (4) business days, the Executive Director shall render one of the following determinations:

- (a) Protest is overruled.
- (b) Protest is substantiated. Executive Director shall issue instructions to remedy issues relating to the protest.



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- (c) Procurement activity is suspended until written notification by the Executive Director.

The determination shall be in writing and shall provide at a minimum a general response to each material issue raised in the protest. All documents submitted by the Protester and/or Authority Staff and reviewed by the Decision-Maker in the reaching of a determination shall form and be retained by the Authority as the formal record of the dispute resolution process. The issuance of the foregoing determination is the NFTA/NFTM's final decision of the dispute.

All interested parties shall be notified of any protests that are filed. The NFTA/NFTM shall refrain from awarding a contract within five (5) business days of the date of a decision rendered by the Executive Director regarding a protest, unless the NFTA/NFTM determines that:

- (a) The items to be procured are urgently required.
- (b) Delivery or performance will be unduly delayed by failure to make a prompt award.
- (c) Failure to make a prompt award will otherwise cause undue harm to the NFTA/NFTM, state government or the federal government.

5.5 Protester's Appeal to Federal or State Agencies: In the event that the NFTA/NFTM fails to have written protest procedures or fails to abide by the protest procedures set forth above, and federal or state funds are participating in the procurement, then the protester may seek a review by the appropriate funding agency. Protesters shall file such a protest in accordance with the requirements set forth below, not later than five (5) business days after a final decision is rendered under the NFTA/NFTM's protest procedure. In instances where the protester alleges that the NFTA failed to make a final determination on the protest, protesters shall file a protest with the appropriate agency not later than five (5)



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business days after the protester knew or should have known of the NFTA/NFTM's failure to render a final determination on the protest.

6. DEBRIEFING

Pursuant to Section 163(9)(c) of the State Finance law, any unsuccessful Bidder may request a debriefing regarding the reasons that the bid/proposal submitted by the Bidder was not selected for award. Requests for a debriefing must be made within 15 calendar days of notification by NFTA/NFTM that the bid/proposal submitted by the Bidder was not selected for award. Requests should be submitted in writing to the designated procurement official identified in the solicitation.

7. PROPOSAL SUBMITTAL INSTRUCTIONS

7.1 Proponents are solely responsible for the electronic submittal of their proposals through NFTA's Procurement Portal Bonfire.

- The Authority is not responsible for any transmission errors or delays.
- Late submittals will not be accepted or considered for award.
- All questions specific to the offering must be submitted via the online portal by the "Question" Due Date of the offering.

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7.2 Creating and Uploading a Submission (Proposal) in Bonfire

Proponents are solely responsible for the electronic submittal of their response through Bonfire. The Authority is not responsible for any transmission errors or delays. Late submittals will not be accepted or considered for award.

All questions specific to this procurement must be submitted via the online portal during the "Question" period of the offering. No exceptions. The question deadline date and time is listed on page one (1) of this document under the Solicitation Schedule.

Instructions on how to register as a NFTA supplier and to how to create and upload a proposal submission in Bonfire is available on Bonfire's website at the following links

- [Creating and Uploading a Submission](#)
- [Vendor Registration](#)

If Proposers need to revise their submission, revisions must be re-submitted and finalized by the RFP close date/time for it to be considered; past submissions that have been un-submitted will not be reviewed by the Designated Procurement Official.

NOTE: A revised proposal submission can be resubmitted in Bonfire only if the opportunity is still open.

Bonfire's Minimum System Requirements:

- Use a supported browser (Microsoft Edge (Windows), Google Chrome (Windows & Mac), and Mozilla Firefox (Windows & Mac).
- Enable Javascript
- Browser cookies
- Use a desktop or non-mobile device
- For successful questionnaire and /or Bid/Table template uploads, please ensure you are using Microsoft Office/Excel/Word 2007 or newer.
- The Questionnaire template can take a significant amount of time to prepare and can only be filled out with Microsoft Office Excel. If you attempt to fill it out with any other software (even software that exports in .xlsx format), you will receive an error when attempting to upload your file.

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* We strongly recommend that you give yourself sufficient time before Closing Time to begin the uploading process and to finalize your submission. Uploading large documents may take significant time, depending on the size of the file(s) and your Internet connection speed.

RFP results for formal procurements will be posted on the New York State Contract Reporter website when they are available at
<https://www.nyscr.ny.gov/login.cfm>